
MEMORANDUM



TO: Mayor & City Council
FROM: Mary Lou DeWitt, Comm. Dev. Zoning Specialist
SUBJECT: **Vacation of Drainage & Utility Easements located
In Block 3, Princeton Industrial Park Third
Addition**
DATE: October 6th, 2020

REQUEST

Duane Kruse and Sharon Sandberg have requested the remaining portion of a vacated easement be completed for the process of an Administrative Lot Line Adjustment between their property and Anoco Metals. This site is east of the Airport and west of Anoco Metals.

Legal Description: That part of the drainage and utility easements dedicated over Lots 1 and 2, Block 3, Princeton Industrial Park Third Addition, Sherburne County, Minnesota, described as follows:

That part of the South 10.00 feet of Lot 1, Block 3, Princeton Industrial Park Third Addition, Sherburne County, Minnesota, which lies East of the West 16.00 feet of said Lot 1, and which lies West of the East 190.00 feet of said Lot 1.

AND

That part of the North 10.00 feet of Lot 2, Block 3, Princeton Industrial Park Third Addition, Sherburne County, Minnesota, which lies East of the West 16.00 feet of said Lot 2, and which lies West of the Southerly extension of the West line of the East 190.00 feet of Lot 1, said Block 3.

AND (Corrects description in 2005 Resolution #582591)

The resolution for vacation of the east-west "utility" easement on Lot 1, Block 3, Princeton Industrial Park Third Addition per Doc. No. 582591 has numerous errors including the width of the easement and the type of the easement. The description of the vacation is vague as well, resulting in uncertainty as to the extent of the vacation. The surveyor has assumed the probable intent of the descriptions on the survey, but suggests that the previous resolution description be clarified to match the original intent.

AND (Corrects description in 2007 Resolution #656354)

The descriptions in the resolution for the vacation of utility and drainage easements between Lots 1, 2, 3, & 4, Block 3, Princeton Industrial Park Third Addition are vague, resulting in uncertainty as to the extent of the vacation. The surveyor has assumed the probable intent of the descriptions on the survey, but suggests that the previous resolution descriptions be clarified to match the original intent.

ANALYSIS

The applicants have submitted an application to vacate the remaining Drainage & Utility Easement lying within their property site. This vacation will complete the vacated easement to the east that was processed in 2005 and 2007. Please see the survey. The descriptions from those two vacations is being cleaned up at this time also. There are no utilities in this easement so there is no present or prospective use for the existing easements.

The applicants have also applied for an Administrative Lot Line Adjustment that staff will be handling in house which results in the approximately same square footage exchange between their property and Anoco Metals, to allow better use and access of their properties. Removing this remaining Drainage & Utility Easement is where the lot line adjustment will take place. At the September 21, 2020 Planning Commission meeting, the Board moved to support this Administrative Lot Line Adjustment.

The City Council is required to hold a public hearing regarding vacations and the appropriate public hearing notices were published in the newspaper and notices were mailed to the surrounding property owners within a radius of 350 feet regarding the easement vacation. In reviewing a vacation, it should be determined that there is no present or prospective use for the easement, and the vacation will serve the public interest.

The applicants are proposing a private utility easement on the northern portion of PID #90-407-0305 and #90-407-0306 where the sewer and water are stubbed in off of 19th Avenue South and connect to the existing building.

Based on the Findings of Fact:

1. Will the vacation of the easement reduce the access to provide sewer and water utilities to adjoining property? No.
2. Will the easement vacation cause problems to the surrounding neighborhood in the form of storm water runoff? No.
3. What if any impact be against the surrounding area in regard to the vacation of easement? No impact.

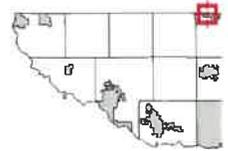
CONCLUSION/RECOMMENDATION

Staff recommends approval of Resolution #20-58, approving the vacation of the Drainage & Utility Easements presented to the Council, based on the findings that there is no present or prospective use for the drainage and utility easements and the easement vacation will serve the public interest subject to the following conditions:

- 1) Certified copy of the resolution shall be recorded with the County Recorder's office.
- 2) The proposed 30' foot private utility easement shown on the survey be completed by the applicants and recorded with the County Recorder's office.



Overview



Legend

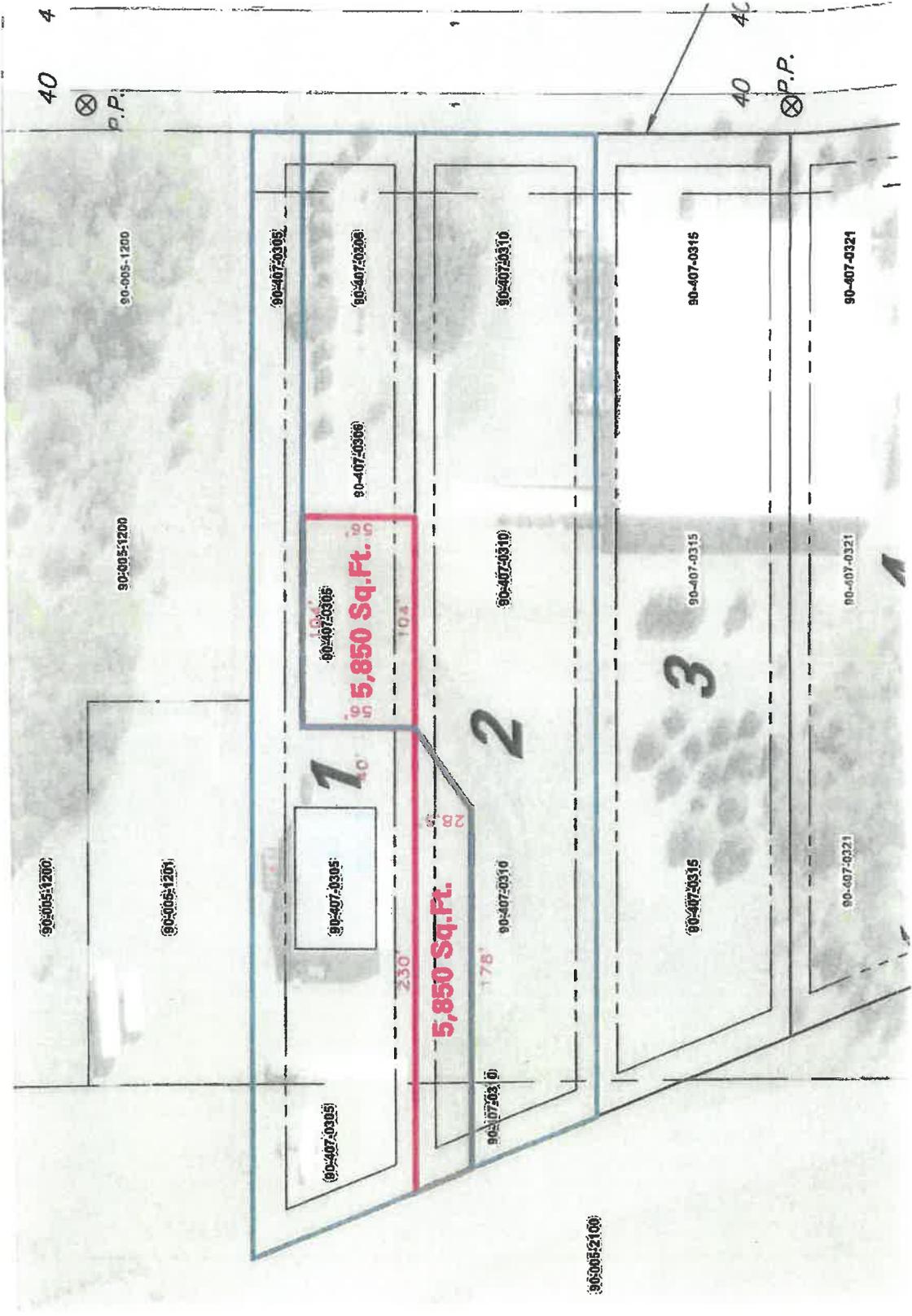
- Exempt Wetlands**
- Not Classified
 - General Development
 - Natural Environment
 - Recreational Development
 - Parcels
 - Streams

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Disclaimer for St Cloud Parcels: Sherburne County information about St Cloud properties are limited to classification and value. Any questions regarding additional information please contact the City of St Cloud's assessor office.

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 GEOSPATIAL



90-407-0305
5,850 Sq. Ft.

5,850 Sq. Ft.

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