**RESOLUTION NO. R2021-___**

**A RESOLUTION APPROVING THE VACATION OF PUBLIC DRAINAGE AND UTILITY EASEMENTS WITHIN HOWE 1ST ADDITION**

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**WHEREAS**, Cretex Industrial Park, LLC and Gavilon Fertilizer, LLC, property owners and applicants, have made application proposing the vacation of public drainage and utility easements as dedicated within Howe 1st Addition, located south of Stagecoach Road at County Hwy. No. 101; and

**WHEREAS,** it has been presented to the Shakopee City Council that public drainage and utility easements as dedicated within Howe 1st Addition are no longer of public use or interest; and

**WHEREAS**, the Shakopee Planning Commission considered the request at its meeting of March 4, 2021, and unanimously recommended approval to the City Council; and

**WHEREAS,** a public hearing to consider the action to vacate the public drainage & utility easements 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 March, 2021; and

**WHEREAS**, the proposed vacation is described as: public drainage and utility easements lying over, under and across those parts within Howe 1st Addition as described in the attached Vacation sketch exhibit, and as depicted on the attached sketch; 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 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 & utility easements as identified above is in the public interest, provided the following conditions are met:

1. The vacation shall be contingent on new drainage & utility easements being granted with the proposed HENTGES INDUSTRIAL PARK per City standards and/or as required by SPUC and the City.
2. A title search shall be conducted to confirm other interest from utility holders in any existing/underlying easements on the property.

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 _____ session of the City Council of the City of Shakopee, Minnesota, held the _____ day of _____, 2021.

DRAFT

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Mayor of the City of Shakopee

ATTEST:

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Lori Hensen, City Clerk