



STAFF REPORT

DATE: 6/6/17
REGULAR
ITEM #: 14
MOTION

TO: City Council
FROM: Stephen Wensman, Planning Director
AGENDA ITEM: Hammes Estates 1st Addition Drainage and Utility Easement Vacation
REVIEWED BY: Jack Griffin, City Engineer

BACKGROUND:

Rachel Development is requesting the vacation of a drainage and utility easement over Outlot E, Hammes Estates 1st Addition in order to record the final plat of Hammes Estates 2nd Addition. The City Council approved Hammes Estates 2nd Addition Final Plat on January 3, 2017 and an extension on March 7, 2017. The developer is making preparations for recording the final plat and the easement vacation is needed to move forward. Because of the need to record the final plat for spring construction, the easement vacation public hearing has been scheduled at the City Council on tonight's agenda.

ISSUE BEFORE COUNCIL:

The City Council is respectfully being requested to hold a public hearing and to approve Resolution 2017-050 removing the drainage and utility easement over Outlot E, Hammes Estates 1st Addition.

PROPOSAL DETAILS/ANALYSIS:

The drainage and utility easement was placed over Outlot E during the phase 1 final plat in order for the City to have control and access of drainage in the outlot. Outlot E will be developed into Hammes 2nd Addition and new easements will be put into place over planned drainage ways, ponds, infiltration basins and along property lines as is customary. Staff has reviewed the proposed easement vacation and recommends approval.

The public hearing was advertised in the newspaper and property owners within 350 feet of the easement were mailed notices of this hearing as required.

Easement vacations require a 4/5 vote of the City Council.

FISCAL IMPACT:

None.

OPTIONS:

The Council can approve or deny the easement vacation, however denial would limit the developer from being able to record the final plat of Hammes Estates 2nd Addition previously approved by the Council.

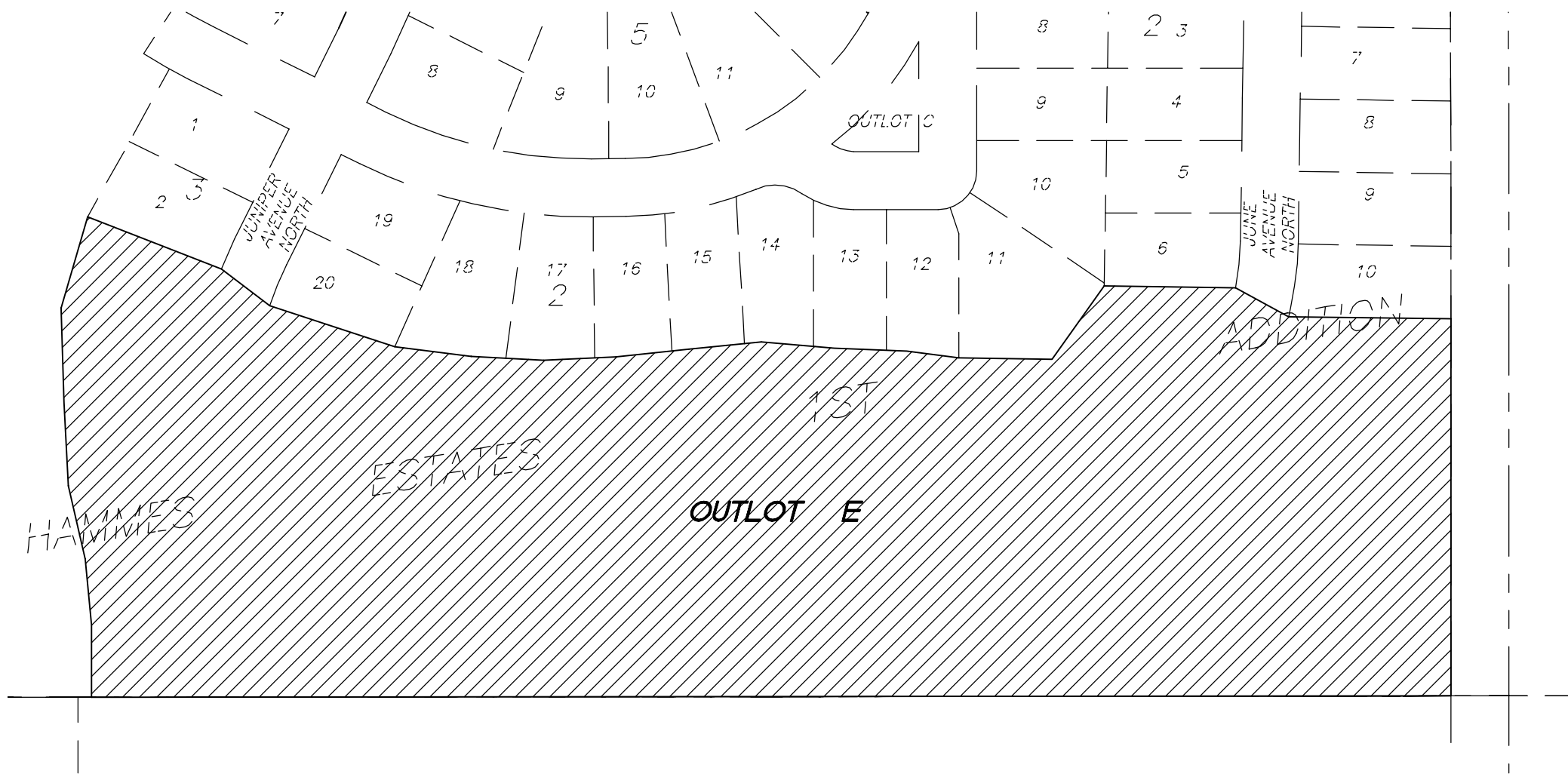
RECOMMENDATION:

Staff recommends the City Council approve Resolution 2017-050 vacating the drainage and utility easement over Outlot E, Hammes Estates 1st Addition with the following motion:

Move to approve Resolution 2017-050 vacating the drainage and utility easement over Outlot E, Hammes Estates 1st Addition

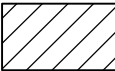
ATTACHMENTS:

- Easement Exhibit
- Resolution 2017-050

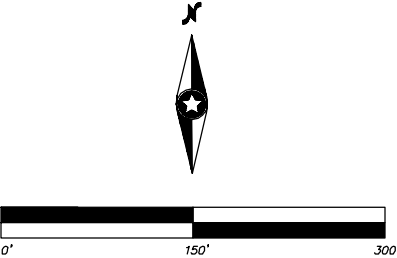


Easement Vacation Sketch

The Drainage & Utility Easement over Outlot E, HAMMES ESTATES 1ST ADDITION, according to the recorded plat thereof, Washington County, Minnesota.



Easement to be Vacated



Date: **4/25/2017** Sheet: **1 OF 1**
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Westwood

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Drawn: _____
Checked: **CWM**
Described: **SSB**
Record Drawing by/date: _____

Prepared for:

Rachel Development

***Hammes Estates
1st Addition***

Lake Elmo, Minnesota

Easement Vacation Sketch

Exhibit

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

RESOLUTION NO. 2017-050

**A RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT OVER
OUTLOT E, HAMMES ESTATES 1ST ADDITION**

**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 Hammes Estates 1st Addition on October 7, 2014 with blanket drainage and utility easements over Outlot E; 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 Outlot E, Hammes Estates 1st Addition; and

WHEREAS, the City of Lake Elmo had received a request for the Final Plat of Hammes Estates 2nd Addition from Rachel Development, replatting Outlot E, Hammes Estates 1st Addition into a residential development; and

WHEREAS, the City Council approved the Final Plat of Hammes Estates 2nd Addition on January 3, 2017 with new drainage and utility easements as required of the development; and

WHEREAS, a public hearing to consider the vacation of the drainage and utility easement was held on the May 16, 2017 at 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 350 feet of Outlot E, Hammes Estates 1st Addition by the City Clerk 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 Outlot E, Hammes Estates 1st Addition into Hammes Estates 2nd Addition complies with all applicable zoning and subdivision regulations.
- 2) The dedication of a new easements will be provided with the recording of Hammes Estates 2nd 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 6th day of June, 2017.

Effective Date:_____

Approved:

Mike Pearson, Mayor

Attested by:

Julie Johnson, City Administrator