



# 2024 Land Use Application

CITY OF LONG LAKE  
450 Virginia Avenue  
MAIL TO: PO Box 606  
Long Lake, MN 55356  
Phone / 952.473.6961

Escrow Deposit: \$Waived / JM

Date Paid: \_\_\_\_\_

[ ] Check # \_\_\_\_\_

[ ] Cash Receipt # \_\_\_\_\_

### FOR OFFICE USE ONLY

Planning Case #:

2024-01

Application Fee: \$250.00

Date Paid: 3/14/24

[X] Check # 0192

[ ] Cash Receipt # \_\_\_\_\_

### PROPERTY INFORMATION

Address of Property Involved 244 Harrington Drive

Property Identification Number 34-118-23-32-0037 Current Zoning R-1 Single Family Residential

Legal Description of Property Lot 22, Block 1, Shady Creek Addition

Property Owner Name Steve Rudenick

Property Owner Mailing Address 244 Harrington Drive

City, State, Zip Long Lake, MN 55356

### APPLICANT INFORMATION

Full Name Steve Rudenick Daytime Phone 612-695-7393

Fax \_\_\_\_\_ Email Address srrudenick@gmail.com

Street Address 244 Harrington Drive

City, State, Zip Long Lake, MN 55356

### TYPE OF REQUEST (Check All That Apply)

#### Zoning:

- Conditional Use Permit
- Zoning Amendment (Rezoning or Text)
- Variance
- Change to Nonconforming Use or Structure
- PUD Master Development Plan or Concept Plan
- Final Site and Building Plan Review
- Interim Use Zoning Amendment/Permit

#### Subdivision:

- Preliminary or
- Final Plat
- Minor Subdivision (lot line adjustment only)
- Major Subdivision (all platting applications)

#### Other:

- Comprehensive Plan Amendment
- Sign Variance
- Informal Concept Review (PC)
- Village Design Guidelines Review
- Easement Vacation

All applications must be accompanied by the Submittal Information for the specific type of request and the required list of items.

Description of Request: Requesting the vacation of a drainage and utility easement crossing the property

above-referenced in a north-south direction (1957 plat). This easement that crosses the property was not properly

vacated when the Shady Creek Addition plat was approved in November 1973.

### AGENDA DEADLINE & MEETING SCHEDULE

All regularly scheduled Planning Commission and City Council meetings are held in the City Hall Council Chambers beginning at 6:30 pm. The Planning Commission regularly meets on the second Tuesday of each month, and the City Council regularly meets on the first and third Tuesday of each month. Meeting dates may be subject to change due to member availability, holidays, election dates, or other conflicts that may arise during the calendar year.

**APPLICANT ACKNOWLEDGMENT & SIGNATURE**

With my signature below, I acknowledge that I have read, understand, and agree to all of the information listed in the Long Lake Land Use Application and fully understand and agree that I am responsible for all costs, including, without limitation, any consultant fees incurred by the City related to the processing and review of this application through completion and final inspection of any improvements, consistent with the 'Payment of Fees and Escrow Requirements' section above. I agree that if additional fees are required to cover costs incurred by the City, the City Administrator has the right to require additional payment from one or more of the undersigned, who shall be jointly and severally liable for such fees. I further understand and agree that if timely payment is not made, the application process may be terminated and the application denied for failure to reimburse the City for costs incurred. I also understand and agree that, in the event of non-payment of fees or costs related to this application or the project herein contemplated, the City may approve a special assessment against my property to recover the same and I hereby specifically waive any and all right to appeal said assessment pursuant to Minnesota Statute 429.

I, the undersigned, certify that the information on this application, to the best of my knowledge, is true and correct.

**X Signature of Applicant**

*Stephen R. Rudenick*

**Date**

*3/14/2024*

Is applicant also the owner of the properties involved in this application?  YES     NO

**PROPERTY OWNER SIGNATURE**

I am the owner of the property or properties involved in this application, and consent to the applicant making a Land Use Application.

**X Signature of Property Owner**

\_\_\_\_\_

**Date**

\_\_\_\_\_

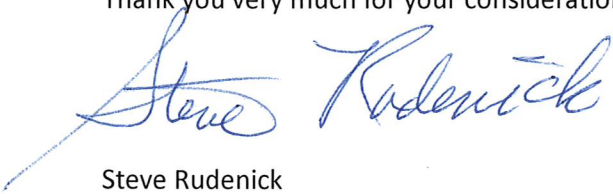
March 14, 2024

**Land Use Application Narrative – Vacation of Easement Impacting 244 Harrington Drive**

I have lived at 244 Harrington Drive for 47 years. I had a house built on the property in 1977, and over the years, I've refinanced and had a home equity loan on my property; however, my second request for a home equity loan is being denied because a title company found a 1957 plat map with an easement that had not been vacated as it should have been (or was vacated and never recorded) when the Shady Creek Addition was platted in 1973. The easement crosses the southern half of my lot in a north-south direction. I am now in a position that I am unable to either close on a home equity loan or sell my property without the easement being vacated in order to clear the title for my property. In 1973 when my property was platted under the Shady Creek Addition and being readied for a future home to be built, the involved parties at that time (including the City) did not take the action necessary to vacate or file the vacation of inapplicable easements from the previous plat and prior lot lines.

At this time, I respectfully and gratefully request that the City Council approve the vacation of the old 1957 easement on my property that traveled a prior lot line before the subdivision was replatted in 1973, thereby finally resolving the title issue that is greatly impacting my property.

Thank you very much for your consideration,



Steve Rudenick  
612-695-7393



Jeanette Moeller &lt;jmoeller@longlakemn.gov&gt;

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**Information Needed - 244 Harrington Drive, Long Lake, MN**

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Property ID and Plats <pip@hennepin.us>  
To: Jeanette Moeller <jmoeller@longlakemn.gov>

Wed, Oct 25, 2023 at 10:31 AM

Good morning Jeanette,

I'll take a closer look to see if anything from the City (Resolution vacating the D & U Easements) was recorded around 1972-1973 prior to the plat of Shady Creek being recorded. Upon quick glance I don't think so. The City will need to work with it's legal council to see what vacation action is necessary. You'll have to determine if an old Resolution was approved and never recorded by the City in the 70s or if a new Resolution will be necessary and filed to formally vacate some (or all) of said D & U easements in the plat of Belle Aire Estates

The City will have to determine if ALL of the Drainage & Utility Easements, as dedicated in the plat of Belle Aire Estates SHOULD have been vacated, or just some of them (i.e. the lots in the north of said plat including Lot 22).

In general I think your legal description is either going to be:

ALL of the Drainage & Utility Easements, as dedicated in the plat of Belle Aire Estates (assuming all of them should have been vacated)

Or

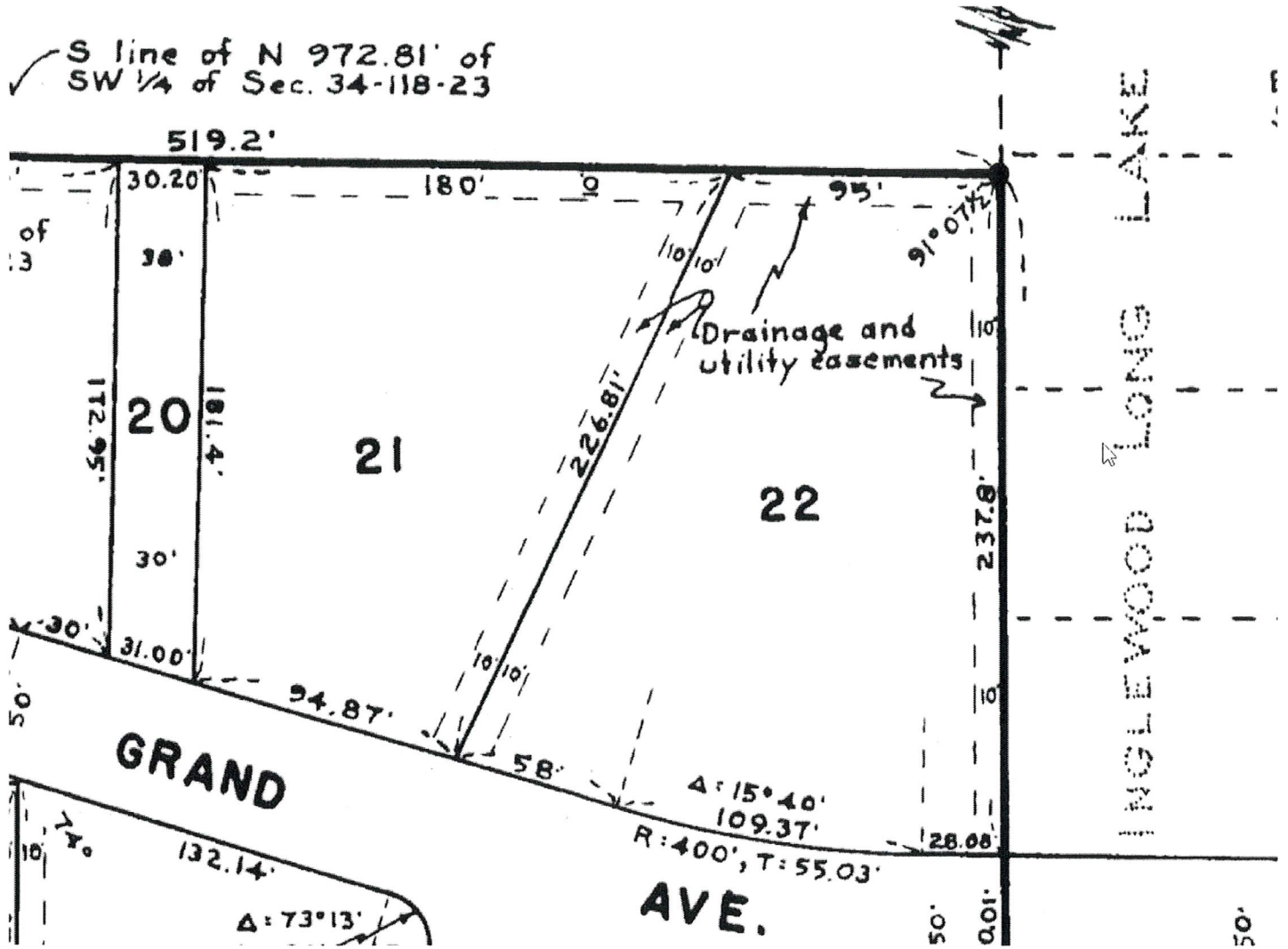
The 10' Drainage & Utility Easements for the applicable Lots/Blocks of Belle Aire Estates (if only a few select lots D & U easements should have been vacated) in this case Lot 22, Block 1.

You would want to confirm the vacation legal description with the City legal council who typically assists in vacating easements for the City.

Thanks,

Mark





**Mark Buelt**

Property Description Technician – Property ID & Platting  
Land Information and Tax Services

Direct Line – 612.348.8514

Unit Line – 612.348.3271

Group email – PIP@hennepin.us

For Online Taxpayer & Property Information  
Please visit <https://www.hennepin.us/residents#property>

Please consider the environment before printing this e-mail

**From:** Jeanette Moeller <jmoeller@longlakemn.gov>  
**Sent:** Wednesday, October 25, 2023 10:07 AM  
**To:** RecordsRequest/Hennepin <RecordsRequest@Hennepin.us>  
**Subject:** [External] Information Needed - 244 Harrington Drive, Long Lake, MN

**CAUTION:** This email was sent from outside of Hennepin County. Unless you recognize the sender and know the content, do not click links or open attachments.

Hello,

I'm reaching out on behalf of a resident of our city (Steve Rudenick) who owns the property located at 244 Harrington Drive, Long Lake, MN 55356, PID 3411823320037.

In attempting to refinance his home, his title company pulled documents and informed him that there is a title issue and that an easement needs to be vacated. They're indicating there was an easement over the property with the 1957 Belle Aire Estates plat that was not properly vacated when the area was replatted in 1973 for the Shady Creek plat during which his lot was created (Lot 22, Block 1, Shady Creek addition).

I've attached documents I received from the resident's title company. The 1957 plat has been marked up with an area the title company has identified as the location of the future lot, and shows a notation for 'drainage and utility easement'. This version of the document is unclear - are you able to identify any legal description for the easement referenced on the plat?

There's no drainage and utility easement over the 1973 plat as it was recorded. If an easement existed on the 1957 plat, was it vacated for the 1973 plat? If not, should it have been vacated?

According to Hennepin County records, does the former 1957 easement actually just follow the lot line of the Lot 22, Block 1 property created in 1973?

If this was indeed missed decades ago, we'll need some kind of legal description we can use for the easement to be vacated and the vacation to be recorded. For an easement to have been recorded initially, I can only hope there was some sort of description of that.

Many thanks in advance for any help you can offer!

Jeanette Moeller, City Clerk

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**Jeanette Moeller, City Clerk**

City of Long Lake

Email / [jmoeller@longlakemn.gov](mailto:jmoeller@longlakemn.gov)

Ph / 952.473.6961 x1

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1973

1091766

OFFICIAL PLAT REGISTERED BY 1592 ON 9-5-1973

BOOK 78 PAGE 21

BURLINGTON NORTHERN RAILROAD

# SHADY CREEK

KNOW ALL MEN BY THESE PRESENTS: that DICON Construction Inc., a Minnesota Corporation, contract vendee and Robert H. Heddermeyer and Ruth E. Heddermeyer, husband and wife, free owners of the following described property, situated in the County of Hennepin and State of Minnesota, to-wit:

Parcel 1: All that part of the following described tract:

That part of the Southwest 1/4 of Section 34, Township 118, Range 23 described as follows: Commencing at a point on the South line of said Section 34, 57.9 rods West of the Southeast corner of said Southwest 1/4; thence North 45 3/4 degrees West, 6.45 chains to a point in the center line of the Minneapolis and Watertown Road which is distant 1327.7 feet Southwesterly measured along said center line from a point on the East line of said Southwest 1/4 which is 759 feet North, along said line, of the Southeast corner of said Southwest 1/4; thence Southwesterly along the center line of said road 193.2 feet more or less to a point, which is the actual point of beginning of the land to be described, said point being the point of intersection of said center line with a line drawn parallel with the East line of said Southwest 1/4 through a point on the South line of the right of way of the Great Northern Railroad distant 1433.16 feet West of the East line of said Southwest 1/4; thence North along last described line 2256.2 feet more or less to said South line of right of way; thence West along said South line of right of way 511.1 feet more or less to a point 42 rods East of the West line of said Southwest 1/4; thence South parallel to West line of Southwest 1/4 852.6 feet more or less to a point which is 63 3/4 rods South of the North line of said Southwest 1/4; thence West parallel with the North line of said Southwest 1/4 157.745 feet to a point which is 535.255 feet East of West line of said Southwest 1/4; thence South parallel with said West line of Southwest 1/4 1625.4 feet more or less to the center line of said road; thence Easterly along said center line of said road 727 feet more or less to said actual point of beginning.

Lying North of a line drawn from a point on the W line of said tract, 972.81 feet South, at right angles, of North line of said SW 1/4, and parallel to last-said North line, to a point on the east line of said tract; said point being 972.81 feet South at right angles, of last said North line and there ending.

Parcel 2: All that part of Lots 18, 19, 20, 21 and 22, Block 1, Belle Aire Estates, lying North of a line which is 1018.875 feet South of the North line of the Southwest 1/4 of Section 34, Township 118, Range 23, and parallel thereto; according to the plat thereof on file or of record in the office of the Registrar of Titles in and for said Hennepin County.

Have caused the same to be surveyed and platted as SHADY CREEK and do hereby donate and dedicate to the public for public use forever the drive, circle, drainage and utility easements as shown on the plat.

In witness whereof, said DICON Construction Inc., has caused these presents to be signed by its proper officers this 17th day of November, 1973 A.D. and Robert H. Heddermeyer and Ruth E. Heddermeyer, husband and wife, have hereunto set their hands and seals this 17th day of November, 1973 A.D.

Signed: Dicon Construction Inc. *Richard E. Conroy*  
Signed: Robert H. Heddermeyer *Robert H. Heddermeyer*  
Signed: Ruth E. Heddermeyer *Ruth E. Heddermeyer*

No delinquent taxes and transfer entered FINANCE DIVISION HENNEPIN COUNTY, MINN. NOV 9 1973 FINANCE DIVISION CLERK BY S. D. KRAMER

On this 17th day of November, A.D. 1973, before me, a Notary Public, within and for said County and State personally appeared *Richard E. Conroy* and *Robert H. Heddermeyer* and *Ruth E. Heddermeyer*, who being each by me duly sworn, did say that they are respectively the President and Secretary of DICON Construction Inc., the corporation named in the foregoing instrument; and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said *Richard E. Conroy* and *Ruth E. Heddermeyer* acknowledge said instrument to be the free act and deed of said corporation.

*Clayton R. Langston* Notary Public, Carver County, Minnesota. My Commission Expires: July 12, 1980

On this 17th day of November, 1973, A.D., before me a Notary Public, personally appeared Robert H. Heddermeyer and Ruth E. Heddermeyer, husband and wife, to me known to be the persons same as their own free act and deed.

*Clayton R. Langston* Notary Public, Carver County, Minnesota. My Commission Expires: July 12, 1980

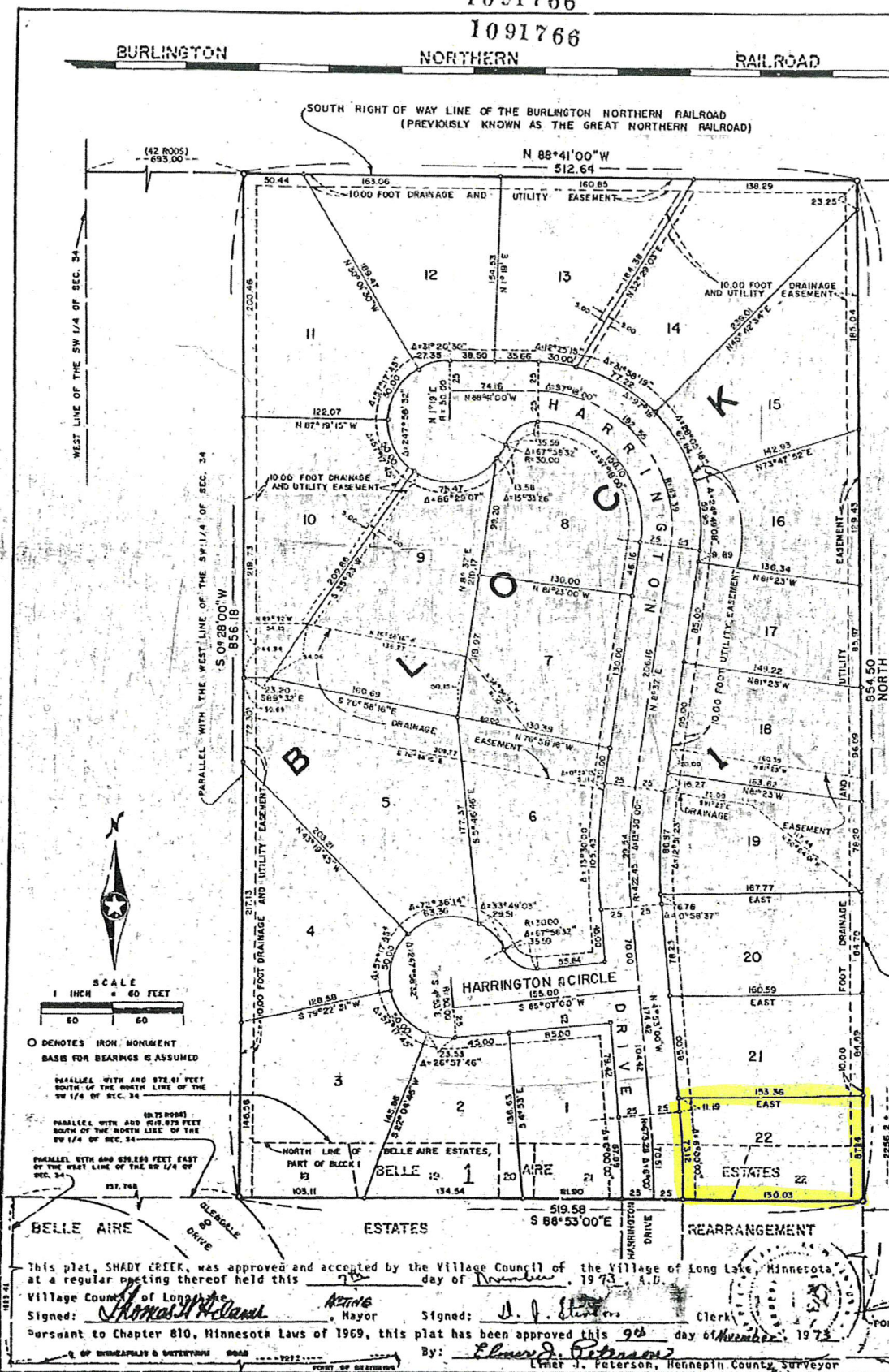
I, James E. Boerhave, hereby certify that I have surveyed and platted the property described on this plat as SHADY CREEK; that this plat is a correct representation of said survey; that all distances are correctly shown on the plat in feet and hundredths of a foot; that all monuments are correctly placed in the ground as shown on the plat; that the outside boundary lines are correctly designated on the plat; and that there are no wet lands to be designated on said plat.

ROBERT M. O. BOE NOTARY PUBLIC, MINNESOTA HENNEPIN COUNTY My Commission Expires May 18, 1980

STATE OF MINNESOTA COUNTY OF HENNEPIN *Robert M. O. Boe* Notary Public. Surveyor's certificate subscribed and sworn to before me, a Notary Public, this 1 day of November, 1973, A.D. My Commission Expires: MAY 18, 1980

*James E. Boerhave* Land Surveyor, Minn. Reg. No. 10995. HENNEPIN County, Minnesota. My Commission Expires: MAY 18, 1980

OFFICE OF REGISTRAR OF TITLES 1091766 HENNEPIN COUNTY, MINNESOTA I hereby certify that the within Plat of SHADY CREEK was filed in this office this 13 day of NOV. A.D. 1973 at 2:20 o'clock P.M. and was duly filed in Book of Plats, Page WAYNE A. JOHNSON Registrar of Titles



SCALE 1 INCH = 60 FEET  
O DENOTES IRON MONUMENT BASIS FOR BEARINGS ASSUMED  
PARALLEL WITH AND 872.81 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4 OF SEC. 34  
PARALLEL WITH AND 1018.875 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4 OF SEC. 34  
PARALLEL WITH AND 891.280 FEET EAST OF THE WEST LINE OF THE SW 1/4 OF SEC. 34

This plat, SHADY CREEK, was approved and accepted by the Village Council of the Village of Long Lake, Minnesota at a regular meeting thereof held this 17th day of November, 1973, A.D.  
Village Council of Long Lake, Minnesota  
Signed: *Thomas H. Amand* Mayor  
Signed: *D. J. Peterson* Clerk  
Pursuant to Chapter 810, Minnesota Laws of 1969, this plat has been approved this 19th day of November, 1973.  
By: *Edward J. Peterson* Limer J. Peterson, Hennepin County Surveyor