

RESOLUTION NO. R2019-089

A RESOLUTION APPROVING A VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENTS LOCATED WITHIN LOT 1, BLOCK 3, WINDERMERE SOUTH AND WITHIN LOT 1, BLOCK 1, THEIS HIGHLANDS 1ST ADDITION

WHEREAS, D.R. Horton, Inc. – Minnesota and Mount Olive Lutheran Church, property owners and applicants, have made application proposing the vacation of public drainage & utility easements; and

WHEREAS, the proposed vacations are described as: the drainage and utility easements lying over, under and across those parts of Lot 1, Block 3, Windermere South and within Lot 1, Block 1, Theis Highlands 1st Addition, as dedicated on said plats; and

WHEREAS, it has been presented to the Shakopee City Council these public drainage & utility easements are no longer of public use or interest; and

WHEREAS, the Shakopee Planning Commission considered the request at its meeting of August 8, 2019, and unanimously recommended approval to the City Council; and

WHEREAS, a public hearing to consider the action to vacate the public drainage and utility easements was held in the Council Chambers of the City Hall in the City of Shakopee at 7:00 P.M. on the 20th day of August, 2019; and

WHEREAS, ten days 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 on the main floor of the Scott County Courthouse, the bulletin board at the U.S. Post Office, the bulletin board at the Shakopee Public Library, and 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 public drainage and utility easements as identified above is in the public interest, provided the following conditions are met:

1. The vacation be concurrent with new drainage & utility easements being granted with the proposed Mount Olive Church Addition at the requested size and locations. This shall incorporate Shakopee Public Utilities request for

- Perimeter easements around all lots and a 20 ft. easement centered on the public water main for utility purposes and maintenance of the water main.
2. A title search shall be conducted to confirm other interest from utility holders in any existing/underlying easements on the property.
 3. Applicant shall pay all costs in regards to relocating Comcast facilities in easements if relocation is required.

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 the _____ session of the City Council of the City of Shakopee, Minnesota, held the _____ day of _____, 2019.

Mayor of the City of Shakopee

ATTEST:

Lori Hensen, City Clerk