

RESOLUTION NO. R2024-003

**A RESOLUTION APPROVING THE VACATION OF A CERTAIN PUBLIC
SANITARY SEWER EASEMENT LOCATED ON 550 VALLEY PARK DRIVE
(PID 270550051)**

WHEREAS, Bryce Huemoeller of Huemoeller, Gontarek and Cheskis, PLC, on behalf of the property owner Brambilla Family Limited Liability Limited Partnership No. 1, has made application proposing the vacation of a certain public sanitary sewer easement at 550 Valley Park Drive; and

WHEREAS, it has been presented to the Shakopee City Council that a certain sanitary sewer easement recorded as Document Number T11939 on PID 270550051, is no longer of public use or interest; and

WHEREAS, the Shakopee Planning Commission considered the request at its meeting of January 4, 2024, and unanimously recommended approval to the City Council; and

WHEREAS, a public hearing to consider the action to vacate the public sanitary sewer easement was held in the Council Chambers of the City Hall in the City of Shakopee at 7:00 P.M. on the 16th day of January, 2024; and

WHEREAS, the proposed vacation is described as a 35-foot wide public sanitary sewer as depicted on Exhibit A; and

WHEREAS, the Metropolitan Council, the successor to The Metropolitan Sewer District Board, has affirmed that the above sanitary sewer easement was transferred by Agreement, dated January 11, 2007, as amended by Agreement, dated May 25, 2012, to the City of Shakopee and that there is no known public use or interest for the easement; and

WHEREAS, an updated title search filed by the applicant in this proceeding confirms no other interest from utility providers in the above sanitary sewer easement; and

WHEREAS, two weeks published notice was provided by publication of the notice in the SHAKOPEE VALLEY NEWS and posted notice was provided by posting such notice on the bulletin board in the Shakopee City Hall.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, that it finds and determines that the vacation of a certain public sanitary sewer easement as identified above is in the public interest, provided the following conditions are met:

1. The vacation of the above sanitary sewer easement filed with the Scott County Registrar of Titles as Document No. T11939 is in the public

interest and is hereby approved. A title search shall be conducted to confirm other interest from utility holders in any existing/underlying easements on the property.

2. This vacation applies exclusively to the sanitary sewer easement filed as Document No. T11939, and does not affect the validity of the storm water, drainage and utility easement filed as Document No. T88087, which shall in all respects remain in full force and effect.

After the adoption of the Resolution, the City Clerk shall file certified copies hereof with the County Auditor and County Recorder of Scott County.

Adopted in regular session of the City Council of the City of Shakopee, Minnesota, held the 16th day of January, 2024.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk

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ALTANSPS LAND TITLE SURVEY

PROPOSED FOR:

Altterra - Valley Park

SUBJECT FIELD SURVEY: ALTTERRA VALLEY PARK
 DEVELOPER/PROJECT MANAGER: SODORIAN US HOLDINGS
 A FORMER DIVISION OF THE SODORIAN GROUP

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