

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

RESOLUTION NO. 2022-038

*RESOLUTION VACATING A CONSERVATION EASEMENT LOCATED WITHIN WILDFLOWER
AT LAKE ELMO 1ST ADDITION*

WHEREAS, the City of Lake Elmo (the “City”) is a municipal corporation, organized and existing under the laws of Minnesota; and

WHEREAS, the City has received a request from Wildflower at Lake Elmo, a Minnesota nonprofit corporation and Robert Engstrom Companies (the “Applicants”) to vacate a conservation easement on the Applicants’ property, which is legally described on Exhibit A and depicted on Exhibit B (the “Conservation Easement”) and

WHEREAS, the City is the holder of the Conservation Easement; and

WHEREAS, the property encumbered by the Conservation Easement area needs to be changed due the platting of the property in Wildflower at Lake Elmo 4th Addition and the reconfiguration of the lots and outlots within that plat;

WHEREAS, the City will receive a replacement conservation easement over the following described property:

All of Outlots A and B, Wildflower at Lake Elmo 4th Addition, according to the recorded plat thereof, County of Washington, State of Minnesota; and

WHEREAS, pursuant to Minnesota Statutes Section 412.851, the City scheduled a public hearing for April 19, 2022, to consider the proposed vacation of the Conservation 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

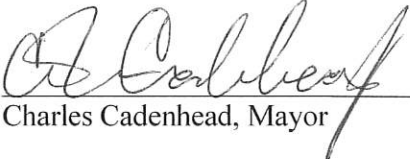
WHEREAS, the City held the public hearing on the proposed vacation on April 19, 2022, at which hearing all interested parties were heard; and

WHEREAS, following the public hearing, the City determined that the vacation of the Conservation Easement is in the public interest because a replacement conservation easement will be granted in conjunction with the platting of Wildflower at Lake Elmo 4th Addition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo as follows:

1. The City hereby declares that the Conservation Easement is vacated upon the following conditions being satisfied:
 - a. The recording of the plat of Wildflower at Lake Elmo 4th Addition;
 - b. The Applicant shall provide the City with a replacement conservation easement for the property designated as open space in the plat of Wildflower at Lake Elmo 4th Addition as shown on the plans approved by the City. Said conservation easement shall be in a form that is satisfactory to the City Attorney. Said conservation easement shall be recorded with the plat of Wildflower at Lake Elmo 4th Addition.
2. The City Clerk or her designee is authorized and directed to prepare and present to the Washington County Auditor a notice that the City has completed these vacation proceedings and record with Washington County Recorder or Registrar of Titles the notice of vacation of the easement.

Passed and duly adopted this 19th day of April, 2022, 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 Conservation Easement to be Vacated

All that part of Outlot H, WILDFLOWER AT LAKE ELMO 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota lying southerly and southwesterly of the following described line:

Commencing at the southwest corner of said Outlot H; thence on an assumed bearing of North 00 degrees 15 minutes 02 seconds West, along the west line of said Outlot H, a distance of 12.43 feet, to the point of beginning of the line to be described; thence North 89 degrees 21 minutes 23 seconds East, a distance of 163.44 feet, to the point of beginning of the line to be described; thence South 00 degrees 38 minutes 37 seconds East, a distance of 12.19 feet, to the south line of said Outlot H and there terminating.

Together with:

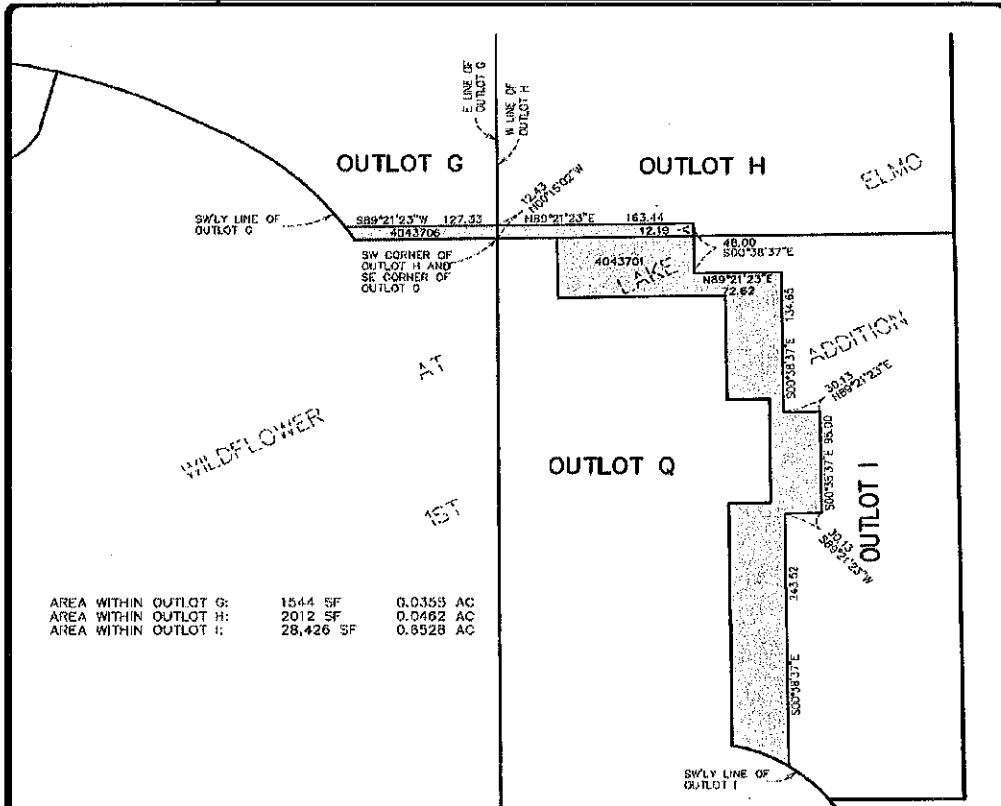
All that part of Outlot I, said WILDFLOWER AT LAKE ELMO 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota lying westerly of the following described line:

Commencing at the southwest corner of Outlot H, said WILDFLOWER AT LAKE ELMO 1ST ADDITION; thence on an assumed bearing of North 00 degrees 15 minutes 02 seconds West, along the west line of said Outlot H, a distance of 12.43 feet, thence North 89 degrees 21 minutes 23 seconds East, a distance of 163.44 feet, to the point of beginning of the line to be described; thence South 00 degrees 38 minutes 37 seconds East, a distance of 48.00 feet; thence North 89 degrees 21 minutes 23 seconds East, a distance of 72.62 feet; thence South 00 degrees 38 minutes 37 seconds East, a distance of 134.65 feet; thence North 89 degrees 21 minutes 23 seconds East, a distance of 30.13 feet; thence South 00 degrees 38 minutes 37 seconds East, a distance of 98.00 feet; thence South 89 degrees 21 minutes 23 seconds West, a distance of 30.13 feet; thence South 00 degrees 38 minutes 37 seconds East, a distance of 243.52 feet, to the southwesterly line of said Outlot I and there terminating.

All that part of Outlot G, said WILDFLOWER AT LAKE ELMO 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota, lying south of the following described line:

Commencing at the southeast corner of said Outlot G; thence on an assumed bearing of North 00 degrees 15 minutes 02 seconds West, along the east line of said Outlot G, a distance of 12.43 feet, to the point of beginning of the line to be described; thence South 89 degrees 21 minutes 23 seconds West, a distance of 127.33 feet, to the southwesterly line of said Outlot G and there terminating.

EXHIBIT B
Depiction of the Conservation Easement to be Vacated



DESCRIPTION FOR OPEN SPACE OVERLAP

All that part of Outlot H, WILDFLOWER AT LAKE ELMO 1ST ADDITION, lying southerly and southwesterly of the following described line:
 Commencing at the southwest corner of said Outlot H; thence on an assumed bearing of North 00 degrees 15 minutes 02 seconds West, along the west line of said Outlot H, a distance of 12.43 feet, to the point of beginning of the line to be described; thence North 89 degrees 21 minutes 23 seconds East, a distance of 163.44 feet; thence South 00 degrees 38 minutes 37 seconds East, a distance of 12.19 feet, to the south line of said Outlot H and there terminating.

Together with:

All that part of Outlot I, said WILDFLOWER AT LAKE ELMO 1ST ADDITION, lying westerly of the following described line:
 Commencing at the southwest corner of Outlot H, said WILDFLOWER AT LAKE ELMO 1ST ADDITION, thence on an assumed bearing of North 00 degrees 15 minutes 02 seconds West, along the west line of said Outlot H; a distance of 12.43 feet; thence North 89 degrees 21 minutes 23 seconds East, a distance of 163.44 feet, to the point of beginning of the line to be described; thence South 00 degrees 38 minutes 37 seconds East, a distance of 48.00 feet; thence North 89 degrees 21 minutes 23 seconds East, a distance of 72.82 feet; thence South 00 degrees 38 minutes 37 seconds East, a distance of 134.65 feet; thence North 89 degrees 21 minutes 23 seconds East, a distance of 30.13 feet; thence South 00 degrees 38 minutes 37 seconds East, a distance of 98.00 feet; thence South 89 degrees 21 minutes 23 seconds West, a distance of 30.13 feet; thence South 00 degrees 38 minutes 37 seconds East, a distance of 243.32 feet, to the southwesterly line of said Outlot I and there terminating.


DESCRIPTION FOR OPEN SPACE OVERLAP

All that part of Outlot G, said WILDFLOWER AT LAKE ELMO 1ST ADDITION, according to the recorded plot thereof, Washington County, Minnesota, lying south of the following described line:
 Commencing at the southeast corner of said Outlot G; thence on an assumed bearing of North 00 degrees 15 minutes 02 seconds West, along the east line of said Outlot G, a distance of 12.43 feet, to the point of beginning of the line to be described; thence South 89 degrees 21 minutes 23 seconds West, a distance of 127.33 feet, to the southwesterly line of said Outlot G and there terminating.

* This sketch does not purport to show the existence or nonexistence of any encroachments from or onto the hereto described land, easements of record or unrecorded easements which affect said land or any improvements to said land.

 Denotes open space overlap

Not to Scale

Sheet 1 of 1	 PIONEER Engineering <small>CIVIL ENGINEERING LAND PLANNING LAND SURVEYING LANDSCAPE ARCHITECTURE</small> 2422 Edenpax Drive Mendota Heights, MN 55120 (651) 681-4914 Fax: 651-9488 www.pioneereng.com	Cad File: 110998-OPEN SPACE EASEMENT OVERLAP.dwg Date: 8-13-21 Folder #: 8194 Drawn by: KSO	Description Sketch for: ROBERT ENGSTROM COMPANIES
-----------------	---	--	--