

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

RESOLUTION NO. 2023-078

***RESOLUTION VACATING DRAINAGE AND UTILITY EASEMENTS IN RELATION TO
THE PRAIRIE SKY FINAL PLAT (PIDS 13.029.21.21.0009 AND 13.029.21.21.0017)***

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 has received a request from Landucci Construction, LLC, a limited liability company (the “Applicant”) to vacate the existing Drainage and Utility Easements that were established on the Final Plat of Brookman 3rd Addition; and

WHEREAS, the land encumbered by the existing easements is on property legally described on **Exhibit A** attached hereto; and

WHEREAS, the property encumbered by the Drainage and Utility Easements will be encumbered by new Drainage and Utility Easements in association with the Prairie Sky Final Plat reflecting current City standards; and

WHEREAS, pursuant to Minnesota Statutes Section 412.851, the City scheduled a public hearing for August 15, 2023, to consider the proposed vacation of the Drainage and Utility Easements; 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 the law; and

WHEREAS, the City held the public hearing on the proposed vacations on August 15, 2023 at which hearing all interested parties were heard; and

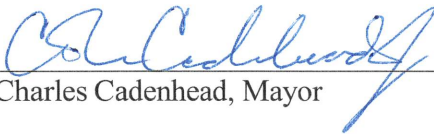
WHEREAS, following the public hearing, the City determined that the vacation of the Drainage and Utility Easements are in the public interest because replacement of easements will be dedicated to the City in the Prairie Sky final plat; and

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

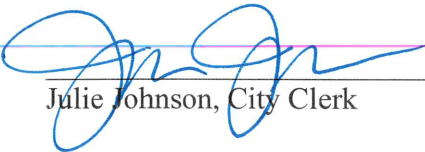
1. The City hereby declares that the Drainage and Utility Easements detailed in Exhibit A are vacated upon all of the following conditions being satisfied:
 - a. The recording of the plat of Prairie Sky that includes the drainage and utility easements as required by the City;

2. Upon satisfaction of all of the above conditions, 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 the notice of completion of the vacation proceedings.

Passed and duly adopted this 15th day of August, 2023 by the Lake Elmo Minnesota City Council.


Charles Cadenhead, Mayor

ATTEST:


Julie Johnson, City Clerk

Resolution 2023-078
Exhibit A
Legal Description of Drainage and Utility Easements

ALL THOSE PARTICULAR DRAINAGE AND UTILITY EASEMENTS AS DEDICATED ON THE PLAT OF BROOKMAN 3RD ADDITION COUNTY, MINNESOTA TOGETHER WITH THAT DRAINAGE, UTILITY AND ROADWAY EASEMENT AS DESCRIBED WITHIN DOCUMENT NO. 3566556 AS AMENDED BY DOCUMENT NO. 3690147 EMBRACED WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

Lot 2, Block 3, BROOKMAN 3RD ADDITION, according to the plat on file and of record in the office of the County Recorder, Washington County, Minnesota, lying Easterly of the following described line: Commencing at the Northwest corner of said Lot 2; thence North 89 degrees 21 minutes 23 seconds East, assumed bearing, along the North line of said Lot 2, 264.71 feet to the point of beginning of said line; thence South 11 degrees 13 minutes 30 seconds West, 328.54 feet to the South line of said Lot 2 and said line there terminating, Washington County, Minnesota.