

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

**RESOLUTION NO. 2019-063**

***A RESOLUTION VACATING DRAINAGE AND UTILITY EASEMENTS FOR THE  
UNION FIRST ADDITION***

**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 for the Bentley Village development (now known as Union Park) in Lake Elmo on March 19, 2019 through adoption of Resolution 2019-XXX; and

**WHEREAS**, the City Council approved the Union Park First Addition Final Plat on September 3, 2019 through adoption of Resolution 2019-062, and

**WHEREAS**, the development site of the Union Park Addition includes PID#s 34-029-21-34-0006 and PID# 34-029-21-43-0003; which are owned by DPS – Lake Elmo LLC, Minnetonka MN 55042 (Alan Dale - Owner); and

**WHEREAS**, the City of Lake Elmo was granted two drainage and utility easements lying south of 5<sup>th</sup> Street North and these easements were recorded at 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 the two drainage and utility easements legally described as follows:

**Easement Vacation Request 1 – West Parcel**

**LEGAL DESCRIPTION - VACATION OF DRAINAGE AND UTILITY EASEMENT PER  
DOC. NO. 407703**

A 30.00 Drainage & Utility Easement lying over, under and across that part of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

Commencing at the southeast corner of said East Half of the Southwest Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the east line of said East Half of the Southwest Quarter, a distance of 1105.27 feet; thence northwesterly along a non-tangential curve concave to the northeast having a central angle of 29 degrees 11 minutes 27 seconds, a radius of 760.00 feet for an arc

distance of 387.20 feet, the chord of said curve bears North 75 degrees 34 minutes 45 seconds West; thence North 60 degrees 59 minutes 01 seconds West, tangent to said curve a distance of 68.11 feet to the point of beginning of the centerline to be described; thence South 24 degrees 47 minutes 08 seconds West, a distance of 109.07 feet; thence South 34 degrees 47 minutes 21 seconds West, a distance of 52.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 60 degrees 59 minutes 01 seconds West from said point of beginning.

Area: 4,832 sf or 0.11 acres

### **Easement Vacation Request 2 – East Parcel**

#### LEGAL DESCRIPTION - VACATION OF DRAINAGE AND UTILITY EASEMENT PER DOC. NO. 4007703

A 30.00 Drainage & Utility Easement lying over, under and across that part of the West Half of the Southeast Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, the centerline of which is described as follows:

Commencing at the southwest corner of said West Half of the Southeast Quarter of Section 34; thence North 00 degrees 06 minutes 31 seconds East, assumed bearing along the west line of said West Half of the Southeast Quarter, a distance of 1105.27 feet; thence northeasterly along a non-tangential curve concave to the northwest having a central angle of 39 degrees 09 minutes 56 seconds, a radius of 760.00 feet for an arc distance of 519.51 feet, the chord of said curve bears North 70 degrees 14 minutes 34 seconds East; thence North 50 degrees 39 minutes 36 seconds East, tangent to said curve a distance of 284.70 feet to the point of beginning of the centerline to be described; thence South 39 degrees 52 minutes 31 seconds East, a distance of 139.66 feet; thence South 66 degrees 39 minutes 51 seconds East, a distance of 22.00 feet and said centerline there terminating.

The sidelines of said easement are to be prolonged shortened to terminate at a line bearing North 50 degrees 39 minutes 36 seconds East from said point of beginning.

Area: 4,850 sf or 0.11 acres

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

**WHEREAS**, the Lake Elmo Planning Commission held a public hearing to consider the vacation of the drainage and utility easements on August 12, 2019 in the Lake Elmo City Hall

located at 3800 Laverne Avenue North after 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 proposed vacation of the existing drainage and utility easements will benefit the public interest because:

- 1) The City has granted Final Plat Approval for the Union Park First Addition, which includes PID#s 34-029-21-34-0006 and PID# 34-029-21-43-0003; which will grant the City new drainage and utility easements for similar purposes.

**WHEREAS**, the City Council, at its meeting on September 3, 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 existing drainage utility easements lying south of 5<sup>th</sup> Street North is hereby granted in accordance with the property descriptions provided above, subject to the following conditions of approval:

1. The final plat of Union Park being approved by the City Council and recorded at Washington County. The final plat must include the dedication of new drainage and utility easements.

**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 1st day of October, 2019.

Effective Date: 10-1-19

Approved:



Mike Pearson, Mayor

Attested by:



Julie Johnson, City Clerk