

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

RESOLUTION NO. 2018-127

A RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT OVER LOT
1 AND LOT 2, BLOCK 1 OF WHISTLING VALLEY 2ND ADDITION

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

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 of Lake Elmo approved the final plat of Whistling Valley 2nd Addition on July 29th, 2004 with drainage and utility easements bordering the property lines of the platted lots; and

WHEREAS, the City of Lake Elmo had received a request for easement vacation from Zawadski Homes, Inc; 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 the property(s) legally described as Lots 1 and 2, Block 1, Whistling Valley 2nd Addition, Washington County Minnesota (EXHIBIT A); and

WHEREAS, the requested easement to be vacated is legally described as: that part of the east 5 feet of Lot 1 and the west 5 feet of Lot 2, all in Block 1, WHISTLING VALLEY 2ND ADDITION, Washington County, Minnesota which lies southerly of the 10 foot rear yard drainage and utility easement dedicated on said plat of WHISTLING VALLEY 2ND ADDITION and which lines northerly of the 10 foot drainage and utility easement adjacent to Whistling Valley Road as dedicated on said plat of WHISTLING VALLEY 2ND ADDITION. EXCEPT that part which lies within the 20 foot wide drainage and utility easement running across said Lots 1 and 2, as dedicated on said plat of WHISTLING VALLEY 2ND ADDITION (EXHIBIT A); and

WHEREAS, a public hearing to consider the vacation of the drainage and utility easement was held on the October 10, 2018 at the Planning Commission meeting 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 9829 and 9843 Whistling Valley Rd. 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 vacation and eventual consolidation complies with all applicable zoning regulations.

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, subject to the following condition:

1. The request for a lot consolidation to combine PID#s 27.029.21.44.0011 & 27.029.21.44.0010 shall be approved after the discussed easement is vacated.
2. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the Zoning Administrator with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot consolidation.
3. The applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees unpaid for the proposed lots to be consolidated.

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 7th day of November 2018.

Effective Date: 11-7-18

Approved:


Mike Pearson, Mayor

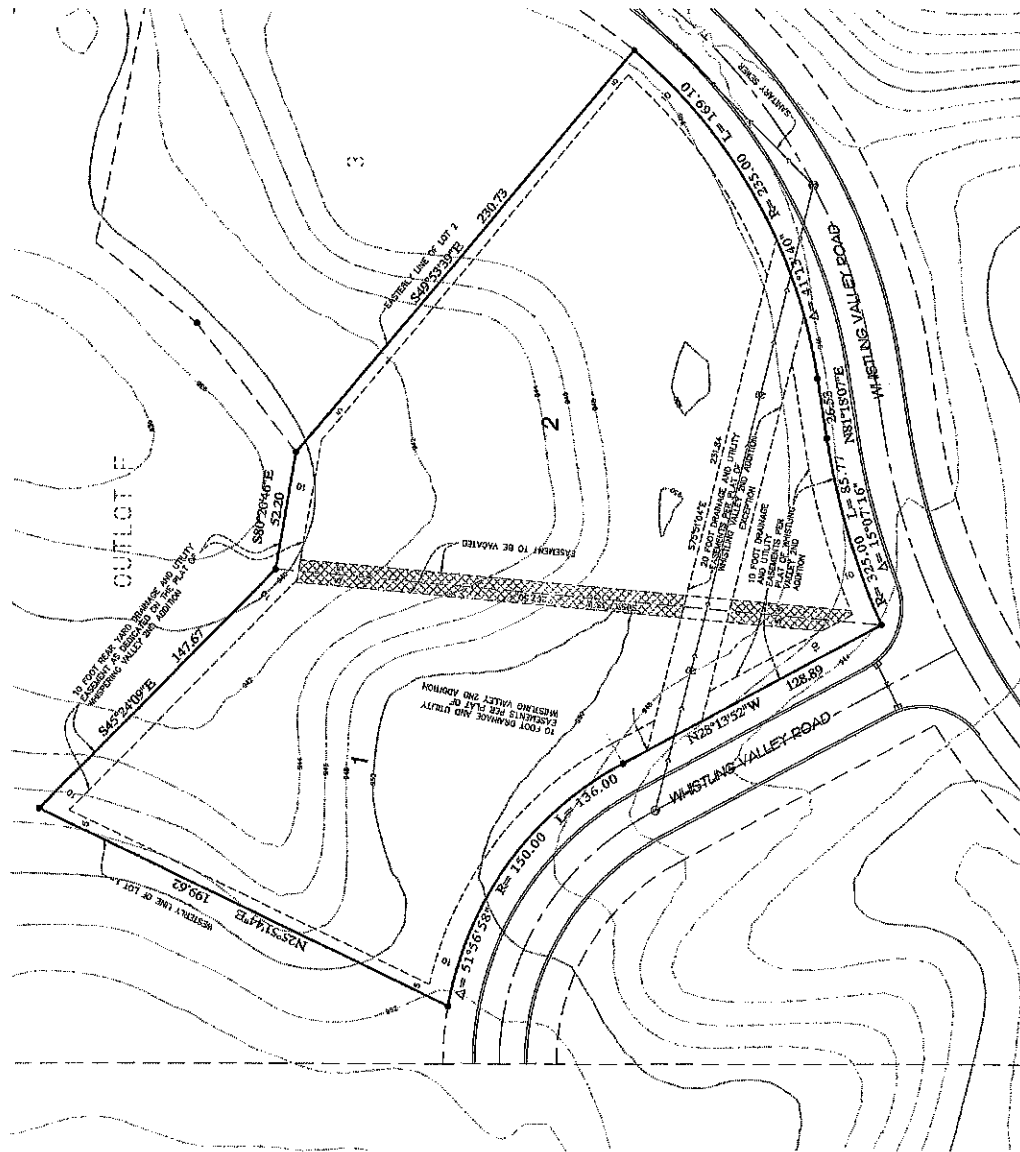
Attested by:


Julie Johnson, City Administrator

SKETCH AND DESCRIPTION

for ZAWADSKI HOMES
of PROPOSED EASEMENT VACATION

EXHIBIT A




PROPERTY DESCRIPTION:

Lots 1 and 2, Block 1, WHISTLING VALLEY 2ND ADDITION, Washington County, Minnesota.

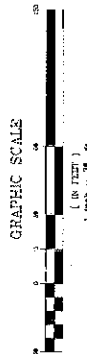
DESCRIPTION OF DRAINAGE AND UTILITY EASEMENT TO BE VACATED:

That part of the east 5 feet of Lot 1 and the west 5 feet of Lot 2, off in Block 1, WHISTLING VALLEY 2ND ADDITION, Washington County, Minnesota which lies southerly of the 10 foot rear yard drainage and utility easement dedicated on said plot of WHISTLING VALLEY 2ND ADDITION, Washington County, Minnesota, as shown on the plat of WHISTLING VALLEY 2ND ADDITION, EXCEPT that part which lies within the 20 foot wide drainage and utility easement running across said Lots 1 and 2, as detached on said plat of WHISTLING VALLEY 2ND ADDITION.

 DRAINAGE AND UTILITY EASEMENT TO BE VACATED (AREA = 2,189 SF)

NOTES

- Contours shown per MN DNR Lide's information.
- No field survey has been conducted at this time.



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASAN E. BUD


Date: 10/15/2018 License No. 41579

E.G. RUD & SONS, INC.
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

NO.	DATE	DESCRIPTION	BY
1	10/15/2018	REVISE EMT, OCCASION	BT
2			