

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

RESOLUTION NO. 2017-050

A RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT OVER
OUTLOT E, HAMMES ESTATES 1ST ADDITION

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City of Lake Elmo approved the final plat of Hammes Estates 1st Addition on October 7, 2014 with blanket drainage and utility easements over Outlot E; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the existing drainage and utility easements on Outlot E, Hammes Estates 1st Addition; and

WHEREAS, the City of Lake Elmo had received a request for the Final Plat of Hammes Estates 2nd Addition from Rachel Development, replatting Outlot E, Hammes Estates 1st Addition into a residential development; and

WHEREAS, the City Council approved the Final Plat of Hammes Estates 2nd Addition on January 3, 2017 with new drainage and utility easements as required of the development; and

WHEREAS, a public hearing to consider the vacation of the drainage and utility easement was held on the May 16, 2017 at the City Council 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 Outlot E, Hammes Estates 1st Addition by the City Clerk and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

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

- 1) The proposed replat of Outlot E, Hammes Estates 1st Addition into Hammes Estates 2nd Addition complies with all applicable zoning and subdivision regulations.
- 2) The dedication of a new easements will be provided with the recording of Hammes Estates 2nd Addition to provide the same function as the one being vacated with no negative impact to the public.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of an existing drainage and utility easement is hereby granted in accordance with the property descriptions provided above.

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 6th day of June, 2017.

Effective Date: 6-6-2017



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk