

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

**RESOLUTION NO. 2022-010**

**A RESOLUTION APPROVING APPRAISED VALUES, OFFERS OF COMPENSATION  
AND EASEMENT ACQUISITION BY EMINENT DOMAIN FOR THE OLD VILLAGE  
PHASE 5 AND 6 STREET, DRAINAGE, AND UTILITY IMPROVEMENTS**

**WHEREAS**, pursuant to City Council resolution adopted on March 16, 2021, the Council Ordered the Improvements for the Old Village Phase 5 and 6 Street, Drainage, and Utility Improvements to extend public sanitary sewer to replace failing private on-site individual wastewater treatment systems, to replace aging watermain, and reconstruct the public streets; and

**WHEREAS**, the plans require the acquisition of permanent roadway, drainage and utility easements and temporary construction easements to construct and maintain the Project, as depicted in Exhibit A attached hereto (“Easements”); and

**WHEREAS**, the City Council finds that it is reasonably necessary, proper, and convenient, and in the interest of the general welfare that the City acquire title to and possession of the Easements in furtherance of the Project; and

**WHEREAS**, the City Council finds that the construction schedule for the Project makes it necessary to acquire title to and possession of the Easements prior to the filing of the final report of the condemnation commissioners to be appointed by the district court; and

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

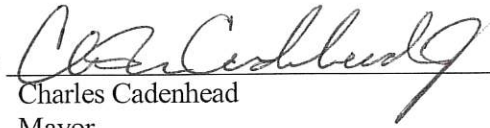
1. That the acquisition of the Easements are necessary and for a public purpose in furtherance of the Project;
2. That the City Administrator and City Engineer are authorized and directed to engage independent real estate appraisers to provide the City with the appraisers' opinions of damages caused by the City' s acquisition of the Easements needed for the Project;
3. That the City Administrator and City Engineer are authorized and directed to acquire the Easements needed for the Project by voluntary negotiation and, if necessary, through the exercise of the power of eminent domain;
4. That the City Administrator and City Engineer are authorized and directed to make offers of compensation to the respective landowner for the Easements needed for the Project consistent with the independent appraisals, and to attempt to negotiate the voluntary acquisition of the Easements;
5. That the law firm of Kennedy & Graven, Chartered, is authorized and directed to take all steps necessary on behalf of the City to acquire through eminent domain the

Easements that are not acquired by voluntary negotiation, including filing an action in eminent domain and using the quick take procedure under Minn. Stat. § 117.042;

6. That the City Administrator is authorized to approve the appraised values for the Easements if the City Administrator determines that the independent appraisals adequately reflect the fair market values thereof for the purposes of Minn. Stat. § 117.042.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE FOURTH DAY OF JANUARY, 2022.**

**CITY OF LAKE ELMO**

By:   
Charles Cadenhead  
Mayor

(Seal)  
ATTEST:

  
Julie Johnson  
City Clerk