

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

RESOLUTION NO. 2010-01

A RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT AND DEDICATING A NEW EASEMENT BETWEEN LOTS 2 AND 3, BLOCK 1 OF CARDINAL VIEW ADDITION

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City of Lake Elmo has received a request for a Minor Subdivision from Terry and Karen Moody, 1535 15th Street Court North, and D & T Development, 533 Hayward Avenue North #100, Oakdale, MN, to relocate the lot line dividing Lots 2 and 3, Block 1 of Cardinal View Addition five feet to the west; and

WHEREAS, the City Administrator has approved the Minor Subdivision subject to City Council approval of a petition to vacate the existing and rededicate a new drainage and utility easement between these two lots; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the existing drainage and utility easement between Lots 2 and 3 Block 1 of Cardinal View, described as follows:

That part of the 10.00 foot wide drainage and utility easement as shown and dedicated on CARDINAL VIEW, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Washington County, Minnesota, being 5 feet wide on each side of the lot line between Lot 2, Block 1 and Lot 3, Block 1, said CARDINAL VIEW which lies northerly of the 10.00 foot wide drainage and utility easement along the southerly line of said Lot 2 and Lot 3, Block 1, and southerly of the east and west extension of the most northerly line of said Lot 3.

WHEREAS, an associated request has been made to the City Council to dedicate a new drainage and utility easement along the proposed lot line between Lots 2 and 3 Block 1 of Cardinal View, described as follows:

A 10.00 foot wide drainage and utility easement over that part of Lot 2, Block 1, CARDINAL VIEW, according to the recorded plat thereof on file and of record in the Office of the County Recorder, Washington County, Minnesota, lying 5.00 feet each side of the following described line: Beginning at the southeast corner of said Lot 2; thence North 25 degrees 46 minutes 37 seconds West a distance of 10.38 feet to it's intersection with a line parallel with and 5.00 feet westerly of the east line of said Lot 2; thence North 03 degrees 00 minutes 47 seconds East, along said parallel line, a distance of 388.53 feet; thence North 90 degrees 00 minutes 00 seconds East a distance of 5.01 feet to the

northwest corner of Lot 3, Block 1, said CARDINAL VIEW and said line there terminating.

WHEREAS, the City Clerk reviewed and examined the signatures on said request and determined that such signatures constituted all of the landowners abutting upon the portion of easement to be vacated and rededicated; and

WHEREAS, a public hearing to consider the vacation and rededication of the drainage and utility easement was held on the 12th day of January 2010 before the City Council in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given, as well as personal mailed notice to all property owners within Cardinal View by the City Clerk on the 31st day of December, 2009 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because:

- 1) The proposed Minor Subdivision complies with all applicable zoning and subdivision regulations.
- 2) The dedication of a new easement will provide the same function as the one being vacated with no negative impact to the public.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of an existing and dedication of a new drainage and utility easement is hereby granted in accordance with the property descriptions provided above.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this 12th day of January 2010.


Effective Date: January 12, 2010

Approved:

Attested by:



Dean A. Johnston, Mayor



Bruce Messelt, City Administrator