



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: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SET PUBLIC HEARING DATE AND INTRODUCE ORDINANCE FOR PARTIAL VACATION OF CERTAIN EASEMENTS IN THE PLAT OF SUERAI, AS PROPOSED BY THE CITY OF NEW PRAGUE
DATE: MARCH 11, 2024

In 2020, the final plat for Suerai was approved which divided one large single family with an existing home into three total lots. As part of the platting process, drainage and utility easements were required around the perimeter of the plat. As is typical during a plat review, a condition was added that stated the following regarding minimum easements that must be provided for on the plat: "Drainage and utility easements must be established on the lots as described: Twenty foot wide drainage and utility easements must be centered on rear and front lot lines. Ten foot wide utility easements must be centered on side lot lines, unless the side lot line abuts a public right-of-way where the easement must be 20 feet wide.". When the plat arrived for signatures, staff noted the easements were drawn in the plat at double the required width and because the matter occurred during the Covid pandemic which was causing delays with certain projects, the plat was ultimately signed and filed with the understanding that the City would partially vacate the unnecessary easement width at a later date.

Staff discussed with the applicant the extraneous easement widths during the conditional use permit process for the moved in home that was recently approved and it was determined that now would be the appropriate time to partially vacate all the easements back to the minimum required by the subdivision ordinance as it will provide better usability of the lots for future buildings versus the large easements which currently exist.

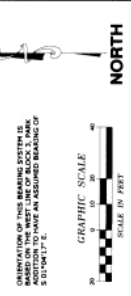
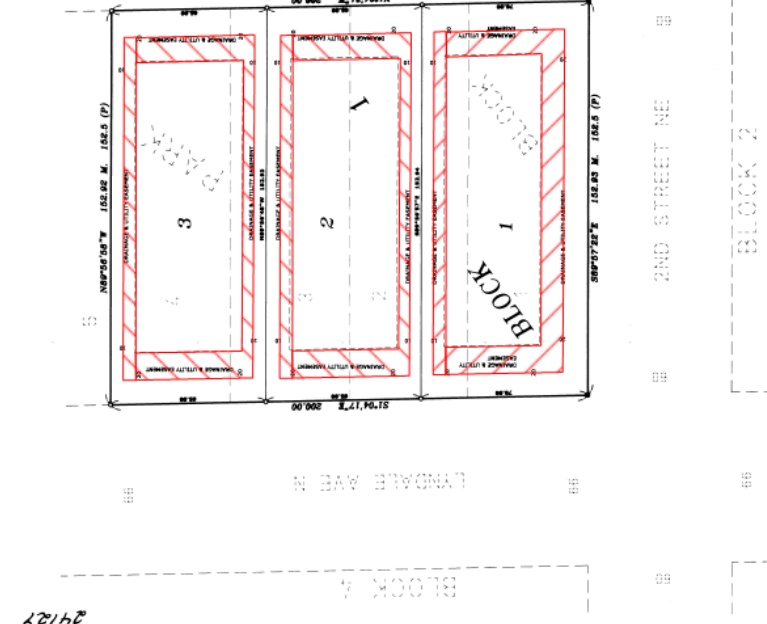
A public hearing needs to be scheduled before the partial vacation can be approved to gather input from utility companies and affected properties. Staff recommends holding this public hearing on Monday, April 15th, 2024. A public notice would be published in the Thursday March 28th, 2024 and Thursday April 4th, 2024 New Prague Times. The proposed ordinance approving the partial 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 April 15th, 2024.

Staff Recommendation

Staff recommends approval of the attached resolution setting the public hearing date for Monday, April 15th, 2024. Staff also recommends that the Council introduce the attached ordinance at tonight's meeting.

EXHIBIT A - PARTIAL EASEMENT VACATION

SUERAI



LEGEND

- (S) SHOWN WITH FIRE SET AND MARKED BY YELLOW NUMBERS 1-10
- (D) DOTTED IRON PIVOT POINT AS LABELED
- (P) DOTTED DISTANCE FOR POST MARK POSITION

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota

NOTARIES CERTIFICATE
 I, the undersigned, being a duly qualified and licensed Notary Public for the State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my records.
 My Commission Expires: August 1, 2020
 Notary Public, State of Minnesota



E.G. RUD & SONS, INC.
 Professional Land Surveyors

2089

RESOLUTION #24-03-18-01

**SETTING A PUBLIC HEARING TO PARTIALLY VACATE CERTAIN EASEMENTS
IN THE PLAT OF SUERAI**

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

The east 10' of the 20' drainage and utility easement adjacent to the west line of Lots 1, 2 and 3, Block 1, Suerai, Scott County, Minnesota.

The west 10' of the 20' drainage and utility easement adjacent to the east line of Lots 1, 2, and 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The north 10' of the 20' drainage and utility easement adjacent to the south line of Lot 1, Block 1, Suerai, 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 partial 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 15th day of April, 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 18th day of March, 2024.

Duane J. Jirik, Mayor

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

ORDINANCE #348

AN ORDINANCE PARTIALLY VACATING CERTAIN EASEMENTS IN THE PLAT OF SUERAI

WHEREAS, the New Prague City Council previously passed Resolution #24-03-18-01 noting the City of New Prague's interest in partially 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 east 10' of the 20' drainage and utility easement adjacent to the west line of Lots 1, 2 and 3, Block 1, Suerai, Scott County, Minnesota.

The west 10' of the 20' drainage and utility easement adjacent to the east line of Lots 1, 2, and 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The north 10' of the 20' drainage and utility easement adjacent to the south line of Lot 1, Block 1, Suerai, 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 15th day of April, 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 19th day of March, 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 partial vacation of the Property will benefit the public interest because the Property will no longer be used for easement purposes as the extraneous easement area is not necessary for public purposes.

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 east 10’ of the 20’ drainage and utility easement adjacent to the west line of Lots 1, 2 and 3, Block 1, Suerai, Scott County, Minnesota.

The west 10’ of the 20’ drainage and utility easement adjacent to the east line of Lots 1, 2, and 3, Block 1, Suerai, Scott County, Minnesota.

The south 5’ of the 10’ drainage and utility easement adjacent to the north line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The south 5’ of the 10’ drainage and utility easement adjacent to the north line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The north 10' of the 20' drainage and utility easement adjacent to the south line of Lot 1, Block 1, Suerai, 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 east 10' of the 20' drainage and utility easement adjacent to the west line of Lots 1, 2 and 3, Block 1, Suerai, Scott County, Minnesota.

The west 10' of the 20' drainage and utility easement adjacent to the east line of Lots 1, 2, and 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The south 5' of the 10' drainage and utility easement adjacent to the north line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 3, Block 1, Suerai, Scott County, Minnesota.

The north 5' of the 10' drainage and utility easement adjacent to the south line of Lot 2, Block 1, Suerai, Scott County, Minnesota.

The north 10' of the 20' drainage and utility easement adjacent to the south line of Lot 1, Block 1, Suerai, Scott County, Minnesota.

THIS INSTRUMENT DRAFTED BY:

Kenneth D. Ondich
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401

Exhibit A

EXHIBIT A - PARTIAL EASEMENT VACATION

GRAPHIC SCALE
SCALE IN FEET

INSTRUMENT OF DEDICATION. This Jeffrey A. McLaughlin, a single person, the owner of the National Bank of Le Center, a Minnesota Corporation, has caused the same to be surveyed and platted as SUBRAI and does hereby dedicate to the public for use the drainage and utility easements as created by this plat.

The instrument was acknowledged before me this 24th day of August, 2020, by Jeffrey A. McLaughlin, President of the National Bank of Le Center, a Minnesota Corporation, who presented to me a duly certified copy of the instrument as recorded in the Public Records of Scott County, Minnesota, and who caused the same to be surveyed and platted as SUBRAI and does hereby dedicate to the public for use the drainage and utility easements as created by this plat.

Signed: Jeffrey A. McLaughlin
 By: Jeffrey A. McLaughlin, President
 National Bank of Le Center
 1000 Lyndale Ave N
 Le Center, MN 55041

NOTARY'S CERTIFICATE
 I, Gregory G. Traylor, Notary Public, County of Scott, State of Minnesota, do hereby certify that the foregoing instrument was acknowledged before me on the 24th day of August, 2020, by Jeffrey A. McLaughlin, President of the National Bank of Le Center, a Minnesota Corporation, who presented to me a duly certified copy of the instrument as recorded in the Public Records of Scott County, Minnesota, and who caused the same to be surveyed and platted as SUBRAI and does hereby dedicate to the public for use the drainage and utility easements as created by this plat.

Created: 24 day of August, 2020
 Notary Public License No. 43726
 Notary's Certificate
 County of Scott, State of Minnesota

The instrument was acknowledged before me on the 27th day of July, 2020, by Paul D. Nelson, Licensed Land Surveyor.

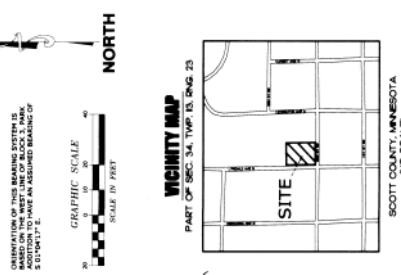
Created: 27 day of July, 2020
 Notary Public License No. 113255
 Notary's Certificate
 County of Scott, State of Minnesota

APPROVALS
 I hereby certify that the correct and disjunct areas on the same described within are paid and transfer is entered the 30th day of October, 2020.
Michael J. Johnson
 County Auditor and Treasurer
 Scott County, Minnesota

I hereby certify that the correct and disjunct areas on the same described within are paid and transfer is entered the 30th day of October, 2020.
John A. Johnson
 County Recorder
 Scott County, Minnesota

John A. Johnson
 County Recorder
 Scott County, Minnesota

SUERAI



- LEGEND**
- (S) DISTRICTS WITHIN THE SET AND MARKED BY LICENSE NUMBERS AS SHOWN
 - (D) DISTRICTS WITHIN THE SET AND MARKED BY LICENSE NUMBERS AS SHOWN
 - (P) DISTRICTS WITHIN THE SET AND MARKED BY LICENSE NUMBERS AS SHOWN

2089

