

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

**RESOLUTION NO. 2017-069**

*A RESOLUTION VACATING A PUBLIC ROADWAY AND UTILITY EASEMENT*

**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 Council approved a Preliminary Plat formerly known as Lennar Diedrich Townhouses (PID#s 36.029.21.32.0002 and 36.029.21.32.0034) on July 7, 2015; and

**WHEREAS**, PID# 36.029.21.32.0002 is owned by Tammy Diedrich and Gerhard Rieder, 7401 Wyndham Way, Woodbury, MN 55125 (Owner); and

**WHEREAS**, the City of Lake Elmo was granted a Public Roadway and Utility Easement over a portion of the PID# 36.029.21.32.0002, and this easement was recorded by the Office of the Registrar of Titles of Washington County on November 4, 2013 as Document Number 39701798; and

**WHEREAS**, the City has received an application for Final Plat approval for PID#s 36.029.21.32.0002 and 36.029.21.32.0034; and

**WHEREAS**, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the Public Roadway and Utility Easement recorded on November 4, 2013 over a portion of PID# 36.029.21.32.0002, legally described as follows:

A 120.00 foot wide easement for public roadway and utility purposes lying over, under, and across the following described property:

The north 474.06 feet of the Northwest Quarter of the Southwest Quarter of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota.

The centerline of said easement is described as follows:

Commencing at the West Quarter corner of Section 36, Township 29 North, Range 21 West, Washington County, Minnesota; thence on an assumed bearing of South 00 degrees 02 minutes 54 seconds West along the west line of the Northwest Quarter of the Southwest Quarter of said Section 36, a distance of 414.09 feet to the point of beginning of said centerline; thence North distance of 176.86 feet a long a tangential curve concave to the southwest having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 34 seconds; thence South 74 degrees 59 minutes 57 seconds East tangent to said curve, a distance of 50.99 feet; thence southeasterly a distance of 176.87 feet a long a tangential curve concave to the northeast having a radius of 667.00 feet and a central angle of 15 degrees 11 minutes 37 seconds; thence North 89 degrees 48 minutes 26 seconds East tangent to said curve, a distance of 77.17 feet; thence southeasterly a distance of 440.75 feet along a tangential curve concave to the southwest having a radius of

667.00 feet and a central angle of 37 degrees 51 minutes 38 seconds; thence South 52 degrees 19 minutes 56 seconds East tangent to said curve, a distance of 51.70 feet; thence southeasterly a distance of 173.84 feet along a tangential curve, concave to the northeast, having a radius of 667.00 feet and a central angle of 14 degrees 55 minutes 58 seconds, to the east line of said Northwest Quarter of the Southwest Quarter there terminating.

The sidelines of said easement shall be prolonged or shortened to terminate on said east line of the Northwest Quarter of the Southwest Quarter.

**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 Water Main Easement was held on the 8<sup>th</sup> day of May 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 Public Roadway and Utility Easement by the City Clerk on the 26<sup>th</sup> day of April 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) The Applicant, upon receiving Final Plat approval, will construct the northern portion of 5<sup>th</sup> Street along PID#s 36.029.21.32.0002 and 36.029.21.32.0034.

**WHEREAS**, the Council, at its meeting on the 5<sup>th</sup> day of July 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 of an existing Public Roadway and Utility Easement is hereby granted in accordance with the property descriptions provided above, subject to the following conditions.

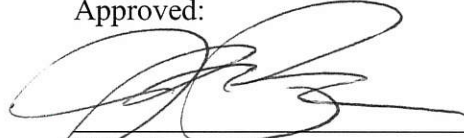
- 1) Final Plat of the Property over which the easement is subject must be approved by Council and recorded.

**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 5<sup>th</sup> day of July 2017.

Effective Date: \_\_\_\_\_

Approved:



Mike Pearson, Mayor

Attested by:



Julie Johnson, City Clerk