

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

**RESOLUTION NO. 2016-73**

*A RESOLUTION VACATING DRAINAGE AND UTILITY EASEMENTS OVER OUTLOTS C, G,  
& H, VILLAGE PRESERVE*

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

**WHEREAS**, the City of Lake Elmo approved the final plat of Village Preserve on May 5, 2015 with blanket drainage and utility easements over Outlots C, G and H; and

**WHEREAS**, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the existing drainage and utility easements on Outlots C, G and H, Village Preserve; and

**WHEREAS**, the City of Lake Elmo had received a request for the Final Plat of Village Preserve 2<sup>nd</sup> Addition from GWSA Land Development, LLC, 10850 Old County Road 15, Suite #200, Plymouth, MN 55441, replatting Outlots C, G and H, Village Preserve into a residential development; and

**WHEREAS**, the City Council approved the Final Plat of Village Preserve 2<sup>nd</sup> Addition on April 19, 2016 with new drainage and utility easements as required of the development; and

**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

**WHEREAS**, a public hearing to consider the vacation of the drainage and utility easement was held on the August 22, 2016 at 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 Outlots C, G and H, Village Preserve by the City Clerk on the 8<sup>th</sup> day of August, 2016 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 replat of Outlots C, G and H, Village Preserve into Village Preserve 2<sup>nd</sup> Addition complies with all applicable zoning and subdivision regulations.

- 2) The dedication of a new easement will be provided with the recording of Village Preserve 2<sup>nd</sup> Addition to 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 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 9th day of September, 2016.

Effective Date:\_\_\_\_\_

Approved:

\_\_\_\_\_  
Mike Pearson, Mayor

Attested by:

\_\_\_\_\_  
Julie Johnson, City Clerk