



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KYRA CHAPMAN, PLANNER
SUBJECT: SET PUBLIC HEARING DATE AND INTRODUCE ORDINANCE FOR VACATION OF CERTAIN EASEMENTS IN THE PLAT OF POND THIRD ADDITION, AS PROPOSED BY CHARLIE SVOBODA & LISA FISHER
DATE: JANUARY 29, 2024

In November 2023, the preliminary and final plat for Pond Third Addition was approved, splitting a single parcel into four lots. Charlie Svoboda recently purchased the two middle properties of the plat and applied for a minor subdivision, which would combine the two lots into one parcel, to construct a residential home. Minor subdivisions (to combine lots) do not automatically vacate the easement between the two properties; therefore, an easement vacation is required.

A public hearing needs to be scheduled before the vacation can be approved to gather input from utility companies and affected properties. Staff recommends holding this public hearing on Monday, March 4th, 2024. A public notice would be published in the Thursday February 15th, 2024 and Thursday February 22nd, 2024 New Prague Times. The proposed ordinance approving the vacation is also attached so that the introduction of the ordinance can be completed at tonight's meeting to allow for possible adoption of the ordinance following the public hearing on March 4th.

Staff Recommendation

Staff recommends approval of the attached resolution setting the public hearing date for Monday, March 4th, 2024. Staff also recommends that the Council introduce the attached ordinance at tonight's meeting.

RESOLUTION #24-02-05-02

**SETTING A PUBLIC HEARING TO VACATE CERTAIN EASEMENTS IN THE PLAT
OF POND THIRD ADDITION**

WHEREAS, the City Council pursuant to Section 12.06 of the City Charter desires to consider the vacation of easements as described:

The 5' drainage and utility easement adjacent to the east line of Lot 2, Block 1, Pond Third Addition, Scott County, Minnesota.

The 5' drainage and utility easement adjacent to the west line of Lot 3, Block 1, Pond Third Addition, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF NEW PRAGUE,
SCOTT AND LESUEUR COUNTIES, MINNESOTA:

1. The City Council will consider the vacation of those drainage and utility easements as identified in this resolution and on the attached exhibit and a public hearing shall be held on such proposed vacation on the 4th day of March, 2024, before the City Council in the City Hall located at 118 Central Ave. N., New Prague, Minnesota at 6:00 p.m. or shortly thereafter.
2. The City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

Passed by the City Council on this 5th day of February, 2024.

Duane J. Jirik, Mayor

ATTEST:

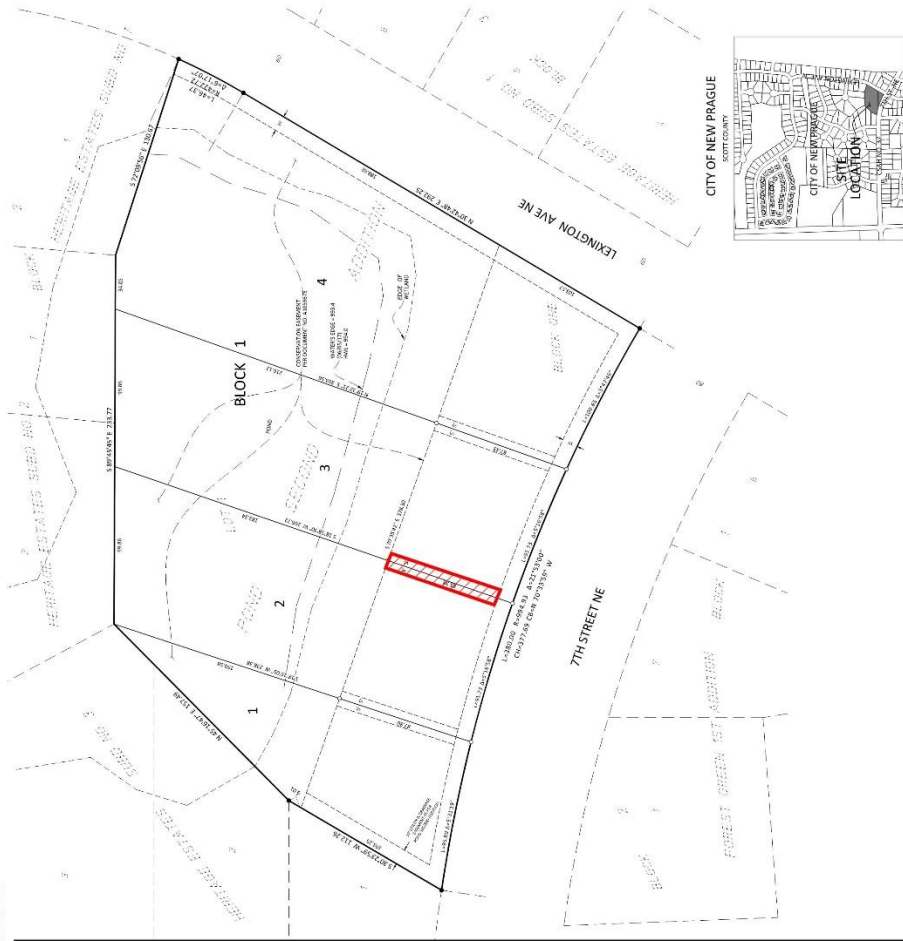
Joshua M. Tetzlaff, City Administrator

EXHIBIT A

OFFICIAL PLAT COPY

POND THIRD ADDITION

Exhibit A - Easement Vacation

[illegible]

ORDINANCE #347

AN ORDINANCE VACATING CERTAIN EASEMENTS IN THE PLAT OF POND THIRD ADDITION

WHEREAS, the New Prague City Council previously passed Resolution #_____ noting the City of New Prague's interest in vacating certain drainage and utility easements as identified in the resolution and the exhibit to the resolution, pursuant to Section 12.06 of the New Prague City Charter, legally described as follows:

The 5' drainage and utility easement adjacent to the east line of Lot 2, Block 1, Pond Third Addition, Scott County, Minnesota.

The 5' drainage and utility easement adjacent to the west line of Lot 3, Block 1, Pond Third Addition, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

(with such easements hereinafter referred to as the "Property"); and

WHEREAS, a public hearing to consider the vacation of the Property was held on the 4th day of March, 2024, before the City Council in the City Hall located at 118 Central Avenue North, New Prague, Minnesota, after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 20th day of February, 2024 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the Property proposed to be vacated, reserves the right to continue the same or to enter upon such Property, way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation of the Property will benefit the public interest because the Property will no longer be used for easement purposes as the property is being combined and a structure will be constructed over the area.

WHEREAS, a majority of all members of the City Council concur in this ordinance;

NOW, THEREFORE, THE CITY OF NEW PRAGUE, SCOTT AND LESUEUR COUNTIES, MINNESOTA, ORDAINS:

SECTION 1. An uncodified City ordinance is adopted pursuant to Chapter 12.06 of the New Prague City Charter to provide as follows:

Subdivision 1. The recitals set forth in this Ordinance are incorporated into and made a part of this Ordinance.

Subdivision 2. The City controls the dedicated Property located in Scott County, Minnesota, with the legal description of the Property being as follows:

The 5' drainage and utility easement adjacent to the east line of Lot 2, Block 1, Pond Third Addition, Scott County, Minnesota.

The 5' drainage and utility easement adjacent to the west line of Lot 3, Block 1, Pond Third Addition, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

Subdivision 3. The City Council has determined that vacation of the Property will further the public interest and welfare.

Subdivision 4. As provided by Section 12.06 of the New Prague City Charter, the City Council authorizes and grants the vacation of the Property such that the Property described as follows is hereby vacated:

The 5' drainage and utility easement adjacent to the east line of Lot 2, Block 1, Pond Third Addition, Scott County, Minnesota.

The 5' drainage and utility easement adjacent to the west line of Lot 3, Block 1, Pond Third Addition, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

Subdivision 5. The Mayor and City Administrator, staff and consultants are hereby authorized and directed to sign all documents or take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Ordinance.

Kyra J. Chapman
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401

Exhibit A - Easement Vacation

POND THIRD ADDITION

