

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

RESOLUTION NO. 2019-005

*A RESOLUTION RATIFYING THE CITY COUNCIL'S APPROVAL OF THE VACATION OF
THE DRAINAGE AND UTILITY EASEMENT OVER OUTLOT T OF THE ROYAL GOLF CLUB
AT LAKE ELMO*

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

WHEREAS, the City Council approved a final plat for The Royal Golf Club at Lake Elmo on June 6, 2017 through adoption of Resolution No. 2017-47; and

WHEREAS, a drainage and utility easement over the entirety of Outlot T of The Royal Golf Club at Lake Elmo (the "Property") was dedicated to the City on the plat, which was duly recorded with the County Recorder on September 29, 2017, as Document Number 4129859; and

WHEREAS, the Property has been replatted as part of The Royal Golf Club at Lake Elmo 3rd Addition, which plat was approved by the City Council on December 4, 2018 and the approval was ratified by the City Council by the adoption of Resolution No. 2018-0XX; and

WHEREAS, new drainage and utility easements over the Property have been dedicated by H.C. Golf Land, LLC, the fee owner of the Property in the final plat of The Royal Golf Club at Lake Elmo 3rd Addition; and

WHEREAS, H.C. Golf Land, LLC, the fee owner of the Property and the developer of The Royal Golf Club at Lake Elmo 3rd Addition filed a petition with the City pursuant to Minnesota Statutes Section 412.851 to vacate the drainage and utility easement over the Property that was dedicated to the City in The Royal Golf Club at Lake Elmo final plat due to the dedication of new drainage and utility easements over the Property made to the City in plat of The Royal Golf Club at Lake Elmo 3rd Addition; and

WHEREAS, the City Clerk reviewed and examined the signatures on said petition to vacate and determined that such signatures constituted all of the owners abutting upon the easement to be vacated; and

WHEREAS, pursuant to Minnesota Statutes Section 412.851, the City scheduled a public hearing for November 11, 2018 to consider the proposed vacation of the easement; and

WHEREAS, notice of the public hearing was posted, published in the City's official newspaper and mailed to the owners of affected properties, all in accordance with law; and

WHEREAS, the Planning Commission held the public hearing on the proposed vacation on November 11, 2018, at which hearing all interested parties were heard; and

WHEREAS, following the public hearing, the Planning Commission recommended to the City Council that the vacation of the easement as described in Exhibit A be approved because it is in the public interest due to the fact that a replacement drainage and utility easement has been dedicated to the City in The Royal Golf Club at Lake Elmo 3rd Addition final plat; and


WHEREAS, at its meeting on December 4, 2018, the City Council approved the vacation of the easement; and

WHEREAS, the City Council is adopting this Resolution ratifying its approval of the vacation of the easement that occurred on December 4, 2018; and

NOW THEREFORE, BE IT RESOLVED THAT the City Council does hereby ratify its approval of the vacation of the easement that occurred on December 4, 2018, as follows:

1. The City hereby declares that the easement legally described in Exhibit A attached hereto to be vacated upon the recording of the final plat of The Royal Golf Club of Lake Elmo 3rd Addition; and
2. The City Clerk or her designee is authorized and directed to prepare and present to the Washington County Auditor a notice that the City has completed these vacation proceedings and record with the Washington County Recorder the notice of vacation of the easement.

Passed and duly adopted this 2nd day of January, 2019 by the City Council of the City of Lake Elmo, Minnesota.



Mike Pearson, Mayor

ATTEST:



Julie Johnson, City Clerk

EXHIBIT A

Legal Description of the Vacated Easement

Drainage and utility easements over Outlot T as shown on the recorded plat of The Royal Golf Club at Lake Elmo, Washington County, Minnesota.