

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

RESOLUTION NO. 2019-075

***A RESOLUTION APPROVING THE VACATION OF THE DRAINAGE AND UTILITY
EASEMENT OVER OUTLOT O OF THE INWOOD ADDITION***

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 Inwood Addition on May 19, 2015 through adoption of Resolution No. 2015-039; and

WHEREAS, a drainage and utility easement over, under and across the entirety of Outlot O of the Inwood Addition (the “Property”) was dedicated to the City on the plat, which was duly recorded with the County Recorder; and

WHEREAS, the Property has been replatted the Inwood 6th Addition, which plat was approved by the Lake Elmo City Council on October 15, 2019 and the approval was ratified by the City Council by the adoption of Resolution No. 2019-076; and

WHEREAS, new drainage and utility easements over the Property have been dedicated by RPS Legacy Desoto, LLC, the fee owner of the Property in and on the final plat of Inwood 6th Addition; and

WHEREAS, RPS Legacy Desoto, LLC, the fee owner of the Property and the developer of the Inwood 6th 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 and on Outlot O of Inwood Addition final plat due to the dedication of new drainage and utility easements over the Property made to the City in plat of Inwood 6th 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 August 12, 2019 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 August 12, 2019, 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 Inwood 6th Addition final plat; 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 Inwood 6th Addition, which includes PID 33-029-21-13-0017; which will grant the City new drainage and utility easements for similar purposes.

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 5th Street North on the Parcel with PID# 33-029-21-13-0017 (Outlot O) is hereby granted in accordance with the property descriptions provided above, subject to the following conditions of approval:

1. The final plat of Inwood 6th Addition 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.

Passed and duly adopted this 15th day of October, 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

All the Drainage and utility easements over, under and across Outlot O, as created and shown on the recorded plat of Inwood, Washington County, Minnesota.