



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: PUBLIC HEARING AND ADOPTION OF ORDINANCE #343 FOR VACATION OF CERTAIN EASEMENTS IN THE PLAT OF HIGHVIEW 10TH ADDITION AND SIMON ACRES 1ST ADDITION, AS PROPOSED BY DAN BISHOP
DATE: OCTOBER 27, 2023

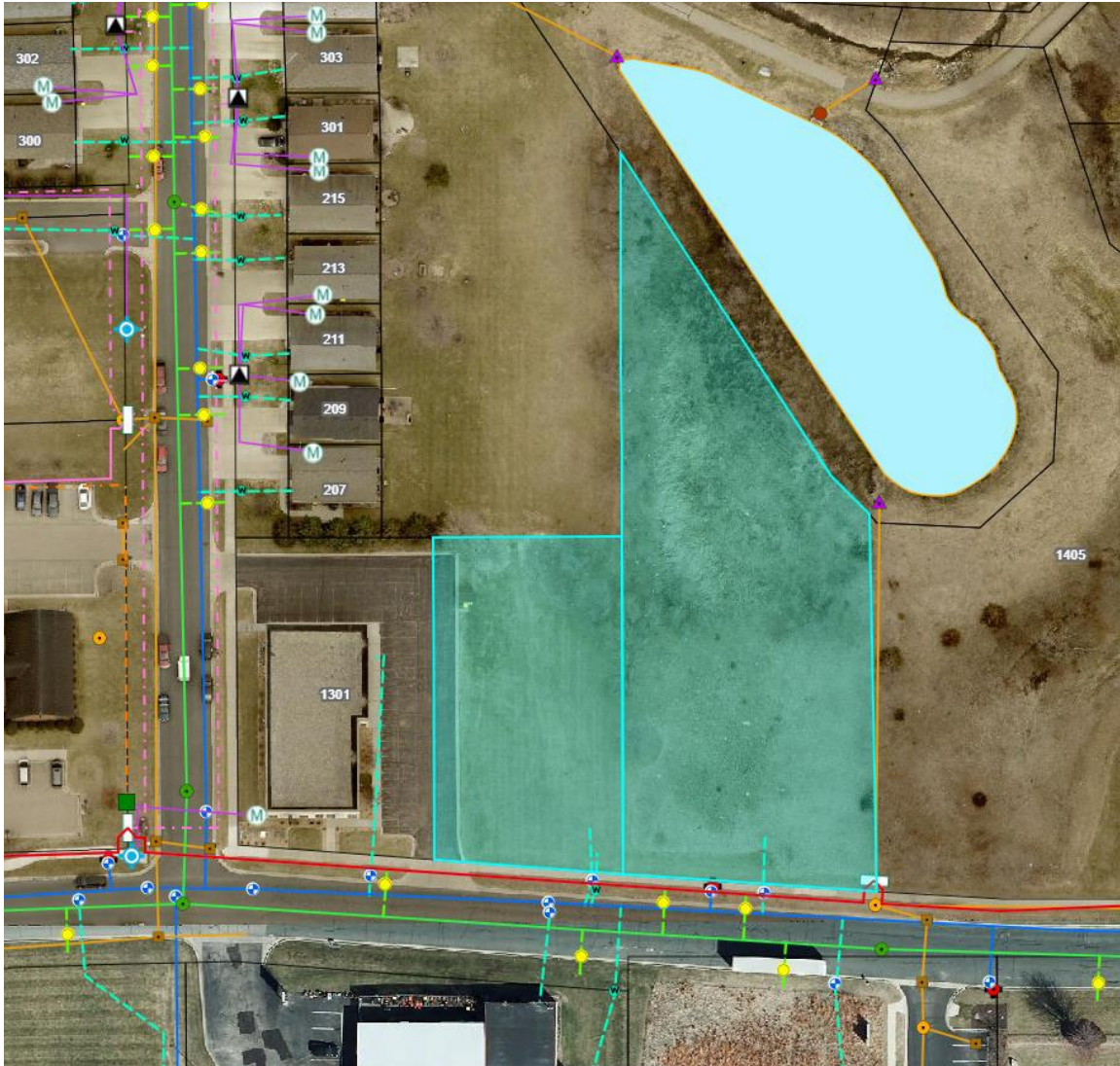
Dan Bishop recently purchased two properties and applied for a minor subdivision, which would combine two lots located just east of the Remax Building on 1st Street NE into a single parcel (1.47 acres). With the lots combined, Bishop is proposing to construct an office building and a shared parking lot which would be located over a drainage and utility easement on the property line between the two lots. As minor subdivisions (to combine lots) do not automatically vacate easements, an easement vacation is required.

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

At the October 2nd 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 Simon Acres 1st Addition and Highview Tenth Addition."



Easement located between the two lots highlighted would be vacated for construction of a commercial building and parking lot.

ORDINANCE #343

AN ORDINANCE VACATING CERTAIN EASEMENTS IN THE PLAT OF SIMON ACRES 1ST ADDITION AND HIGHVIEW TENTH ADDITION

WHEREAS, the New Prague City Council previously passed Resolution #23-10-02-04 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:

Easement Vacation Description for Lot 2, Block 2, Simon Acres 1st Addition:

Vacation of that portion of the existing 5.00 foot drainage and utility easement adjoining the east line thereof as platted and depicted per SIMON ACRES 1ST ADDITION, according to the recorded plat thereof, Scott County, Minnesota which lies 10.00 feet north of and parallel with the south line of said Lot 2, Block 2 and south of a line 5.00 feet south of and parallel with the north line of said Lot 2, Block 2.

Easement Vacation Description for Lot 6, Block Four, Highview Tenth Addition:

Vacation of that portion of the existing 10.00 foot drainage and utility easement adjoining the west line thereof as platted and depicted per HIGHVIEW TENTH ADDITION, according to the recorded plat thereof, Scott County, Minnesota which lies 10.00 feet north of and parallel with the south line of said Lot 6, Block Four and south of a line drawn easterly and perpendicular to said west line from a point 187.59 feet north of the southwest corner of said Lot 6 Block Four.

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 6th day of November, 2023, 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 27th day of October, 2023 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 building and parking lot 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:

within Lot 2, Block 2, SIMON ACRES 1ST ADDITION, Scott County, Minnesota and Lot 6, Block Four, HIGHVIEW TENTH 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:

Easement Vacation Description for Lot 2, Block 2, Simon Acres 1st Addition:

Vacation of that portion of the existing 5.00 foot drainage and utility easement adjoining the east line thereof as platted and depicted per SIMON ACRES 1ST ADDITION, according to the recorded plat thereof, Scott County, Minnesota which lies 10.00 feet north of and parallel with the south line of said Lot 2, Block 2 and south of a line 5.00 feet south of and parallel with the north line of said Lot 2, Block 2.

Vacation of that portion of the existing 10.00 foot drainage and utility easement adjoining the west line thereof as platted and depicted per HIGHVIEW TENTH ADDITION, according to the recorded plat thereof, Scott County, Minnesota which lies 10.00 feet north of and parallel with the south line of said Lot 6, Block Four and south of a line drawn easterly and perpendicular to said west line from a point 187.59 feet north of the southwest corner of said Lot 6 Block Four.

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.

Passed by the City Council of the City of New Prague, Minnesota, this 6th day of November, 2023 and to be published on the 16th day of November, 2023.

State of Minnesota)
)ss.
County of Scott & Le Sueur)

Notary Public

State of Minnesota)

)SS.

(CORPORATE ACKNOWLEDGMENT)

County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2023.

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

