

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

RESOLUTION 2020 - 035

***A RESOLUTION VACATING DRAINAGE AND UTILITY EASEMENT OVER OUTLOT B
OF LEGACY AT NORTH STAR 1ST 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 and for the Legacy at North Star development in Lake Elmo on February 20, 2018 through adoption of Resolution 2018-013; and

WHEREAS, the City Council approved the Legacy at North Star First Addition Final Plat on August 21, 2018 through adoption of Resolution 2018-090, which includes PID#s 14-029-21-12-0013, 14-029-21-12-004 and PID# 14-029-21-11-0039; and

WHEREAS, PID#s 14-029-21-12-0013, 14-029-21-12-004 and PID# 14-029-21-11-0039 are owned by GWSA Land Development, LLC, Plymouth, MN 55441 (Owner); and

WHEREAS, the City of Lake Elmo was granted a Drainage and Utility Easement over portions of PID#s 14-029-21-12-0013, 14-029-21-12-004, 14-029-21-11-0037 and PID# 14-029-21-11-0039 and these easements were recorded with the Legacy at North Star First Addition Plat by the Office of the Registrar of Titles of Washington County on September 17, 2018; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the Drainage and Utility Easements recorded with the Legacy at North Star First Addition by the Office of the Registrar of Titles of Washington County, Minnesota over PID# 14-029-21-11-0037, legally described as follows:

All of the drainage and utility easements, as created and dedicated over, under, and across Outlot B, Legacy at North Star First Addition, according to the plat thereof, Washington County, Minnesota.

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 March 9, 2020 before the Planning Commission 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 vacation of the easements will benefit the public interest because:

- 1) The City has granted Final Plat Approval for Legacy at North Star 3rd Addition, which includes PID# 14-029-21-11-0037; which will grant the City more appropriate easements for similar purposes.

WHEREAS, the City Council, at its meeting on April 7, 2020, 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 an existing Drainage and Utility Easements 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 Legacy at North Star 3rd 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 April, 2020.

Effective Date: 4-7-20

Approved:



Mike Pearson, Mayor

Attested by:



Julie Johnson, City Clerk