

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

RESOLUTION NO. 2016- 58

*A RESOLUTION VACATING A WATER MAIN EASEMENT OVER A PORTION OF LOT 1
BLOCK 1 OF EAGLE POINT BUSINESS PARK 8TH ADDITION*

WHEREAS, the City of Lake Elmo (City) is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council approved the Preliminary and Final PUD Plans for the Auto Owners Insurance Building located in Eagle Point Business Park as Lot 1, Block 1 HOA 3rd Addition (Lot) on August 18, 2015; and

WHEREAS, the Lot is owned by Auto Owners Insurance Company, 6101 Anacapi Boulevard, Lansing, MI 48917 (Owner); and

WHEREAS, the City of Lake Elmo was granted a Water Main Easement over a portion of the Lot, and this easement was recorded by the Office of the Registrar of Titles of Washington County on December 23, 2015; and

WHEREAS, the City requested an amendment to the originally proposed locations of fire hydrants on the Lot; and

WHEREAS, consequentially an amendment to the originally proposed location of the Water Main Easement was required and was recorded by the Office of the Registrar of Titles of Washington County on April 19, 2016; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the Water Main Easement recorded on December 23, 2015 over a portion of Lot 1 Block 1 of Eagle Point Business Park 8th Addition legally described as follows:

An easement over, under and across that part of Lot 1, Block 1, HOA 3rd ADDITION, according to the recorded plat thereof, Washington County, Minnesota, described as commencing at the southwest corner of said Lot 1; thence on an assumed bearing of North, along the westerly line of said Lot 1, a distance of 219.13 feet; thence on a bearing of East 9.50 feet to the point of beginning of the easement to be described; thence on a bearing of North 43.50 feet; thence on a bearing of East 177.06 feet; thence on a bearing of North 25.50 feet; thence on a bearing of East 23.80 feet; thence North 45 degrees 00 minutes 00 seconds East 60.10 feet; thence North 22 degrees 30 minutes 00 seconds East 43.50 feet; thence on a bearing of North 142.26 feet; thence on a bearing of East 30.00 feet; thence on a bearing of South 89.44 feet; thence South 72 degrees 18 minutes 14 seconds East 20.02 feet to the easterly line of said Lot 1; thence southwesterly 70.48 feet,

along said easterly line of Lot 1, along a curve concave to the southeast not tangential with the last described line, to a point of tangency; thence South 16 degrees 02 minutes 57 seconds West, tangent to said curve, along said easterly line of Lot 1, a distance of 27.53 feet to a point of curvature; thence southwesterly 25.37 feet along said easterly line of Lot 1, along a tangential curve concave to the northwest to a point of reverse curvature; thence southwesterly 58.80 feet, along said easterly line of Lot 1, along a reverse curve; thence South 45 degrees 00 minutes 00 seconds West 57.49 feet; thence on a bearing of South 41.77 feet; thence on a bearing of East 48.00 feet; thence North 65 degrees 00 minutes 00 seconds East 17.31 feet to said easterly line of Lot 1; thence southeasterly 39.00 feet, along said easterly line of Lot 1, along a curve concave to the northeast not tangential with the last described line, to an easterly corner of said Lot 1; thence South 1 degree 23 minutes 22 seconds East, along said easterly line of Lot 1, a distance of 3.93; thence South 65 degrees 00 minutes 00 seconds West 50.04 feet; thence on a bearing of West 84.66 feet; thence on a bearing of North 78.06 feet; thence on a bearing of West 121.49 feet; thence on a bearing of South 13.50 feet; thence on a bearing of West 30.00 feet to the point of beginning.

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 of the Water Main Easement was held on the 13th day of June 2016 before the Planning Commission 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 350 feet of the Lot by the City Clerk on the 25th day of May 2016 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

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

- 1) The new Water Main Easement will serve requested hydrant locations.

WHEREAS, the Council, at its meeting on the 5th day of July 2016, considered the recommendation of the Planning Commission.

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 Water Main 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 5th day of July 2016.

Effective Date:_____

Approved:

Mike Pearson, Mayor

Attested by:

Julie Johnson, City Clerk