

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NUMBER 2006-100

A RESOLUTION AUTHORIZING CONDEMNATION OF BERGMAN PROPERTY

RECITALS

WHEREAS, the City has authorized the construction of 2006 water system interconnect projects (collectively "2006 Improvement Project"); and

WHEREAS, Richard Bergman and Eileen Bergman ("the Bergmans") are the record fee owners of the following-described real property ("Bergman Property") situated in Lake Elmo, Washington County, Minnesota, to-wit:

Tax Parcel No. 01-02-92-121-0005;

and

WHEREAS, in order to construct the 2006 Improvement Project, the City needs to acquire a permanent easement for the construction, maintenance, operation, inspection, and repair of a water main and public utilities, together with a permanent easement for ingress and egress at any and all times with all machinery, tools, equipment, vehicles and materials necessary over, under and across the following portion of the Bergman Property:

Commencing at the northwest corner of Section 1, Township 29 North, Range 21 West; thence south a distance of 295.98 feet to the southerly right-of-way line of Minnesota Trunk Highway 36; thence easterly along said southerly right-of-way line a distance of 2155.70 feet to the point of beginning of the centerline of a 20 foot wide easement; thence south 00 degrees 49 minutes 38 seconds east, a distance of 550.00 feet and there terminating ("Bergman Easement");

and

WHEREAS, the City has obtained a market value appraisal of the Bergman Easement; has provided Bergmans with a copy of the market value appraisal; has met with the Bergmans to discuss the acquisition of the Bergman Easement; and has provided a written offer to purchase the Bergman Easement for a value in excess of the market value appraisal; and

WHEREAS, the Bergmans have not yet responded to the City's written offer to purchase; and

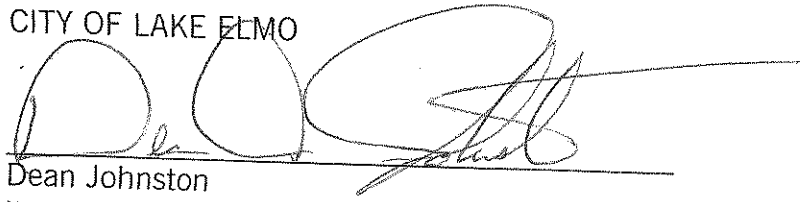
WHEREAS, it is critical that the City acquire the Bergman Easement in an expedient manner.

NOW, THEREFORE, be it resolved that the City Attorney is hereby authorized to commence an eminent domain proceeding to acquire the Bergman Easement pursuant to MS § 117.042, the "quick take" process.

Dated: September 9-20-06, 2006

CITY OF LAKE ELMO

By:


Dean Johnston
Its Mayor