

**STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF LAKE ELMO**

**RESOLUTION NO. 2017-036**

*A RESOLUTION VACATING TWO EASEMENTS OVER A PORTION OF LOT 1 BLOCK 1  
EAGLE POINT BUSINESS PARK 3<sup>RD</sup> ADDITION*

**WHEREAS**, the City of Lake Elmo (City) is a municipal corporation organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the City has received application for a Lot Line Adjustment, which will combine PID#s 330.292.141.0050 and 330.292.141.0051 with Lot 1 Block 1 of Eagle Point Business Park 3<sup>rd</sup> Addition, as well as parking lot and building expansion permits; and

**WHEREAS**, the drainage and utility easement legally described as the south 5.00 feet Lot 1 Block 1 of Eagle Point Business Park 3<sup>rd</sup> Addition will need to be relocated in order to accommodate the aforementioned Lot Line Adjustment; and

**WHEREAS**, the proposed building expansion will encroach in to the drainage and utility easement, as shown in Doc. No. 1208614 as recorded by Washington County; and

**WHEREAS**, the Lot is owned by Bremer Financial Services, 8555 Eagle Point Boulevard North, Lake Elmo, MN (Owner); and

**WHEREAS**, the aforementioned easements will be replaced to accommodate the aforementioned Lot Line Adjustment and building and parking lot expansions, approved by the City Engineer and recorded; and

**WHEREAS**, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate two easements: the drainage and utility easement legally described as the south 5.00 feet Lot 1 Block 1 of Eagle Point Business Park 3<sup>rd</sup> Addition (Exception) and the drainage and utility easement as shown in Doc. 1208614 as recorded on September 20, 2011 over a portion of Lot 1 Block 1 of Eagle Point Business Park 3<sup>rd</sup> Addition legally described, respectively, as follows:

1. The south 5.00 feet Lot 1, Block 1, Eagle Point Business Park 3<sup>rd</sup> Addition Except the west 10.00 feet of the south 5.00 feet and the east 5.00 feet of the south 5.00 feet of said Lot 1.
2. That part of Lot 1, Block 1, Eagle Point Business Park 3<sup>rd</sup> Addition, according to the plat thereof filed of record in the office of Registrar of Titles in and for Washington County, Minnesota said easement is described as commencing at the northeast corner of said Lot 1; thence South 00 degrees 00 minutes 40 seconds East, assumed bearing

along the east line of said Lot 1, a distance of 237.89 feet; thence South 89 degrees 59 minutes 20 seconds West 72.72 feet to the point of beginning; thence South 00 degrees 47 minutes 35 seconds East 184.63 feet; thence South 45 degrees 35 minutes 11 seconds West 60.46 feet; thence North 45 degrees 22 minutes 37 seconds West 166.18; thence North 44 degrees 09 minutes 09 seconds East 148.41 feet; thence North 45 degrees 08 minutes 24 seconds West 166.29 feet; thence South 89 degrees 38 minutes 12 seconds West 620.32 feet; thence South 44 degrees 54 minutes 38 seconds West 83.51 feet to the westerly line of said Lot 1; thence northwesternly 96.03 feet along said westerly line being a non-tangential curve concave of the southwest having a radius 320.42 feet a central angle of 17 degrees 10 minutes 16 seconds and a chord which bears North 55 degrees 08 minutes 14 seconds West; thence North 00 degrees 22 minutes 57 seconds West 98.84 feet; thence North 89 degrees 37 minutes 03 seconds East 122.54 feet; thence South 01 degrees 21 minutes 51 seconds East 25.49 feet; thence North 89 degrees 37 minutes 03 seconds East 624.25 feet; thence South 45 degrees 08 minutes 24 seconds East 260.21 feet to the point of beginning.

**WHEREAS**, the City Clerk reviewed and examined the signatures on said request and determined that such signatures constituted all of the landowners abutting upon the portion of easement to be vacated and rededicated; and

**WHEREAS**, a public hearing to consider the vacation of the two aforementioned easements was held on the 10<sup>th</sup> day of April 2017 before the Planning Commission in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given, as well as personal mailed notice to all property owners within 350 feet of the Lot by the City Clerk on the 29<sup>th</sup> day of March 2017 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

**WHEREAS**, the Planning Commission in its discretion has determined that the vacation will benefit the public interest because:

- 1) Replacement easements, as approved by the City Engineer, will be recorded against the property with Washington County.

**WHEREAS**, the Council, at its meeting on the 18<sup>th</sup> day of April 2017, considered the recommendation of the Planning Commission.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA**, that such request for vacation two existing drainage and utility easements is hereby granted in accordance with the property descriptions provided above, subject to the following conditions.

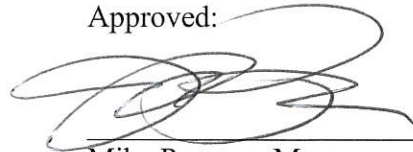
1. The Applicant shall grant the City replacement easements, as approved by the City Engineer, and record said easements with Washington County.

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this 18<sup>th</sup> day of April 2017.

Effective Date: 4-18-17

Approved:

A handwritten signature in black ink, appearing to be "Mike Pearson", written over a horizontal line.

Mike Pearson, Mayor

Attested by:

A handwritten signature in blue ink, appearing to be "Julie Johnson", written over a horizontal line.

Julie Johnson, City Clerk