

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

RESOLUTION NO. 2021-047

*A RESOLUTION AUTHORIZING THE CONVEYANCE OF CERTAIN
PROPERTY LOCATED AT 2798 JAMLEY AVENUE NORTH IN THE CITY OF LAKE ELMO
TO THE JAMES PALECEK AND VIVIAN PALECEK IRREVOCABLE TRUST*

WHEREAS, the James Palecek And Vivian Palecek Irrevocable Trust is the owner of the that certain real property located at 2798 Jamley Avenue North in the City of Lake Elmo and as legally described on the attached Exhibit A (the "Trust Property"); and

WHEREAS, the City of Lake Elmo (the "City") is the record fee owner of a portion of the Trust Property, which is legally described on the attached Exhibit B (the "City Property"); and

WHEREAS, the City Property contains a portion of the Jamley Avenue North right-of-way; and

WHEREAS, in 1989 the Trust requested that the Trust Property (which was part of a larger parcel at the time) be subdivided to create a total of two residential lots including the Trust Property; and

WHEREAS, the Trust Property was surveyed along with the adjacent parcel, and the subdivision was subsequently approved by the City by City Council Resolution No. 89-39; and

WHEREAS, the City's approval of the subdivision was conditioned on the subdividers conveying to the City those certain drainage, roadway and utility easements as shown on the survey (the "Subdivision Conditions"); and

WHEREAS, the Subdivision Conditions were never met and the Trust Property is unencumbered by the requisite City easements needed to maintain the right-of-way containing Jamley Avenue North and the City instead owns a portion of Jamley Avenue North in fee; and

WHEREAS, the Owners and the City now wish to clear and correct title to the Trust Property while also completing the Subdivision Conditions; and

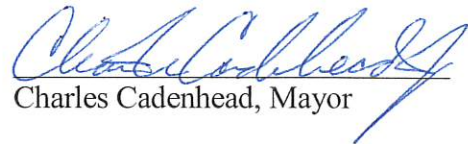
NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The recitals set forth herein are incorporated into and made a part hereof.
2. The conveyance of the Property by the City to the Trust is hereby approved.
3. The Mayor and the City Clerk are hereby authorized and directed to execute all appropriate documents, including but not limited to a quit claim deed, to effectuate the conveyance

of the City Property to the Trust; provided, however, that the City first receives the properly executed drainage, roadway, and utility easements.

4. The Mayor and the City Clerk and consultants are hereby authorized and directed to take any and all additional steps and actions necessary or convenient in order to accomplish the intent hereof.

Passed and duly adopted this 20th day of April, 2021 by the City Council of the City of Lake Elmo, Minnesota.


Charles Cadenhead, Mayor

ATTEST:


Julie Johnson, City Clerk

EXHIBIT A

Legal Description of the Trust Property

All that part of the West 240.00 feet of the Northwest Quarter of the Northwest Quarter of Section 22, Township 29, North, Range 21 West, Washington County, Minnesota, lying southerly of the North 790.00 feet thereof. Subject to an easement to Northern States Power Company across the South 16.00 feet thereof.

PID: 2202921220004

Abstract

EXHIBIT B
Legal Description of the City Property

A strip of land Sixteen and One-half (16 ½) feet in width lying along and adjoining the West side of the following described line:

Commencing at a point located Two Hundred Forty (240) feet East of the West line of Section Fifteen (15), Township Twenty-nine (29) North, Range Twenty-one (21) West and One Hundred Twenty-five (125) feet North of the South line of said Section Fifteen (15); thence said line running South and parallel to said West line of said Section Fifteen to the South line of said Section Fifteen (15).