

RESOLUTION NO. 21-__

**CITY OF COLUMBUS
COUNTY OF ANOKA
STATE OF MINNESOTA**

**A RESOLUTION VACATING OF DRAINAGE AND UTILITY
EASEMENTS IN THE CITY OF COLUMBUS, MINNESOTA**

WHEREAS, the City Council of the City of Columbus (the “City Council”) has authority under Minnesota Statutes section 462.358, subd. 7 and section 412.851 to vacate any publicly owned utility, sewer, drainage, electric, telegraph, or telephone easement, or any part thereof, by resolution on its own motion, or on a petition of a majority of the owners of land abutting the property to be vacated; and

WHEREAS, Cody and Rachel Fog, the owners (the “Owners”) of the property known generally as 5437 185th Court Northeast have petitioned the City Council to vacate drainage and utility easements as described in **Exhibit A** and depicted in **Exhibit B** (the “Easements”), affecting the properties legally described as Lot 1 and Lot 2, Block 1, Johnson Preserve, in Anoka County, Minnesota; and

WHEREAS, on the 30th day of December, 2020, the City Council passed Resolution No. 20-27 declaring its intent to consider vacating the Easements, and setting a public hearing to consider the vacation of such Easements; and

WHEREAS, a public hearing to consider the vacation of such Easements was held on the 27th day of January, 2021, before the City Council in the City Hall located at 16319 Kettle River Blvd NE, Columbus, Minnesota, at 7:00 pm after published and posted notice had been given, as well as personal mailed notice to affected property owners by the City Clerk on the ____ and ____ days of _____, _____ and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the City has processed an administrative lot line adjustment to accommodate a septic system located within a portion of the Easements and in conjunction with that lot line adjustment the Owners dedicated new drainage and utility easements along the newly established lot line; and

WHEREAS, the City Council has determined that because the area encumbered by the Easements is no longer adjacent to a common property line and has been replaced with newly established easements, it is in the public interest to vacate the Easements.

NOW, THEREFORE based on the foregoing, the City Council hereby vacates the drainage and utility easements legally described in Exhibit A and depicted in Exhibit B.

Passed and adopted by the City Council of the City of Columbus, Minnesota, this 27th day of January, 2021.

By: _____
Jesse H. Preiner
Its: Mayor

ATTEST:

Elizabeth Mursko, City Administrator

EXHIBIT A**DESCRIPTION OF EXISTING DRAINAGE AND UTILITY
EASEMENT TO BE VACATED**

Those parts of the 10 foot wide drainage and utility easements lying within the South 10 feet of Lot 1, Block 1 and the North 10 feet of Lot 2, Block 1, as dedicated in the recorded plat of Johnson Preserve, Anoka County, Minnesota, and lying westerly of a line bearing North 05 degrees 07 minutes 21 seconds East from a point on the south line of said Lot 1 distant 307.34 feet easterly of the southwest corner thereof, and which lie northerly and northwesterly of a line 10 feet northerly and northwesterly of and parallel with the following described line: Commencing at the most northwesterly corner of said Lot 2; thence South 89 degrees 39 minutes 11 seconds East, plot bearing, along the north line of said Lot 2, a distance of 146.00 feet to the point of beginning of the line to be described; thence South 75 degrees 58 minutes 28 seconds East, a distance of 13200 feet; thence North 47 degrees 24 minutes 00 seconds East, a distance of 50.00 feet and said line there terminating.

EXHIBIT B
EASEMENT SKETCH

