



CITY OF  
**LONG LAKE**

## City Council Agenda Report

### City of Long Lake

450 Virginia Avenue, PO Box 606

Long Lake, MN 55356

**MEETING DATE / April 16, 2024**

**SUBJECT:** Public Hearing – Request to Vacate Easements Dedicated in the Belle Aire Estates Plat (1957) Found on 244 Harrington Drive

**Prepared By:** Hannah Rybak, Planner

**Report Date:** 4/10/2024

### GENERAL INFORMATION

Applicant/Owner: Steve Rudenick

Location: 244 Harrington Drive, Long Lake

Existing Land Use / Zoning: Residential; zoned R-1 Single Family Residential District

Surrounding Land Use / Zoning:  
North - Residential; zoned: R-1 District  
East - Residential; zoned: R-1 District  
South - Residential; zoned: R-1 District  
West - Residential; zoned: R-1 District

Comprehensive Plan: The 2040 Comprehensive Plan guides this property for Low Density Residential land use.

Deadline for Agency Action:	Application Date -	3/14/2024
	60 Days -	5/12/2024
	Extension Letter Mailed -	N/A
	120 Days -	6/12/2024

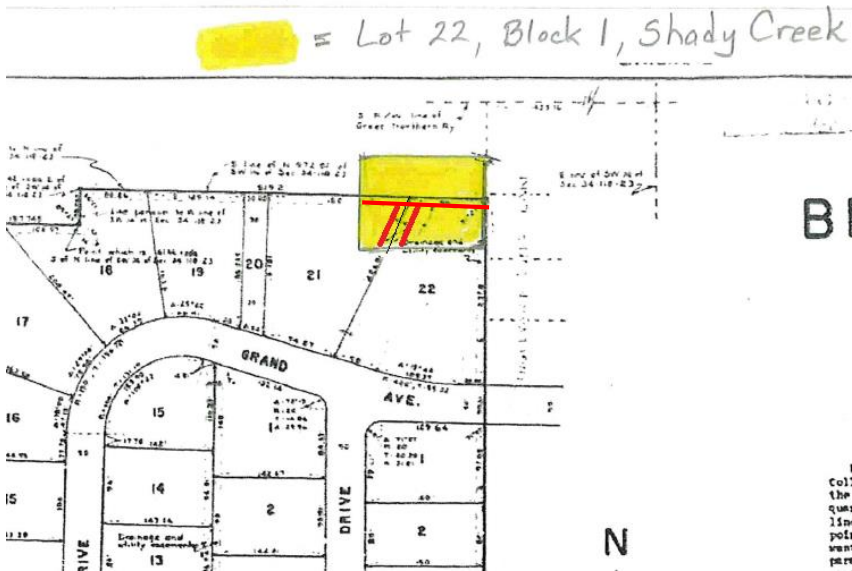
### Overview of the Request

The Applicant, Steve Rudenick, has lived on 244 Harrington Drive for 47 years. He built a house on the lot in 1977. He recently applied for a home equity loan but was denied when a title company found an easement dedicated in a 1957 plat (Belle Aire Estates) crossing through one-half of the subject property. The easement mentioned by the Applicant runs north/south, on a bit of a diagonal, along the side property line of Lots 21 & 22 of Belle Aire Estates. There is also an easement running east west, on the former rear property lines of Lots 21 & 22 of Belle Aire Estates. Staff is including all easements dedicated over the subject property through the original Belle Aire Estates plat, to ensure that nothing is missed. The affected drainage and utility easements appear to not have been vacated when Shady Creek Addition was platted in 1973. The Applicant will not be able to obtain any further loans, or even sell the home, now that the affected easements have been discovered.

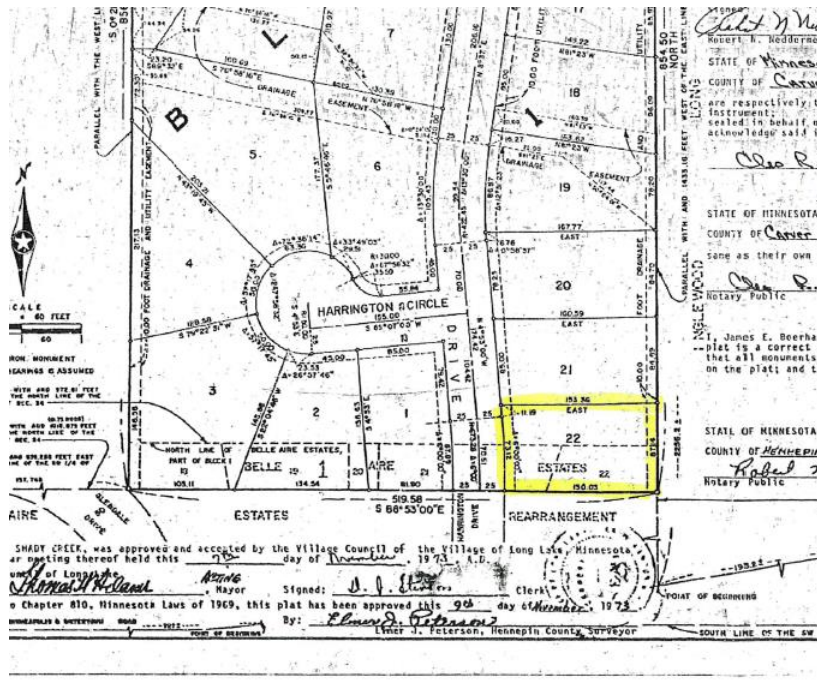
The affected easements became obsolete in 1973, when the replatting process occurred, and new easements were dedicated along the property lines of the parcel as it exists today. The lack of vacation of the easements at that time is clearly an error. The request before you is to vacate the affected easements within the area highlighted in yellow below. The affected easements are outlined in red.

The current easements offer no benefit to the City, and the site has been reviewed by the Public Works Director. Vacating the easements will correct the error of the easements not being vacated in 1973.

Original Plat – Belle Aire Estates, 1957



Current Plat – Shady Creek, 1973



## **EASEMENT VACATION**

State Statute governs the vacation of public easements, and requires the same process as the vacation of a public right-of-way. The Applicant must petition the City to vacate the easement and provide all required documentation.

From there, the City is required to notice a public hearing twice in the official newspaper. A notice must be mailed to all current owners of “affected property”, which has been determined to be all current owners of property located in the original Belle Aire Estates plat.

The City Council must hold the public hearing and take action on the request.

## **Recommended City Council Action**

Based on the submitted application materials and the review provided in this report, staff recommends that the City Council vacate the affected easements. The affected easements contain no public infrastructure and provide no benefit to the City. They should have been vacated at the time that the Shady Creek Addition was platted in 1973. Taking this step will fix the historical clerical error.

Staff recommends the following:

Motion to adopt Resolution No. 2024-19 vacating the affected easements dedicated in the Belle Aire Estates plat, found on 244 Harrington Drive.

## **Supporting Information**

- Resolution No. 2024-19
- Land Use Application and accompanying materials, including:
  - 1957 Plat - Belle Aire Estates
  - 1973 Plat - Shady Creek Addition