

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

RESOLUTION NO. 2019-035

A RESOLUTION VACATING DRAINAGE AND UTILITY EASEMENTS IN EASTON VILLAGE

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 the Easton Village development in Lake Elmo on July 15, 2014 through adoption of Resolution 2014-58; and

WHEREAS, the City Council approved the Easton Village First Addition Final Plat on March 3, 2015 through adoption of Resolution 2015-07; and

WHEREAS, the City of Lake Elmo was granted Drainage and Utility Easements over portions of Lilac Avenue North and parts of PID#s 13-029-21-42-0049 and PID# 13-029-21-13-0003 and these easements were recorded with the Easton Village First and Third Addition Plats by the Office of the Registrar of Titles of Washington County; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate three Drainage and Utility Easements recorded with the Easton Village First and Third Additions by the Office of the Registrar of Titles of Washington County, Minnesota over parts of Lilac Avenue North and over parts of PID#s 13-029-21-42-0049 and PID# 13-029-21-13-0003, legally described as follows:

1. Drainage and Utility Easement per Document Number 4037027
2. Drainage and Utility Easement per Document Number 4168436
3. An existing drainage and utility easement of EASTON VILLAGE, Washington County, Minnesota, according to the recorded plat, in favor of the City of Lake Elmo to be vacated in its entirety is described as follows:

Beginning at the Northwest corner of Lot 1, Block 7, EASTON VILLAGE, Washington County, Minnesota; thence easterly along the northerly lot line of said Lot 1, Block 7, EASTON VILLAGE, North 89 degrees 32 minutes 47 seconds East a distance of 9.67 feet; thence North 00 degrees 55 minutes 27 seconds West, a distance of 452.52 feet; thence South 89 degrees 32 minutes 47 seconds West, a distance of 125.92 feet; thence North 64 degrees 52 minutes 26 seconds West, a distance of 592.35 feet more or less to the west boundary of said EASTON VILLAGE; thence southerly along the west property line of said EASTON VILLAGE, South 00 degrees 00 minutes 58 seconds East, a distance of 167.05 feet; thence North 86 degrees 02 minutes 31 seconds East, a distance of 146.60 feet; thence South 64 degrees 52 minutes 26 seconds East, a distance of 394.73 feet; thence South 87 degrees 03 minutes 26 seconds East, a distance of 79.99 feet; thence South 00 degrees 55 minutes 27 seconds East, a distance of 387.27 feet more or less to the northerly lot line of Lot 1, Block 6, EASTON VILLAGE; thence easterly along said Lot 1, Block 6, EASTON VILLAGE, North 89 degrees 32 minutes 47 seconds East, a distance of 10.18 feet; thence North 00 degrees 13 minutes 05 seconds East a distance of 4.75; thence North 89 degrees 32 minutes 47 seconds

East a distance of 60.00 feet more or less to the western boundary of Lot 1, Block 7, EASTON VILLAGE; thence North 00 degrees 13 minutes 05 seconds West, along the west boundary of Lot 1, Block 7 EASTON VILLAGE, a distance of 7.50 feet more or less to the point of beginning.

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

WHEREAS, the Lake Elmo Planning Commission held a public hearing to consider the vacation of the Drainage and Utility Easements on the April 8, 2019 before the Planning Commission in the Lake Elmo City Hall lafter due published and posted notice had been given and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

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

- 1) The City has granted Final Plat Approval for Easton Village 5th Addition, which includes parts of Lilac Avenue North and parts of PID#s 13-029-21-42-0049 and PID# 13-029-21-13-00003; which will grant the City more appropriate easements for similar purposes.

WHEREAS, the City Council, at its meeting on May 7, 2019, considered the easement vacation request.

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 three existing Drainage and Utility Easements in Easton Village is hereby granted in accordance with the property descriptions provided above, subject to the following condition of approval:

- 1) New easements as requested by the City Engineer and Public Works Director shall be recorded with the Easton Village 5th Addition Final Plat.

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 May, 2019.

Effective Date: 5-7-19

Approved:



Mike Pearson, Mayor

Attested by:



Julie Johnson, City Clerk