



STAFF REPORT

DATE: 3/4/25

Public Hearing

TO: Lake Elmo City Council
FROM: Nathan Fuerst, AICP, Consulting Planner
AGENDA ITEM: Public Hearing - Roers Companies Easement Vacation Request
REVIEWED BY: Jason Stopa, Community Development Director

CORE STRATEGIES:

- | | |
|---|---|
| <input type="checkbox"/> Vibrant, inclusive, connected community | <input type="checkbox"/> Efficient, reliable, innovative services |
| <input type="checkbox"/> Responsive, transparent, adaptive governance | <input type="checkbox"/> Balanced Finances now and future |
| <input checked="" type="checkbox"/> Managed Growth | <input type="checkbox"/> Resilient Infrastructure |

BACKGROUND:

The City approved a revised final plat for the Roers Lake Elmo Multifamily on November 19, 2025. Part of the conditional approval was conformance with the City Attorney's Plat Opinion.

The City Attorney's Plat Opinion, dated November 11, 2024, identified several redundant easements that are smaller than easements and right of way that are being dedicated on the Roers (DPS Lake Elmo 3rd Addn.) final plat as revised and approved by the City.

ISSUE BEFORE COUNCIL:

The Council is asked to consider approval of an easement vacation request by Roers Companies.

PROPOSAL DETAILS/ANALYSIS:

A public hearing was posted and the affected property owners notified according to the requirements of Minnesota State Statutes. Upon proper notification, State Statute 462.358 allows the Council to vacate easements by resolution if it is in *the public* interest to do so.

Vacating the easements as requested by Roers Companies will not only bring the development in line with the conditional approval (City Attorney's Plat Opinion) but it will also clean things up so that future public or private work in this area becomes less complicated from a legal standpoint. This is in alignment with the City's 2040 Comprehensive Plan and the public need or interest.

Staff are recommending approval of the easement vacation request be contingent upon the recording of the DPS 3rd Addition Final Plat which will replace the easements that are proposed to be vacated. The conditional approval of the final plat for the Roers project required a number of agreements including a stormwater maintenance and easement agreement in the City's standard form.

FISCAL IMPACT:

N/A

OPTIONS:

1. Approval in whole or in part
2. Denial

RECOMMENDATION:

Staff suggest approval of the request given the above analysis, an example motion follows:

“Move to adopt Resolution 2025-019 Approving the Roers Easement Vacation Request”

ATTACHMENTS:

- Resolution 2025-019 Approving the Roers Easement Vacation Request
- Roers Submittals (proposed easement vacations shaded in grey)
- DPS 3rd Addition Final Plat

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

RESOLUTION NO. 2025-019

***RESOLUTION VACATING THREE DRAINAGE AND UTILITY EASEMENTS IN
RELATION TO THE DPS 3RD ADDITION PLAT***

WHEREAS, the City of Lake Elmo is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City of Lake Elmo conditionally approved a revised DPS 3rd Addition Final Plat on November 19, 2024 through Resolution 2024-120; and

WHEREAS, the City of Lake Elmo received a request from Roers Companies, a limited liability company (the “Applicant”), to vacate three Drainage and Utility Easements identified as Document Numbers 3694047, 3694048, and 3694049, recorded with the Washington County Recorder (the “Drainage and Utility Easements”); and

WHEREAS, the portions of the property encumbered by the Drainage and Utility Easements will be encumbered by larger easements that will be dedicated to the City in the plat of DPS Lake Elmo 3rd Addition; and

WHEREAS, vacation of the Drainage and Utility Easements will bring the DPS 3rd Addition Plat into conformance with the City Attorney’s Plat Opinion dated November 14, 2024; and

WHEREAS, pursuant to Minnesota Statutes Section 412.851, the City scheduled a public hearing for March 4, 2025, 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 law; and

WHEREAS, the City held the public hearing on the proposed vacations on March 4, 2025, 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 is in the public interest because replacement easements will be dedicated to the City in the DPS Lake Elmo 3rd Addition 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 are vacated upon the following conditions being satisfied:
 - a. The recording of the plat of DPS Lake Elmo 3rd Addition that includes the replacement right-of-way and drainage and utility easements as required by the City.

2. Upon satisfaction of all of the above conditions, the City Clerk or their 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.

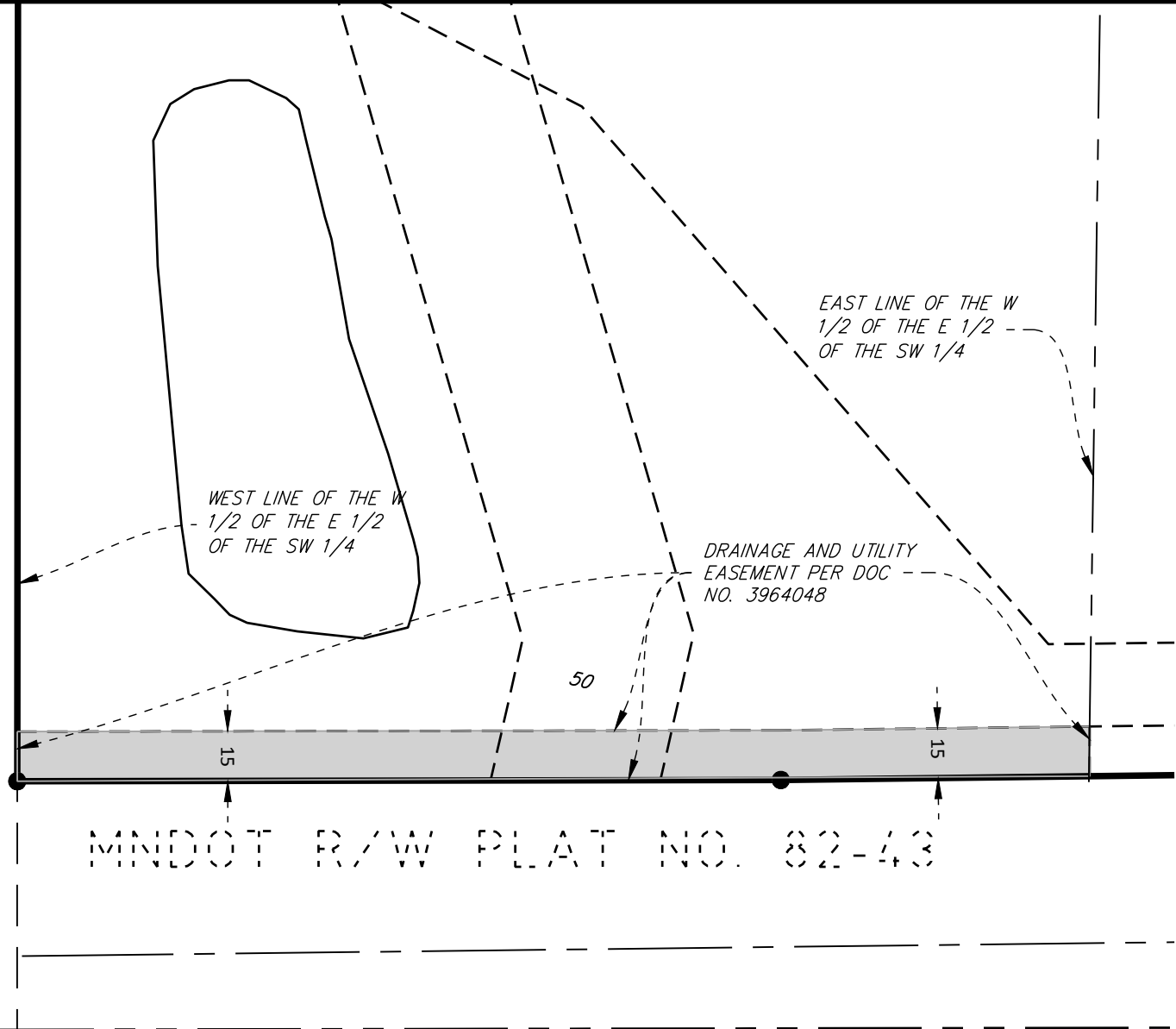
Passed and duly adopted this 4th day of March, 2025 by the Lake Elmo Minnesota City Council.

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk


Jan 16, 2025 - 4:39pm - User:msalo.L\PROJECTS\53062\CAD\Survey\Exhibits\53062 Vacation.dwg

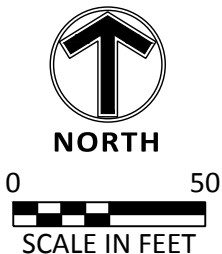


DESCRIPTION

A perpetual easement for public drainage and utility purposes over, under and across the south 15.00 feet of the following described property:

That part of the West Half of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, lying north of the north line of Minnesota Department of Transportation Right of Way Plat 82-43, except the south 675.00 feet of the west 333.00 feet of said East Half of the Southwest Quarter.

 EASEMENT VACATION



DRAWN BY: DA
DESIGNED BY:
CHECKED BY: MS
ISSUED: 01/16/2025
REVISION:
REV DATE:



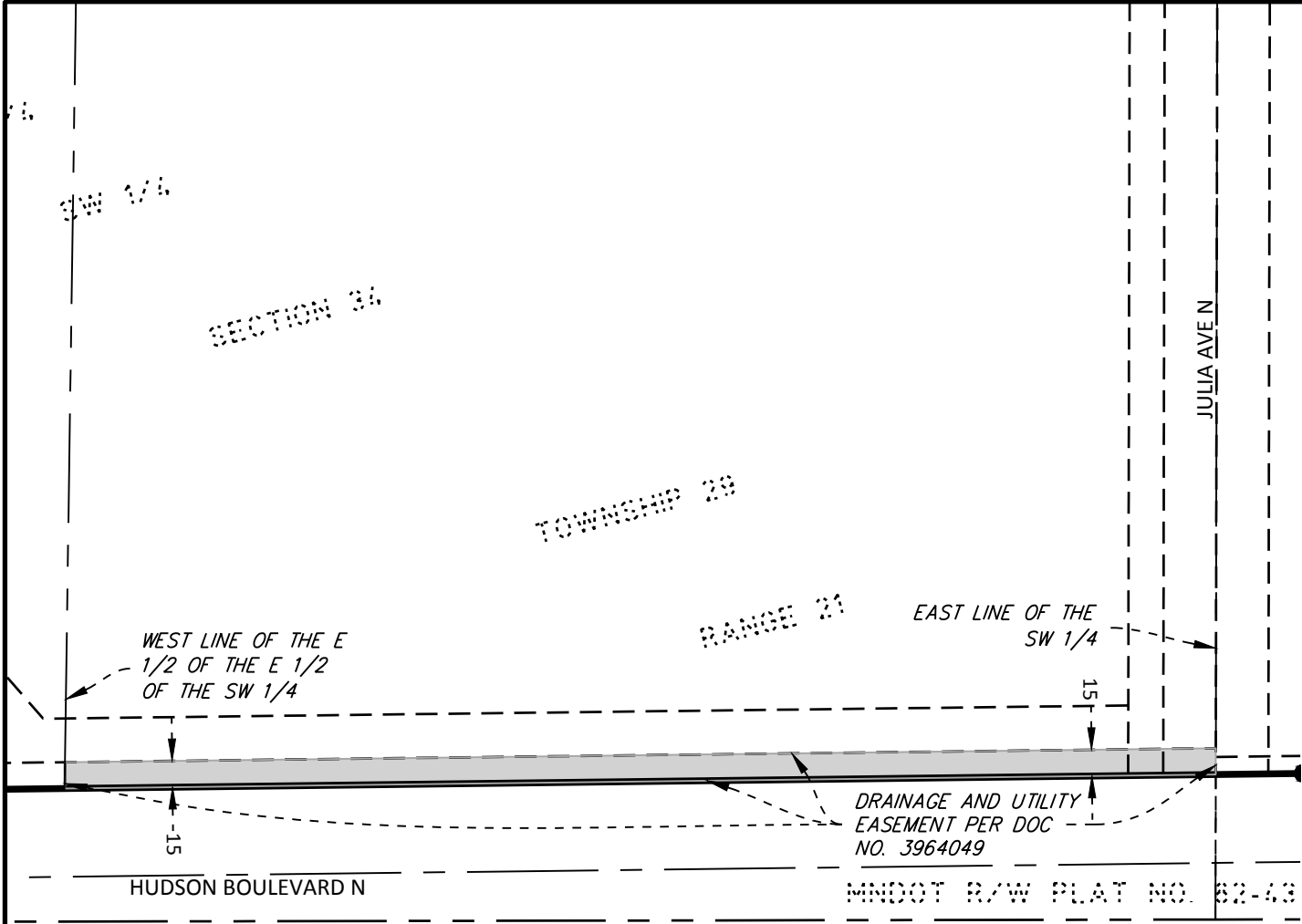
Sambatek
www.sambatek.com
Engineering | Surveying | Planning | Environmental

Document No. 3964048 Easement Vacation

Roers
DPS Lake Elmo
Lake Elmo, Minnesota

SHEET
1
PROJECT NO: 53062

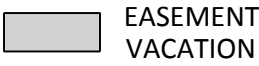
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DESCRIPTION


A perpetual easement for public drainage and utility purposes over, under and across the south 15.00 feet of the following described property:

That part of the East Half of the East Half of the Southwest Quarter of Section 34, Township 29, Range 21, Washington County, Minnesota, lying north of the north line of Minnesota Department of Transportation Right of Way Plat 82-43.






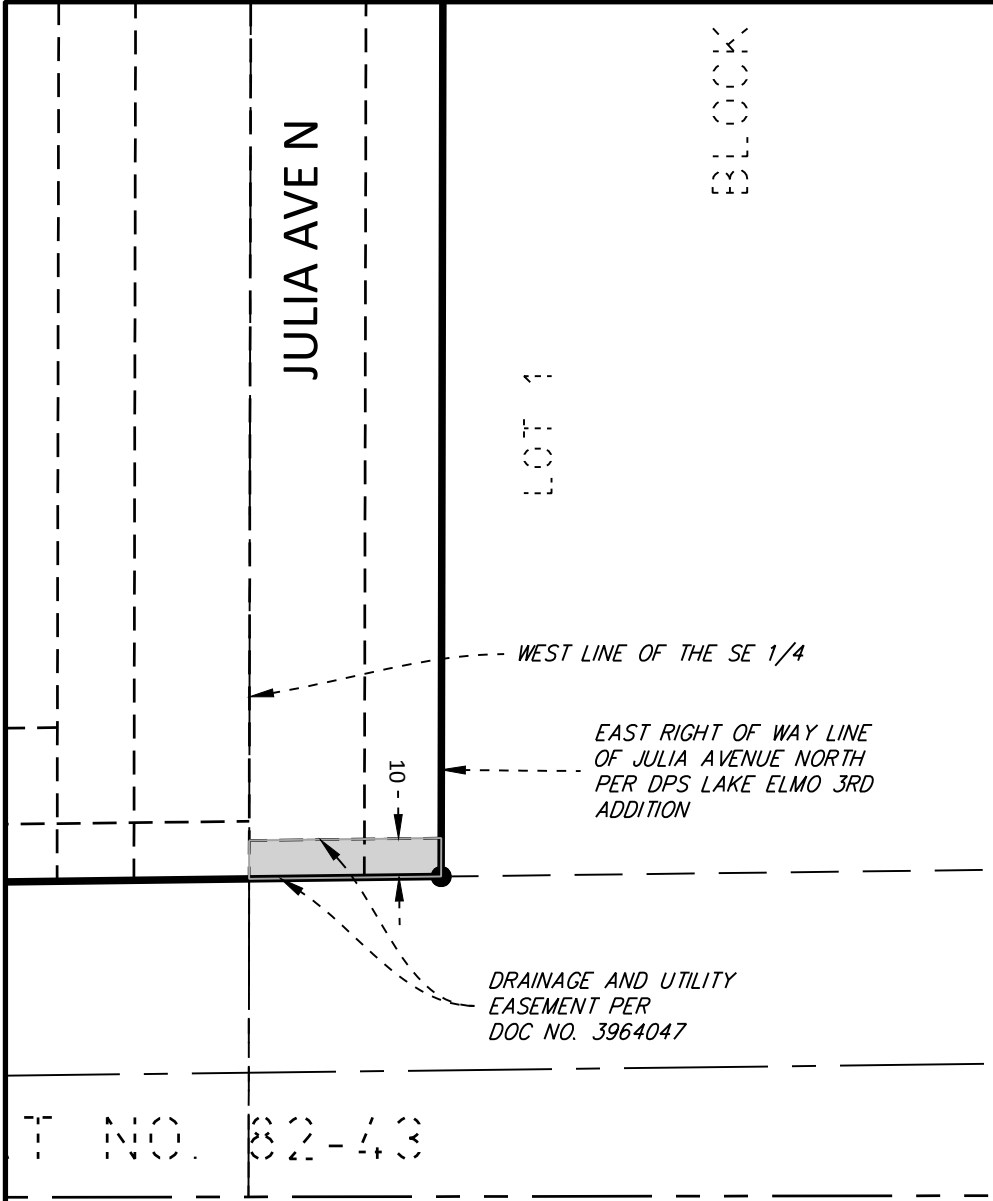
NORTH



0 100
SCALE IN FEET

<div><div>DRAWN BY: DA</div><div>DESIGNED BY:</div><div>CHECKED BY: MS</div><div>ISSUED: 01/16/2025</div><div>REVISION:</div><div>REV DATE:</div></div>	<div><div>Sambatek www.sambatek.com</div><div>Engineering Surveying Planning Environmental</div></div>	<div>Document No. 3964049 Easement Vacation</div> <div>Roers DPS Lake Elmo Lake Elmo, Minnesota</div>	<div>SHEET</div> <div>1</div> <div>PROJECT NO: 53062</div>
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DESCRIPTION

A perpetual easement for public drainage and utility puposes over, under and across the south 10.00 feet of the west Half of the Southeast Quarter of Section 34, Township 29 North, Range 21 West, except that part thereof previously conveyed by deed recorded in Book 166 of Deeds, page 22, in the office of the Washington County Recorder, legally described as follows: Beginning at the intersection of the east line of said West Half with the north line of Minnesota Trunk Highway No. 12 as then laid out and established per deeds recorded in Book 108 of Deeds, page 586 and Book 111 of Deeds, page 206 in the office of the Washington County Recorder; thence running North along said East line 217.8 feet; thence West on a line parallel to said North line of said Highway No. 12 200 feet; thence South on a line parallel to said east line of said West Half 217.8 feet to said north line of said Highway No. 12; thence East along said north line of Highway No. 12, 200 feet to the point of beginning.

Also except Parcel 29C as shown on Minnesota Department of Transportation Right of Way Plat No. 82-43 recorded in the office of the Washington County Recorder as Document No 429592.

Which lies within Julia Avenue North as dedicated on the plat of DPS LAKE ELMO 3RD ADDITION.

DRAWN BY: DA
DESIGNED BY:
CHECKED BY: MS
ISSUED: 01/16/2025
REVISION:
REV DATE:

 **Sambatek**
www.sambatek.com
Engineering | Surveying | Planning | Environmental

Document No. 3964047 Easement Vacation
Roers
DPS Lake Elmo
Lake Elmo, Minnesota

SHEET
1
PROJECT NO: 53062

DPS LAKE ELMO 3RD ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Roers Lake Elmo Apartments, LLC, a Minnesota limited liability company, owner of the following described property, situated in the County of Washington, State of Minnesota, to wit;

Outlot B, DPS LAKE ELMO, according to the recorded plat thereof, WASHINGTON COUNTY, MINNESOTA

Has caused the same to be surveyed and platted as DPS LAKE ELMO 3RD ADDITION and does hereby dedicate to the public for public use forever the public way as shown on this plat and also dedicate the drainage and utility easements as created by this plat.

In witness whereof said Roers Lake Elmo Apartments, LLC, a Minnesota limited liability company, has caused these presents to be signed by its proper officer this ____ day of _____, 20____.

Signed: Roers Lake Elmo Apartments, LLC, a Minnesota limited liability company

By: _____
Shane LaFave
Its: Executive Vice President

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 20____, by Shane LaFave as Executive Vice President of Roers Lake Elmo Apartments, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, _____ County, _____ Notary Printed Name
My Commission Expires _____

I Mark R. Salo do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certification are shown and labeled on the plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 20____.

Mark R. Salo, Licensed Land Surveyor, Minnesota License No. 43933

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me on this ____ day of _____, 20____, by Mark R. Salo, Licensed Land Surveyor.

Notary Public, _____ County, Minnesota Notary Printed Name
My Commission Expires _____

CITY COUNCIL, CITY OF LAKE ELMO, STATE OF MINNESOTA

This plat of DPS LAKE ELMO 3RD ADDITION was approved and accepted by the City Council of the City of Lake Elmo, Minnesota at a regular meeting thereof held this ____ day of _____, 20____, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2.

City Council, City of Lake Elmo, Minnesota

By: _____ By: _____
Mayor Clerk

COUNTY SURVEYOR, COUNTY OF WASHINGTON, STATE OF MINNESOTA

Pursuant to Chapter 820, Laws of Minnesota, 1971, and in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this ____ day of _____, 20____.

By: _____ By: _____
Washington County Surveyor

COUNTY AUDITOR/TREASURER, COUNTY OF WASHINGTON, STATE OF MINNESOTA

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9 and Section 272.12, taxes payable in the year 20____ on real estate hereinbefore described have been paid; and there are no delinquent taxes, and transfer has been entered on this ____ day of _____, 20____.

By: _____ By: _____
Washington County Auditor/Treasurer Deputy

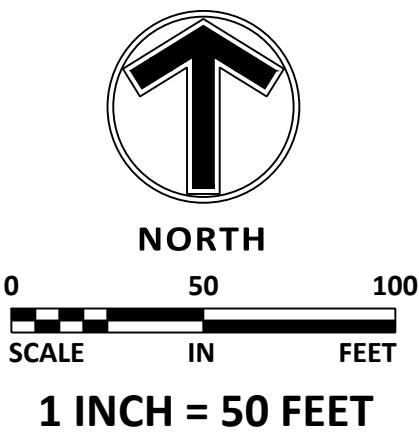
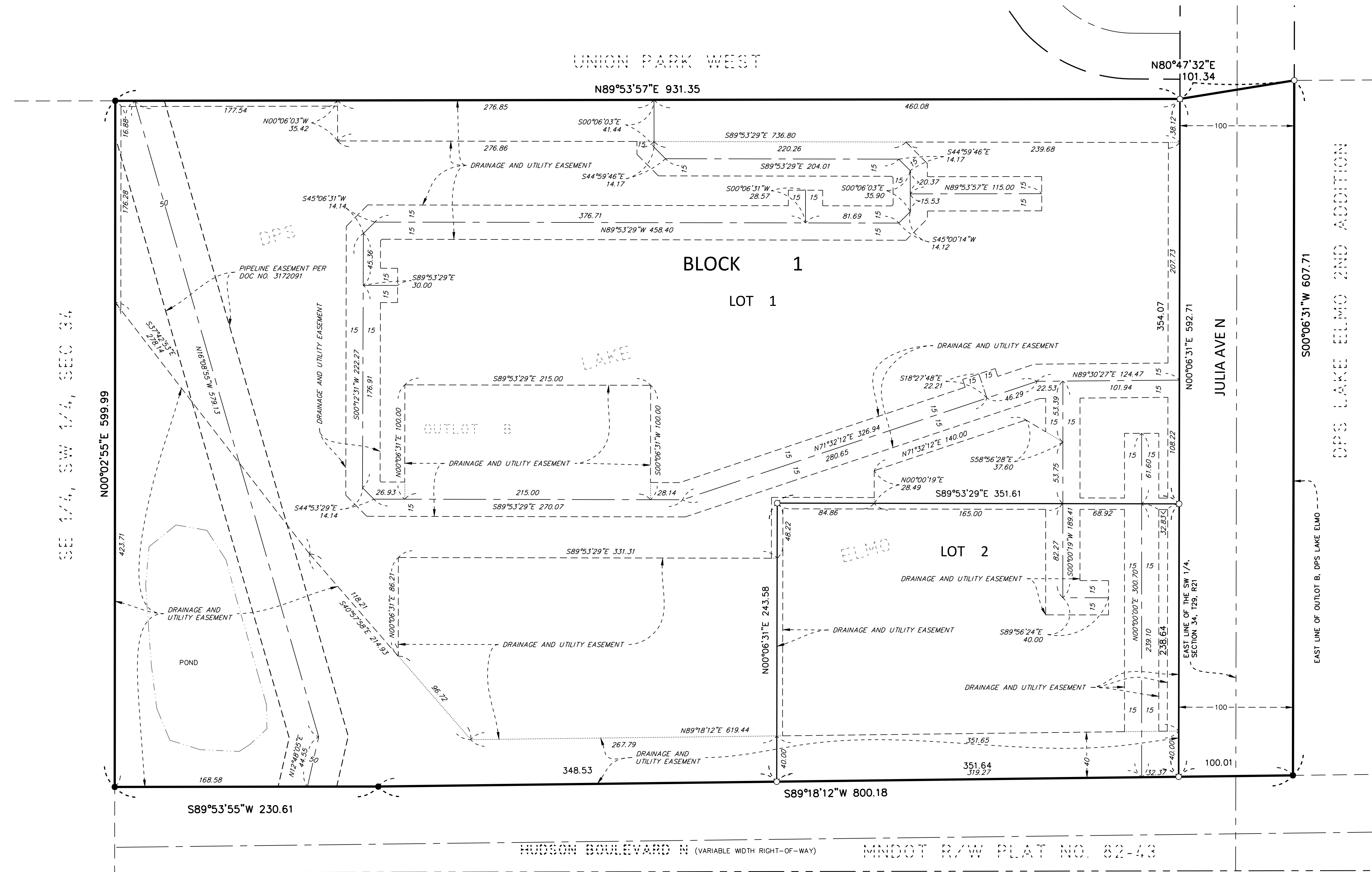
COUNTY RECORDER, COUNTY OF WASHINGTON, STATE OF MINNESOTA

Document Number _____

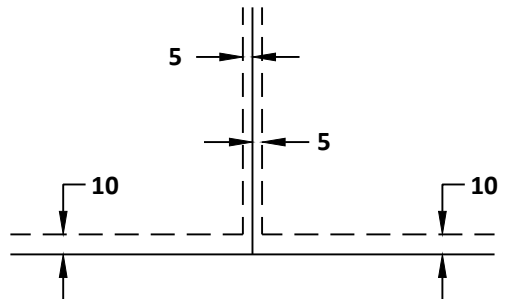
I hereby certify that this instrument was recorded in the Office of the County Recorder for record on this ____ day of _____, 20____, at ____ o'clock ____ .M., and was duly recorded in Washington County Records

By: _____ By: _____
Washington County Recorder Deputy

DPS LAKE ELMO 3RD ADDITION



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:
(NOT TO SCALE)



BEING 10 FEET IN WIDTH AND ADJOINING PUBLIC WAYS AND BEING FIVE FEET IN WIDTH AND ADJOINING SIDE LOT LINES AND REAR LOT LINES, UNLESS OTHERWISE INDICATED ON THIS PLAT.

- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT SET AND MARKED BY LICENSE NO. 43933
- DENOTES 1/2 INCH BY 14 INCH IRON MONUMENT FOUND AND MARKED BY LICENSE 44530 OR AS NOTED.

THE EAST LINE OF OUTLOT B, DPS LAKE ELMO, ACCORDING TO THE RECORDED PLAT THEREOF, WASHINGTON COUNTY, MINNESOTA IS ASSUMED TO HAVE A BEARING OF SOUTH 00 DEGREES 06 MINUTES 31 SECONDS WEST

VICINITY MAP SEC. 34, T. 29 N., R. 21 W

