

CITY OF LAKE ELMO
Washington County, Minnesota

Resolution No. 2000-06

**A RESOLUTION VACATING EXISTING PLATTED
DRAINAGE AND UTILITY EASEMENTS
IN TAMARACK FARM ESTATES**

WHEREAS, at the February 1, 2000 meeting of the Lake Elmo City Council, Washington County, Minnesota, the Council granted a Minor Subdivision of Lot 1, Block 5 and Outlot C, Tamarack Farms Estates requested by Dennis Hogan, 5038 Linden Trail, Lake Elmo, MN; and

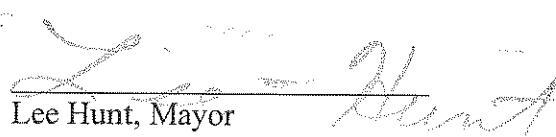
WHEREAS, the Minor Subdivision was granted subject to the condition of vacation of the existing drainage and utility easements along the east 155 feet of the south line of Lot 1, Block 5 and Outlot C, consistent with the lot configuration proposed; and

WHEREAS, at a Public Hearing on February 1, 2000 the City Council considered the interest of the public in the vacation of the drainage and utility easements; and

NOW, THEREFORE, BE IT RESOLVED the vacation of drainage and utility easements along the east 155 feet of the south line of Lot 1, Block 5 and Outlot C, Tamarack Farm Estates, consistent with the lot configuration proposed, is conditional upon the satisfaction of the Minor Subdivision conditions in Resolution No. 2000-05.


BE IT FURTHER RESOLVED, that the Clerk shall prepare a Notice of Completion of these proceedings, which shall contain the name of the City, and the identification of the vacation, a statement of the time of completion thereof, and a description of the land affected thereby. Such Notice shall be presented to the Washington County Auditor who shall enter the same in his transfer records and note upon the instrument over his official signature the words "entered in the transfer records." The Notice shall then be filed with the County Recorder, all as required by Minnesota Statutes.

ADOPTED by the Lake Elmo City Council this 1st day of February, 2000.



Lee Hunt, Mayor

ATTEST:



Mary Kueffner, City Administrator

3099962



Office of the
County Recorder
Washington County, MN

Certified filed and/or recorded on:
2000/04/14 10:32:00 AM

3099962



Cindy Kosmenn
County Recorder

By: *Cindy Kosmenn*

AMENDMENT TO CONSERVATION EASEMENT

Old Republic Title *4-02967129-5 attest*

THIS AMENDMENT is entered into this *7th* day of March, 2000 by and between Jon Wesley Investments Inc., a Minnesota corporation, whose address is 2020 Washington Avenue, Stillwater, MN 55082 ("Owner"), and the Minnesota Land Trust, a Minnesota nonprofit corporation having its principal offices in St. Paul, Minnesota ("Trust")

ALC

WITNESSETH:

A. Owner is the fee owner of land described as Outlots A, (outlot deeded to Association by document No. 969014) and Outlot C, Tamarack Farm Estates, which land is located in Washington County, Minnesota ("Protected Land") and Tamarack Farm Homeowners Association is the fee owner of land described as Outlot A, Tamarack Farm Estates, which land is located in Washington Count, Minnesota ("Protected Land").

B. Owner and the Trust entered into a conservation easement affecting the Protected Land, which easement was dated October 2, 1997, and filed with the Washington County Recorder on October 21, 1997, as Document No. 950092 ("Conservation Easement").

C. Owner has requested two modifications to the Easement to exchange land. The Trust has considered Owner's request according to the terms of its Policy on Amending Conservation Easements dated August 19, 1992, and finds that the requested modifications set forth in this Amendment (i) are not inconsistent with the terms and intent expressed in the Conservation Easement, and (ii) do not substantially impair or adversely affect the character or the nature and scenic qualities of the Protected Land.

NOW, THEREFORE, in consideration of their mutual covenants, Owners and Trust agree to amend the Conservation Easement as follows:

1. Exhibit A is hereby amended to change the legal description of Outlot C affected by the Conservation Easement, to exclude a portion consisting of 2411 square feet and legally described as:

That part of Outlot C, Tamarack Farm Estates, Washington County, Minnesota, described as beginning at the Northeast corner of said Outlot C; thence on an assumed bearing of South 00 degrees 57 minutes 07 seconds East, along the East line of said Outlot C, a distance of 18.02 feet:

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thence North 57 degrees 17 minutes 28 seconds West a distance of 155.55 feet; thence North 20 degrees 50 minutes 22 seconds West a distance of 25.25 feet to the North line of said Outlot C; thence South 57 degrees 17 minutes 28 seconds East, along the North line of said Outlot C, a distance of 165.87 feet to the point of beginning;

and adding a parcel consisting of 4000 square feet, which is legally described as:

The West 33.68 feet of Lot 1, Block 5, Tamarack Farm Estates, Washington County, Minnesota.

2. Exhibit A is hereby amended to change the legal description of a portion of Outlot A, to exclude a portion consisting of 22,913 square feet, which is legally described as:

That part of Outlot A, Tamarack Farm Estates, Washington County, Minnesota, described as follows: Beginning at the northeast corner of Lot 8, Block 1, Tamarack Farm Estates; thence on an assumed bearing of South 75 degrees 21 minutes 12 seconds East along the southerly line of Lot 1, said Block 1 a distance of 75.61 feet to the southeast corner of said Lot 1; thence South 21 degrees 27 minutes 28 seconds East a distance of 56.60 feet; thence South 14 degrees 38 minutes 48 seconds West a distance of 210.31 feet; thence South 89 degrees 02 minutes 53 seconds West a distance of 70.50 feet to the easterly line of said Lot 8; thence North 06 degrees 09 minutes 21 seconds East along the easterly line of said Lot 8 a distance of 278.05 feet to the northeast corner of said Lot 8 and the point of beginning.

and adding a parcel consisting of 26,866 square feet, which is legally described as:

Outlot A, Tamarack Farm Estates 2nd Addition, Washington County, Minnesota.

3. The Property Report recited in the Conservation Easement shall be amended to reflect these changes.

4. Except as amended herein, the terms and conditions of the Conservation Easement shall remain in full force and effect.

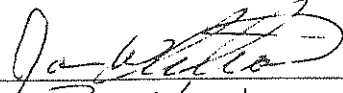
IN WITNESS WHEREOF, the parties have executed this Amendment on the day above written.

OWNER:

JON WESLEY INVESTMENTS, INC.

By

Its



President

TRUST:

MINNESOTA LAND TRUST

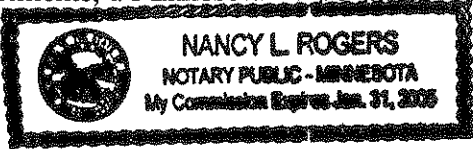
By

President



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STATE OF MINNESOTA
COUNTY OF WASHINGTON

This instrument was acknowledged before me this 2 day of FEBRUARY, 2000,
by JON WHITCOMB, the PRESIDENT of Jon Wesley
Investments,* a Minnesota corporation *Inc.



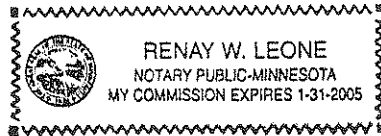
Nancy Rogers
Notary Public

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This instrument was acknowledged before me this 2nd day of February, 2000,
by Susan D. Wilson, President of Minnesota Land Trust, a Minnesota nonprofit corporation.

Renay W. Leone
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
MINNESOTA LAND TRUST
2356 University Avenue West, Suite 400
St. Paul, MN 55114
(651) 647-9590



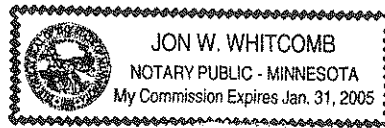
CONSENT TO AMENDMENT TO CONSERVATION EASEMENT

The City of Lake Elmo, a Minnesota statutory city, hereby joins and consents to that certain Amendment to Conservation Easement by and between Jon Wesley Investments, Inc. and the Minnesota Land Trust dated March 7, 2000.

CITY OF LAKE ELMO

By: Mary Kuefner
 Its: City Administrator

STATE OF MINNESOTA }
 } ss.
 County of Washington }



On this 7th day of March, 2000, before me, a notary public within and for said county, personally appeared Mary Kuefner, to me known to be the City Administrator of the City of Lake Elmo and he executed the foregoing instrument and acknowledged that he executed the same by authority of and on behalf of the City of Lake Elmo.

[Signature]
 Notary Public

This instrument was drafted by: Old Republic Title, 7650 Currell Boulevard, Suite 310, Woodbury, MN 55125

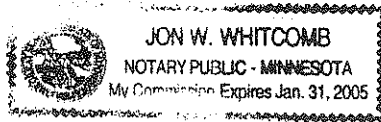
CONSENT TO AMENDMENT TO CONSERVATION EASEMENT

Dennis P. Hogan and Constance C. Hogan, husband and wife, as fee owners of Lot 1, Block 5, Tamarack Farm Estates (CIC No. 108), hereby join in and consent to that certain Amendment to Conservation Easement by and between Jon Wesley Investments, Inc. and the Minnesota Land Trust dated March 7, 2000.

Dennis P. Hogan
Dennis P. Hogan

Constance C. Hogan
Constance C. Hogan

STATE OF MINNESOTA }
 } SS.
County of Washington }



The foregoing instrument was acknowledged before me this 8th day of March, 2000 by Dennis P. Hogan and Constance C. Hogan, husband and wife.

[Signature]
Notary Public

This instrument was drafted by:
Old Republic Title
7650 Currell Boulevard, Suite 310
Woodbury, MN 55125

CONSENT TO AMENDMENT TO CONSERVATION EASEMENT

Tamarack Farm Homeowners Association, a Minnesota non-profit corporation, hereby joins in and consents to that certain Amendment to Conservation Easement by and between Jon Wesley Investments, Inc. and the Minnesota Land Trust dated March 7, 2000.

TAMARACK FARM HOMEOWNERS
ASSOCIATION

By: Eric Svedberg
Its: Treasurer

STATE OF MINNESOTA }
 }ss.
County of Washington }

On this 7th day of March, 2000, before me a notary public within and for said county, personally appeared Eric Svedberg, to me known to be the Treasurer of the Tamarack Farm Homeowners Association, a Minnesota non-profit corporation, and he executed the foregoing instrument and acknowledged that he executed the same by authority of and on behalf of the corporation.

[Signature]

