



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:** SET PUBLIC HEARING DATE AND INTRODUCE ORDINANCE #345 FOR  
VACATION OF CERTAIN EASEMENTS IN THE PLAT OF WHISPERING PINES,  
AS PROPOSED BY PETER SIMON KALLAL  
**DATE:** OCTOBER 26, 2023

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The applicant, Peter Simon Kallal, recently applied for a building permit for an accessory structure on his property located at 207 7<sup>th</sup> Ave. SE. Upon application the City informed him that his building must be located at least 10' from their south property line due to an existing 10' drainage and utility easement located there from when the property was platted as Whispering Pines in 2004. The applicant asked if there was a need for the easement to be so large on an interior lot line and staff determined that from a City utility standpoint there were not any concerns with reducing the easement from 10' down to 5' which is the current standard for an easement adjacent to an interior lot line. The review process would, however, gather input from all private utilities to determine if they are acceptable to the easement being reduced in size. The vacation would allow the construction of the proposed accessory building to be up to 6' from the south property line.

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, December 4th, 2023. A public notice would be published in the Thursday November 23rd, 2023 and Thursday November 30th, 2023 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 December 4th.

### **Staff Recommendation**

Staff recommends approval of the attached resolution setting the public hearing date for Monday, December 4th, 2023. Staff also recommends that the Council introduce the attached ordinance #345 at tonight's meeting.



Aerial view of vacation of the north 5' of the existing 10' drainage and utility easement.