

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

RESOLUTION NO. 2015 – 05

A RESOLUTION VACATING A PORTION OF PUBLIC PARK LAND

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

WHEREAS, the City Council previously passed Resolution No. 2015-03, noting its interest in vacating pursuant to Minnesota Statute § 412.851 a portion of public park land on the subject property legally described as:

Tract C, Registered Land Survey No. 98, Washington County, Minnesota;

and

WHEREAS, that said portion of public park located in the City of Lake Elmo, County of Washington, State of Minnesota is described as follows, to-wit:

That part of Tract C, REGISTERED LAND SURVEY NO. 98, Washington County, Minnesota:

Beginning at the most westerly corner of Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, said Washington County; thence North 76 degrees 00 minutes 57 seconds East (assumed bearing) along the northerly line of said Lot 2 a distance of 163.36 feet to an angle point along said northerly line; thence North 46 degrees 13 minutes 09 seconds East 24.89 feet to the most northerly corner of said Lot 2; thence North 42 degrees 33 minutes 28 seconds West 63.00 feet; thence South 52 degrees 23 minutes 58 seconds West 168.98 feet to the point of beginning.

and setting a public hearing to consider the vacation of such portion of park land; and

WHEREAS, a public hearing to consider the vacation of such street was held on the third day of February, 2015, before the City Council in the City Hall located at 3800 Laverne Avenue North at 7:00 p.m. after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 14th day of January 2015, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest by eliminating potential liability of the city owning and having a pool structure on public land. In addition, the vacation will also benefit the public interest by allowing the sale of the related parcel; and

WHEREAS, four-fifths of all members of the City Council concur in this resolution;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON, MINNESOTA, that such petition for vacation is hereby granted and the portion of park land described as follows is hereby vacated:

That part of Tract C, REGISTERED LAND SURVEY NO. 98, Washington County, Minnesota:

Beginning at the most westerly corner of Lot 2, Block 4, DEMONTREVILLE HIGHLANDS, said Washington County; thence North 76 degrees 00 minutes 57 seconds East (assumed bearing) along the northerly line of said Lot 2 a distance of 163.36 feet to an angle point along said northerly line; thence North 46 degrees 13 minutes 09 seconds East 24.89 feet to the most northerly corner of said Lot 2; thence North 42 degrees 33 minutes 28 seconds West 63.00 feet; thence South 52 degrees 23 minutes 58 seconds West 168.98 feet to the point of beginning.

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.

This Resolution shall become effective upon its passage and without publication.

ADOPTED THIS THIRD DAY OF FEBRUARY 2015.

	AYES	NAYS
_____ Mike Pearson, Mayor	_____	_____
_____ Justin Bloyer, Council Member	_____	_____
_____ Julie Fliflet, Council Member	_____	_____
_____ Jill Lundgren, Council Member	_____	_____
_____ Anne Smith, Council Member	_____	_____

Approved:

CITY OF LAKE ELMO

(Seal)

ATTEST:

By: _____

Mike Pearson, Mayor

Adam Bell, City Clerk