

## **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.

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.

**SECTION 2.** This ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, the 18th day of March, 2024.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on or before March 19th, 2024.

Passed by the City Council of the City of New Prague, Minnesota, this 15th day of April, 2024 and to be published on the 25th day of April, 2024.

\_\_\_\_\_  
Duane J. Jirik, Mayor

State of Minnesota                    )  
  )ss.                                   (CORPORATE ACKNOWLEDGMENT)  
County of Scott & Le Sueur    )

Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

ATTEST: \_\_\_\_\_  
Joshua M. Tetzlaff, City Administrator

State of Minnesota                    )  
  )ss.                                   (CORPORATE ACKNOWLEDGMENT)  
County of Scott & Le Sueur    )

Subscribed and sworn before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

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

## SUERAI

**INSTRUMENT OF DEDICATION.** This Jeffrey A. McLaughlin, a single person, the owner of the Northern Bank of Le Center, a Minnesota Corporation, has caused the herein described property situated in the County of Scott, State of Minnesota, to wit:

Lot 1, 2, 3, and 4, Block 3, PARK ADDITION, Scott County, Minnesota.

Has caused the same to be surveyed and platted as SUERAI and does hereby dedicate to the public for use as the drainage and utility easement as created by this plat.

I, Jeffrey A. McLaughlin, a single person, has hereunto set his hand this 24<sup>th</sup> day of August, 2020.

*Jeffrey A. McLaughlin*  
 Jeffrey A. McLaughlin  
 Notary Public, Scott County, Minnesota

The instrument was acknowledged before me this 24<sup>th</sup> day of August, 2020, by Jeffrey A. McLaughlin (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 03/31/2022

In witness whereof and First National Bank of Le Center, a Minnesota Corporation, has caused their president to be signed by its proper officer this 12<sup>th</sup> day of August, 2020.

Signed: Greg Niska for Le Center  
 By: Gregory McLaughlin, President  
 Gregory McLaughlin (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 03/31/2022

**NOTARY'S CERTIFICATE.** I, Gregory McLaughlin, 2020, by Gregory G. Traylor, President of First National Bank of Le Center, a Minnesota Corporation, has caused their president to be signed by its proper officer this 12<sup>th</sup> day of August, 2020.

Gregory G. Traylor (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 03/31/2022

**SURVEYOR'S CERTIFICATE.** I, Michael J. Johnson, 2020, by Jeffrey A. McLaughlin, a single person, have caused the herein described property to be surveyed and platted as SUERAI and does hereby dedicate to the public for use as the drainage and utility easement as created by this plat. I have examined the plat and the survey and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors.

Created: 7/24 day of July, 2020  
 By: Michael J. Johnson, Surveyor  
 Michael J. Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

**NOTARY'S CERTIFICATE.** I, Michael J. Johnson, 2020, by Jeffrey A. McLaughlin, a single person, have caused the herein described property to be surveyed and platted as SUERAI and does hereby dedicate to the public for use as the drainage and utility easement as created by this plat. I have examined the plat and the survey and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors.

Created: 7/24 day of July, 2020  
 By: Michael J. Johnson, Surveyor  
 Michael J. Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

The instrument was acknowledged before me this 27<sup>th</sup> day of July, 2020, by Jeffrey A. McLaughlin, a single person, have caused the herein described property to be surveyed and platted as SUERAI and does hereby dedicate to the public for use as the drainage and utility easement as created by this plat. I have examined the plat and the survey and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors. I have also examined the original survey and the plat and certify that the same are correct and conform to the laws of the State of Minnesota and the rules and regulations of the Board of Professional Land Surveyors.

Created: 7/27 day of July, 2020  
 By: Michael J. Johnson, Surveyor  
 Michael J. Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

**APPROVALS.** I have examined and approved by the Planning Commission of the City of Scott, Minnesota, the plat of SUERAI, this 24<sup>th</sup> day of August, 2020.

By: Michael J. Johnson, Surveyor  
 Michael J. Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

I hereby certify that I have examined this plat of SUERAI and do hereby recommend the plat for approval as to form this 24<sup>th</sup> day of August, 2020.

Michael J. Johnson  
 Michael J. Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

Pursuant to Minnesota Statutes, Chapter 380.05, Subd. 1, as amended, the plat has been reviewed and approved this 24<sup>th</sup> day of August, 2020.

By: Michael J. Johnson, Surveyor  
 Michael J. Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

**COUNTY AUDITOR AND TREASURER.** I hereby certify that the correct and adequate taxes on the lands described within are paid and transfer is entered this 24<sup>th</sup> day of August, 2020.

By: Michael J. Johnson, Surveyor  
 Michael J. Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

**COUNTY RECORDER.** I hereby certify this plat was filed in this office this 24<sup>th</sup> day of August, 2020, at 12:16 o'clock P. as a Document Number AL105876.

John Johnson, by John Johnson, Deputy  
 John Johnson (Signature) \_\_\_\_\_ (Print name) \_\_\_\_\_ My Commission Expires 12/31/2025

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