



## **MAYOR & COUNCIL COMMUNICATION**

**DATE:** June 2, 2015  
**REGULAR**  
**ITEM #** 6  
**PUBLIC HEARING**

**AGENDA ITEM:** Vacation of Easements - Hunter's Crossing 2<sup>nd</sup> Addition

**SUBMITTED BY:** Kyle Klatt, Community Development Director

**THROUGH:** Dean Zuleger, City Administrator

**REVIEWED BY:** Nick Johnson, City Planner  
Jack Griffin, City Engineer

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### **SUGGESTED ORDER OF BUSINESS:**

- Introduction of Item .....Community Development Director
- Report/Presentation.....Community Development Director
- Questions from Council to Staff ..... Mayor Facilitates
- Public Hearing ..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion ..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**POLICY RECCOMENDER:** Staff is recommending that the City Council approve the vacation of easements associated with Hunters Crossing. With the replatting of Outlot C of Hunters Crossing into Hunters Crossing 2<sup>nd</sup> Addition, the easements that are the subject of the vacation request are no longer necessary.

**FISCAL IMPACT:** N/A – this action does not require any additional public expenditures beyond those for the review itself, which is covered through a separate application fee.

**SUMMARY AND ACTION REQUESTED:** The City Council is being asked to consider a request from The Ryland Group to vacate a drainage and utility easement and roadway and utility easement within the Hunters Crossing subdivision. These easements were dedicated to the City in order to allow the installation of utilities within the 5<sup>th</sup> Street corridor north of Hunters Crossing and to allow drainage and utility improvements over Outlot C of the Hunters Crossing. With the City's recent approval of Hunters Crossing 2<sup>nd</sup> Addition, these easements are no longer necessary since they area they cover will either be dedicated as right-of-way (5<sup>th</sup> Street) or

incorporated into private lots within the 2<sup>nd</sup> Addition. The Council is required to conduct a public hearing prior to vacating public roadway and utility easements, and a public hearing has previously been scheduled for the June 2, 2015 meeting. Staff is recommending that the City Council vacate the easements as requested by the applicant.

The suggested motion to adopt the this recommendation is as follows:

***“Move to approve Resolution No. 2015-43 and Resolution No. 2015-44  
Vacating a Public Roadway and Utility Easement and Drainage and Utility  
Easements within Hunters Crossing”***

**LEGISLATIVE HISTORY/ROAD AND EASEMENT VACATION:** Prior to the platting of Hunters Crossing, the property owners provided an easement to the City for roadway and utility purposes in order for the sanitary sewer trunk line to be installed within this easement. Now that the Hunters Crossing development is moving forward, the trunk sewer line will be located within the platted right-of-way for 5<sup>th</sup> Street, and this older easement is no longer necessary. In addition, the first addition final plat included a blanket drainage and utility easement over all of Outlot C, which is now being replatted into the second addition. This easement will need be removed in order to allow the final plat to be recorded, and the second addition final plat will include separate drainage and utility easements for each lot consistent with the City’s Subdivision Ordinance.

Pursuant to Minn. Stat. §§ 412.861 and 462.358, subd. 7, a city may vacate a public utility easement in the same manner as vacating streets. By law, in order to vacate a recorded easement, Council must hold a public hearing on the vacation and then pass a resolution vacating the easement. The City Council adopted a resolution calling for the required public hearing at its May 5, 2015 meeting. Notice of the hearing is required to be published and posted by the City Clerk at least two weeks prior to the hearing and mailed by the City Clerk to affected property owners at least 10 days prior to the hearing.

**BACKGROUND INFORMATION (SWOT):**

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|----------------------|---|
| <b>Strengths</b>     | <ul style="list-style-type: none"><li>• Vacating the subject easements will allow the applicant to move forward with recording the Hunters Crossing 2<sup>nd</sup> Final Plat.</li></ul>                            |
| <b>Weaknesses</b>    | <ul style="list-style-type: none"><li>• None</li></ul>  |
| <b>Opportunities</b> | <ul style="list-style-type: none"><li>• The City will receive either dedicated right-of-way or new easements as required under the Subdivision Ordinance within Hunters Crossing 2<sup>nd</sup> Addition.</li></ul> |
| <b>Threats</b>       | <ul style="list-style-type: none"><li>• None</li></ul>  |

**RECOMMENDATION:** Staff is recommending that the City Council approve Resolution No. 2015-43 and Resolution No. 2015-44 in order to vacate an existing public roadway and utility

easement and drainage and utility easements within Hunters Crossing by taking the following action:

***“Move to approve Resolution No. 2015-43 and Resolution No. 2015-44  
Vacating a Public Roadway and Utility Easement and Drainage and Utility  
Easements within Hunters Crossing”***

**ATTACHMENTS:**

1. Resolution No. 2015-43
2. Resolution No. 2015-44
3. Application Form – Easement Vacation
4. Roadway Easement Vacation Description
5. Drainage and Utility Easement Vacation Description