

RESOLUTION NO. R2019-129

A RESOLUTION APPROVING A VACATION OF PUBLIC DRAINAGE & UTILITY EASEMENTS AND A SIDEWALK & TRAIL EASEMENT LOCATED WITHIN THE JACKSON ELEMENTARY SCHOOL AND COUNTRYSIDE SUBDIVISIONS

WHEREAS, Shakopee ISD 720 and Greg & Irene Powers, property owners, and Trident Development, LLC, applicant, have made application proposing the vacation of public drainage & utility easements and a sidewalk & trail easement within the Jackson Elementary School and Countryside subdivisions, located north of 17th Avenue (CSAH 16), east of Marystown Road (CSAH 15) and west of Jackson Elementary School; and

WHEREAS, it has been presented to the Shakopee City Council that public drainage & utility easements within Outlot A, Jackson Elementary School and Outlot E, Countryside, are no longer of public use or interest; and

WHEREAS, the proposed vacation is described as: the drainage & utility easements lying over, under and across Outlot A, Jackson Elementary School, and the drainage & utility and the sidewalk & trail easement lying over, under and across Outlet E, Countryside, as dedicated on said plat; and

WHEREAS, the Shakopee Planning Commission considered the request at its meeting of December 5, 2019, and unanimously recommended approval to the City Council; and

WHEREAS, a public hearing to consider the action to vacate the public drainage & utility easements and sidewalk & trail easement was held in the Council Chambers of the City Hall in the City of Shakopee at 7:00 P.M. on the 17th day of December, 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 and sidewalk & trail easement as identified above is in the public interest, provided the following conditions are met:

1. The vacation shall be concurrent with new drainage & utility easements being granted with the proposed POWERS FIRST ADDITION per city standards and at the requested size and locations, including a 15 ft. easement consistent with the existing drainage and utility easement adjacent to the north Right-of-Way line of 17th Avenue.

2. An 8 in. water main shall be extended across property and connected to the 8 in. water main on the east property line, the 12 in. water main near the south property line, and the 8 in water main on the west side of Marystown Road (County Road 15). All public watermain located on private property shall be installed in a watermain easement 20 feet minimum in width dedicated to Shakopee Public Utilities Commission.
3. A title search shall be conducted to confirm other interest from utility holders in any existing/underlying easements on the property.
4. Comcast shall be provided an easement over their underground facilities located adjacent to the north Right-of-Way line of 17th Avenue.

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