

Attachment A

RESOLUTION NO. 23-023

CITY OF MAPLE GROVE

**RESOLUTION VACATING CERTAIN EASEMENT LOCATED IN THE CITY OF
MAPLE GROVE, COUNTY OF HENNEPIN, STATE OF MINNESOTA
EASEMENT VACATION 22-05**

WHEREAS, the property legally described on attached Exhibit A (“**Property**”) currently is encumbered by that easement for drainage and utility purposes legally described on attached Exhibit B (“**Easement**”); and

WHEREAS, a public hearing regarding the vacation of the Easement was held by the City Council on the 6th day of February, 2023, at which hearing all persons interested to be heard thereon were given an opportunity to be heard; and

WHEREAS, the City has sent notice to certain companies regarding any existing facilities within the Easement (“**Existing Facilities**”); and

WHEREAS, the vacation of the Easement is necessary for the installation of a three-season porch/deck connected to the existing residential structure on the Property; and

WHEREAS, upon the Conditions (defined below) being met to the satisfaction of the City, the Easement will no longer be needed by the City and a vacation of the Easement is in the best interest of the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Maple Grove, Minnesota that the Easement is vacated pursuant to Minn. Stat. §412.851, which vacation shall not become effective until: (i) an executed replacement drainage and utility easement is provided, in recordable form, that encumbers the Property, subject to the review and approval of the City Engineer; (ii) the concerns of the companies, if any, regarding the Existing Facilities are resolved; and (iii) a Notice of Vacation bearing the City’s seal is recorded in the Office of the Hennepin County Recorder and/or the Hennepin County Registrar of Titles (collectively, the “**Conditions**”). The recording of a Notice of Vacation shall be considered satisfaction of the Conditions.

Adopted by the City Council on this 6th day of February, 2023.

The motion for the adoption of the foregoing resolution was made by Councilmember _____, seconded by Councilmember _____, and upon vote being duly taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following were absent:

whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.
CITY OF MAPLE GROVE)

I, the undersigned, being the duly qualified and acting Clerk of the City of Maple Grove, Hennepin County, Minnesota, a Minnesota municipal corporation, hereby certify that the above and foregoing Resolution No. 23-023 is a true and correct copy of the Resolution as adopted by the City Council on the 6th day of February, 2023.

City Clerk

EXHIBIT A

Lot 1, Block 5, THE RIDGE AT ELM CREEK, according to the recorded plat thereof, Hennepin County, Minnesota.

Both Torrens and Abstract

PID No. 32-119-22-42-0008

EXHIBIT B

A 12.00 foot strip of the drainage and utility easement as dedicated on Lot 1, Block 5, THE RIDGE AT ELM CREEK, according to the recorded plat thereof, Hennepin County, Minnesota. The south line of said strip is described as commencing at the northwest corner of said Lot 1; thence on assumed bearing of South 00 degrees 00 minutes 00 seconds East along the westerly line of said Lot 1 a distance of 50.77 feet to the actual point of the beginning; thence South 89 degrees 59 minutes 25 seconds East, a distance of 84.96 feet to the east line of said Lot 1 and there terminating.

Excepting therefrom the westerly and easterly 5.00 feet of said strip.