



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

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**MEMORANDUM**

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**TO:** HONORABLE MAYOR AND CITY COUNCIL  
**CC:** JOSHUA M. TETZLAFF, CITY ADMINISTRATOR  
**FROM:** KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** PUBLIC HEARING AND ADOPTION OF ORDINANCE #347 FOR VACATION OF CERTAIN EASEMENTS IN THE PLAT OF POND THIRD ADDITION, AS PROPOSED BY CHARLIE SVOBODA & LISA FISHER  
**DATE:** FEBRUARY 26, 2024

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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.

Staff does not believe there to be any utility lines (public or private) located in the easement being vacated at this time. At the time of writing this memo, staff had not received any comments regarding the vacation of the easement.

At the February 5th City Council meeting, a public hearing was scheduled for tonight's meeting and the ordinance which would vacate the described drainage and utility easement was introduced. Since that time, a notice was published twice in the New Prague Times and notices were mailed directly to utility companies so they could provide comment, if any, on the easement vacation request.

**Staff Recommendation**

Staff recommends holding the required public hearing and subject to comments received at the public hearing should adopt the ordinance titled "An Ordinance Vacating Certain Easements in the Plat of Pond Third Addition."

# Exhibit A - Easement Vacation

## POND THIRD ADDITION



**VETERINARY REGISTRATION**  
 I, the undersigned, being a duly qualified and licensed veterinarian, do hereby certify that the above and foregoing plat is a true and correct copy of the original as recorded in the office of the County Clerk of the County of Scott, Minnesota, and that the same is a true and correct copy of the original as recorded in the office of the County Clerk of the County of Scott, Minnesota.

**NOTARIAL CERTIFICATE**  
 I, the undersigned, Notary Public, do hereby certify that the above and foregoing plat is a true and correct copy of the original as recorded in the office of the County Clerk of the County of Scott, Minnesota, and that the same is a true and correct copy of the original as recorded in the office of the County Clerk of the County of Scott, Minnesota.

**STATE OF MINNESOTA**  
 COUNTY OF SCOTT  
 I, the undersigned, Notary Public, do hereby certify that the above and foregoing plat is a true and correct copy of the original as recorded in the office of the County Clerk of the County of Scott, Minnesota, and that the same is a true and correct copy of the original as recorded in the office of the County Clerk of the County of Scott, Minnesota.

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**ORDINANCE #347**

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

**WHEREAS**, the New Prague City Council previously passed Resolution #24-02-05-02 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.

**SECTION 2.** This ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the City Charter, and pending approval of the lot combination of Lot 2, Block 1, Pond Third Addition and Lot 3, Block 1, Pond Third Addition.

Introduced to the City Council of the City of New Prague, Minnesota, the 5th day of February, 2024.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on or before February 6th, 2024.

Passed by the City Council of the City of New Prague, Minnesota, this 4th day of March, 2024 and to be published on the 14th day of March, 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

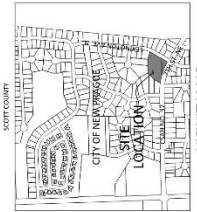
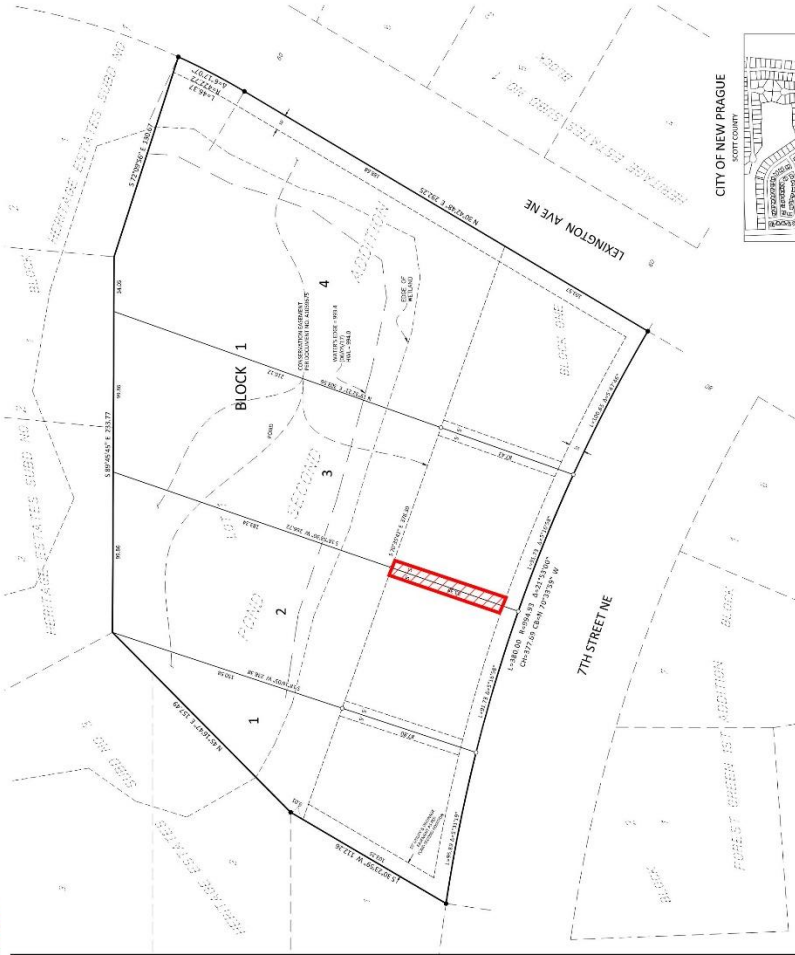
THIS INSTRUMENT DRAFTED BY:

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

**Exhibit A - Easement  
Vacation**

OFFICIAL PLAT COPY

**POND THIRD ADDITION**



NOTES TO BE OBSERVED:  
 1. This plat is subject to all existing and future recorded easements, covenants, conditions, and restrictions affecting the property shown hereon.  
 2. The boundaries shown hereon are based on the best available information and are not intended to constitute a warranty of accuracy.  
 3. The plat is subject to all existing and future recorded easements, covenants, conditions, and restrictions affecting the property shown hereon.  
 4. The plat is subject to all existing and future recorded easements, covenants, conditions, and restrictions affecting the property shown hereon.  
 5. The plat is subject to all existing and future recorded easements, covenants, conditions, and restrictions affecting the property shown hereon.  
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 8. The plat is subject to all existing and future recorded easements, covenants, conditions, and restrictions affecting the property shown hereon.  
 9. The plat is subject to all existing and future recorded easements, covenants, conditions, and restrictions affecting the property shown hereon.  
 10. The plat is subject to all existing and future recorded easements, covenants, conditions, and restrictions affecting the property shown hereon.

THESE PLATS WERE PREPARED BY: **RODOLFO & ASSOCIATES, INC.**  
 REGISTERED PROFESSIONAL LAND SURVEYORS  
 10000 13TH AVE NE, SUITE 100, NEW PRAGUE, MN 55359  
 PHONE: (763) 251-1111  
 FAX: (763) 251-1112  
 WWW.RODOLFOANDASSOCIATES.COM