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Abstract
12/14/05

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

RESOLUTION 2005- 058

**A RESOLUTION RESCINDING RESOLUTION NO. 2004-107 AND RELATING TO THE
VACATION OF PORTIONS OF 55TH STREET NORTH AND VARIOUS PLATTED
DRAINAGE AND UTILITY EASEMENTS**

WHEREAS, by document dated April 20, 2005, the City of Lake Elmo received a request from property owners who reside adjacent to 55th Street North to vacate a certain portion of 55th Street North and certain drainage and utility easements located on platted Lots 3 through 9, Block 4, Carriage Station; and

WHEREAS, the request was considered by the Lake Elmo City Council at a public hearing on the 21st day of June, 2005; and

WHEREAS, at the public hearing, the City Council received the oral/written report of the City's consulting engineer which recommended that the City obtain various drainage and utility easements which would replace those to be vacated and a trail way easement concurrent with any vacation of 55th Street North; and

WHEREAS, at the conclusion of the public hearing, the Lake Elmo City Council determined that it was in the public's interest to vacate certain portions of 55th Street North and certain platted drainage and utility easements subject to various conditions.

NOW, THEREFORE,

BE IT RESOLVED that the Lake Elmo City Council hereby vacates the following portion of 55th Street North:

Beginning at the northwest corner of the southwest one quarter of Section 6, Township 29 North, Range 20 West; thence North 89 degrees 34 minutes 51 seconds East along the north line of said southwest one quarter a distance of 918.44 feet;

thence South 00 degrees 44 minutes 54 seconds East a distance of 66 feet to the north line of Lot 3, Block 4, Carriage Station; thence South 89 degrees 34 minutes 51 seconds West, a distance of 918.44 feet to the west line of said Section 6; thence North 00 degrees 44 minutes 54 seconds west a distance of 66 feet to the point of beginning and there terminating, except the west 140.92 feet thereof.

BE IT FURTHER RESOLVED, that the platted drainage and utility easements over the north ten (10) feet, except the east and west five (5) feet thereof of each of Lots 4 through 9, Block 4, Carriage Station; and that the platted drainage and utility easement over the north ten (10) feet of the west forty-five (45) feet of Lot 3, Block 4, Carriage Station, except the west five (5) feet thereof, is hereby vacated.

BE IT FURTHER RESOLVED, that the above described vacations are subject to the following conditions:

1. The owners of Lots 3 through 9, Block 4, Carriage Station shall convey drainage, utility and trail way easements to the City of Lake Elmo, as described on the report of the City Engineer dated May 11, 2005 and retained on file with the City of Lake Elmo (the "Engineer's Report").
2. The owners of Lots 3 through 5, Block 4, Carriage Station shall convey, by quit claim to Carol Palmquist Eilers, the north 33 feet of vacated 55th Street North accruing to such parcels by reason of said vacation, as described in the Engineer's Report, subject to easements, restrictions and covenants of record.
3. The owners of Lots 7 through 9, Block 4, Carriage Station shall convey, by quit claim deed, to Walter H. Longacre and Jane K. Longacre, the north thirty-three (33) feet of vacated 55th Street, accruing to such parcels by reason of said vacation, as described in the Engineer's Report, subject to easements, restrictions and covenants of record.
4. The owners of Lot 6, Block 4, Carriage Station shall convey, by quit claim deed, to Carol Palmquist Eilers, a portion of the north thirty-three (33) feet of vacated 55th Street North, accruing to such parcel by reason of said vacation; and by quit claim deed to Walter H. Longacre and Jane K. Longacre, a portion of the north thirty-three (33) feet of vacated 55th Street North, accruing to such parcel by reason of said vacation, both as described in the Engineer's Report, subject to easements, restrictions and covenants of record

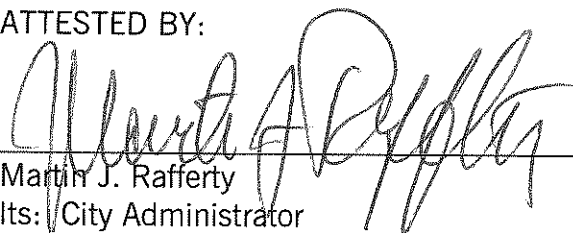
BE IT FURTHER RESOLVED, that Resolution No. 2004-107, which has not been recorded because of conditions of approval were amended hereby, be and is hereby rescinded.

CITY OF LAKE ELMO

By: 

Dean A. Johnston
Its: Mayor

ATTESTED BY:


Martin J. Rafferty
Its: City Administrator

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