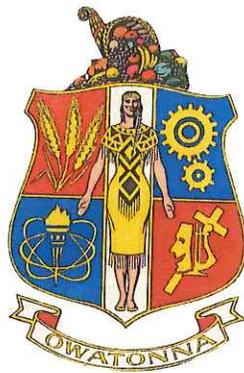


THE CITY OF

Greg Kruschke
Community Development Specialist



OWATONNA

540 West Hills Circle
Owatonna, MN 55060-4794
Ph. (507) 774-7317
FAX: (507) 444-4394
Email: Greg.Kruschke@ci.owatonna.mn.us

DATE: March 14, 2018
TO: Mayor and City Council
FROM: Community Development Dept. – Greg Kruschke
SUBJECT: Mohs Easement Vacation – Brady Homestead Addition

Purpose:

Hold first reading of the ordinance vacating a portion of a utility easement in Brady Homestead Addition.

Background:

See attached staff report.

Budget Impact:

None.

Staff Recommendation:

Staff recommends approval of the first reading of the ordinance vacating a portion of a utility easement in Brady Homestead Addition and schedule the second reading for April 3, 2018.

ORDINANCE NO. ____

AN ORDINANCE PURSUANT TO SECTION 6.2 OF THE HOME RULE CHARTER OF THE CITY OF OWATONNA, AND SECTION 94.020 OF THE 2015 ORDINANCE CODE OF THE CITY OF OWATONNA, VACATING A STREET, ALLEY, OR PUBLIC RIGHT-OF-WAY, OR ANY PART THEREOF, HEREIN DESCRIBED, AND PROVIDING FOR ITS RECORDING.

WHEREAS, there has been filed with the City Council a petition to vacate the premises hereinafter described; and

WHEREAS, a public hearing was held on March 13, 2018, on the said petition and after public notice was given, pursuant to Section 6.2 of the Home Rule Charter; and

WHEREAS, the proposed vacation does not destroy or interfere with the rights of any person, corporation, or municipality; and

WHEREAS, the City finds that the premises hereinafter described are no longer required for municipal purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OWATONNA DO ORDAIN:

SECTION 1. That the following described portion of utility easement:

The East 10.00 feet of the South 290.00 feet of Outlot D, BRADY
HOMESTEAD ADDITION, OWATONNA, MINNESOTA

may be and hereby is vacated.

SECTION 2. The City Clerk shall cause this Ordinance to be filed for record in the offices of the City Clerk and the City Engineer of the City of Owatonna.

SECTION 3. The City Clerk shall cause an original copy hereof to be filed for record and duly recorded in the office of the Steele County Recorder in and for Steele County, Minnesota.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this __ day of _____, 2018, with the following vote:

Aye _____; No _____; Absent _____.

Approved and signed this _____ day of _____, 2018.

Thomas A. Kuntz, Mayor

ATTEST:

Kris M. Busse, City Administrator/City Clerk

March 8, 2018

To: Planning Commission
From: Community Development Department
RE: Request to vacate a portion of a Utility Easement

Application Review:

Applicant: Scott Mohs / Mohs State Properties, LLC.

Location of Property: 1330 State Avenue

Legal Description: See Attached Survey

Report Attachments:

1. Location Map
2. Vacation Sketch & Description

Proposed Development:

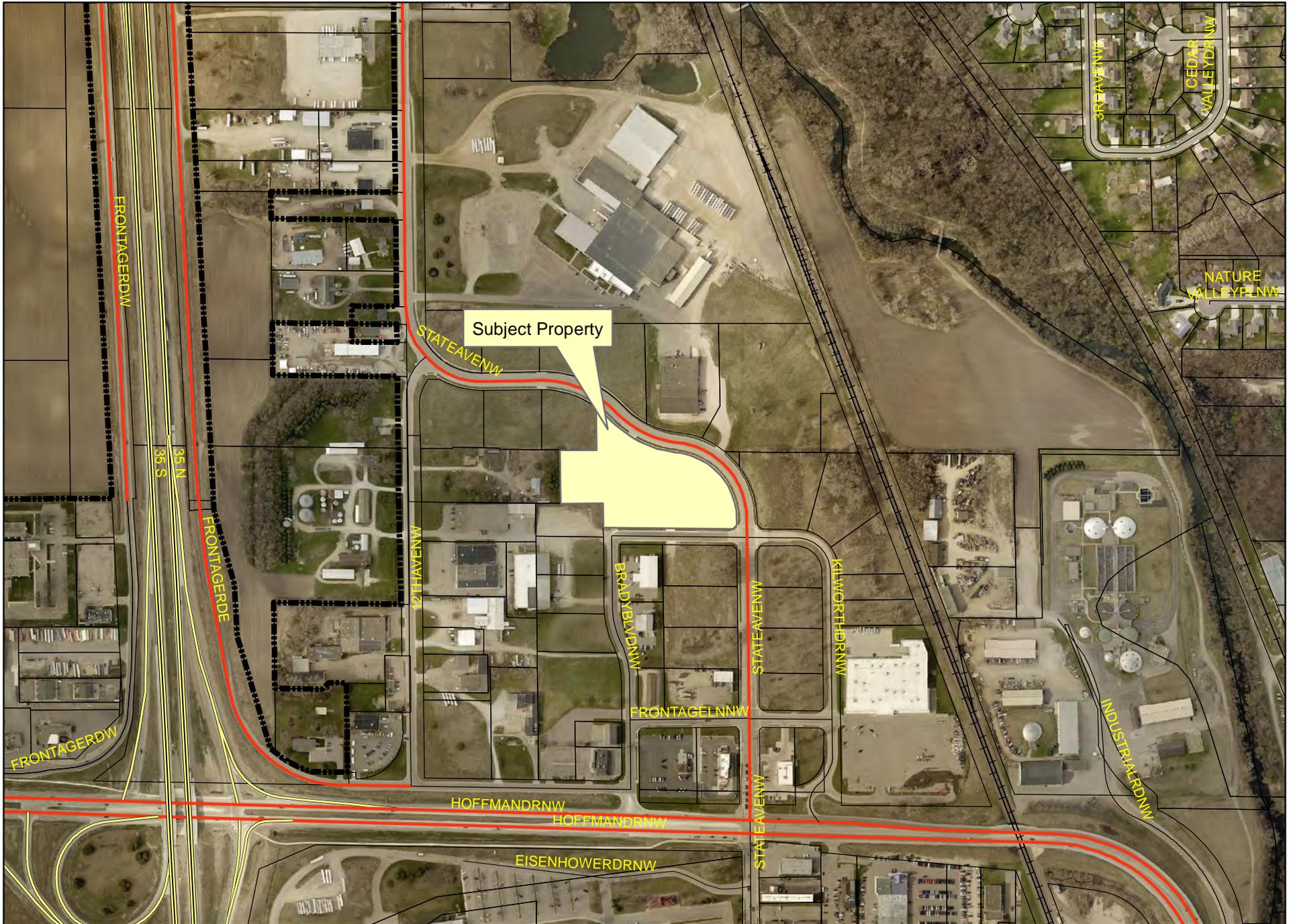
- ◆ The applicants are requesting vacation of a portion of a utility easement located on the property at 1330 State Avenue.
- ◆ The applicant is proposing to replat the property. Upon replatting of the property they will be rededicating easements in locations approved by the City and OPU.
- ◆ As of the date of this report, Staff has been notified that CenturyLink has a cable in this easement. CenturyLink has stated they object to the vacation unless they are compensated for relocation. The developer is working with them at this time.
- ◆ It should be noted that the easement was originally dedicated as an electric easement only. No other utilities were permitted to located in this easement.
- ◆ Due to the planned location of the proposed building, the line will need to be moved no matter what.
- ◆ The following is the new description that is being recommended for the vacation:
 - The East 10.00 feet of the South 290.00 feet of Outlot D, BRADY HOMESTEAD ADDITION, OWATONNA, MINNESOTA
- ◆ This will have no effect on the existing street or other utilities in the area.

Staff Review:

Staff recommends approval of this vacation of a portion of a utility easement located on the property at 1330 State Avenue as described above.

Planning Commission:

A request by Scott Mohs / Mohs State Properties, LLC to vacate a portion of a Utility Easement located at 1330 State Avenue was presented by Community Development Manager Kruschke. (Refer to report on file.) Public hearing opened at 5:40 pm. Jim Grunwald, who owns the property at 1225 12th Avenue NW, expressed concern about the access on Kilworth Drive. Kruschke said that this pertains to the plat and not the easement vacation. Public hearing closed at 5:42 pm. Kain questioned the easement. Kruschke said that the developer will need the line moved to construct as proposed. This vacation still has two more readings at City Council, and if there is not an agreement on the easement, they won't be able to record the final plat. He said that he thinks everything is taken care of as of today though. A motion was made by Meneguzzo and seconded by Gillard to recommend City Council approval of this vacation of a portion of a utility easement located on the property at 1330 State Avenue. All Ayes, motion carried.



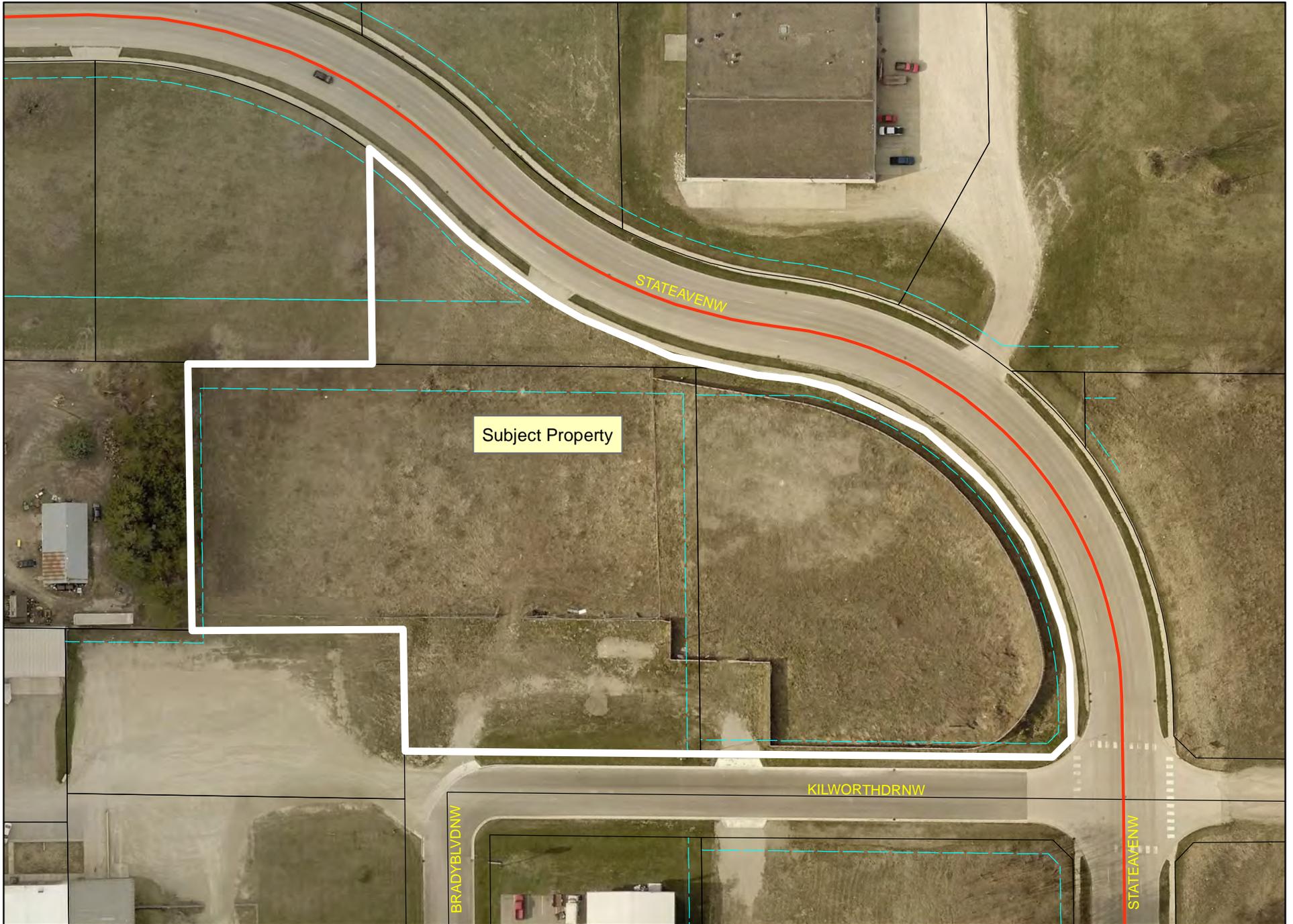
Subject Property



Mohs Addition

1 inch = 500 feet

Date: 2/26/2018



Subject Property

STATEAVENW

KILWORTHDRNW

BRADYBLVDNW

STATEAVENW



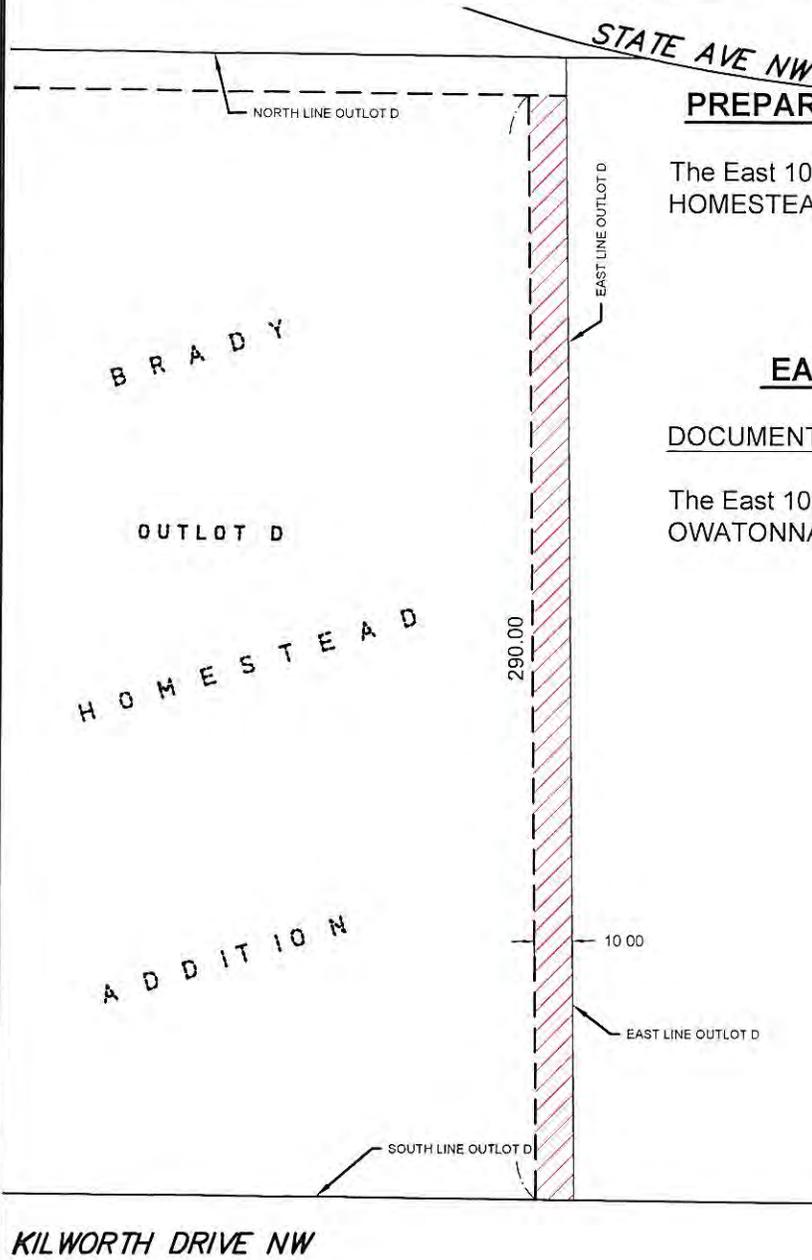
Mohs Addition

1 inch = 100 feet

Date: 2/26/2018

EASEMENT VACATION

PART OF OUTLOT D, BRADY HOMESTEAD ADDITION, OWATONNA, MINNESOTA
 OWATONNA, STEELE COUNTY, MINNESOTA



PREPARED EASEMENT VACATION DESCRIPTION

The East 10.00 feet of the South 290.00 feet of Outlot D, BRADY HOMESTEAD ADDITION, OWATONNA, MINNESOTA.

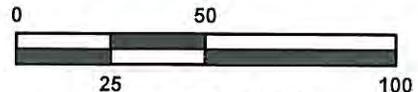
EASEMENT DESCRIPTION OF RECORD

DOCUMENT NO. A00183625

The East 10 feet of Outlot D, BRADY HOMESTEAD ADDITION, OWATONNA, MINNESOTA.



SCALE: 1" = 50'



SCALE IN FEET

FOR: SCOTT MOHS

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 02/22/2018 Revised date: -
 Drawn by: SAT Survey: -
 Field Book: - Page 1 of 1
 Coord-System: N/A
 Job No: 116-1056 File 1090

Scott A. Tuchtenhagen
 Date: 2/22/18

L.S. No. 52646

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**JONES
 HAUGH
 SMITH**
 Engineers + Surveyors

515 South Washington Ave.
 Albert Lea, MN 56007
 507-373-4876

415 West North Street
 Owatonna, MN 55060
 507-451-4598

Greg W. Kruschke

From: Piekkola, Rachael <Rachael.Piekkola@CenturyLink.com>
Sent: Wednesday, March 7, 2018 1:31 PM
To: Greg W. Kruschke
Subject: RE: Mohs Addition, Easement Vacation, and Rezoning

I cannot say at this point that we do not object to the vacation, because I need to verify that CenturyLink does not have any existing easements there, be it private or otherwise. Our cable has been out there since 1985, and it is not typical that we have cable placement like this without having an easement of some kind, which is why I requested our departments that are the most familiar and thorough with researching these to make sure we have all our bases covered. We have a large cable out there and the relocation will probably cost at least 20k, therefore my manager agreed with my decision to research possible existing easements. Usually they have a pretty quick turnaround. I will keep you posted.

Thank you,

Rachael Piekkola
CenturyLink Engineer

Office: 507-285-3633
Cell: 507-513-8469

From: Greg W. Kruschke [mailto:greg.kruschke@ci.owatonna.mn.us]
Sent: Wednesday, March 07, 2018 12:22 PM
To: Piekkola, Rachael <Rachael.Piekkola@CenturyLink.com>
Subject: RE: Mohs Addition, Easement Vacation, and Rezoning

Just to be clear, at this point you are no longer objecting to the vacation. You are just researching to see who is responsible for costs related to relocation.

Thanks. Just want to make sure all are on the same page.

Greg Kruschke, AICP
Community Development Manager
City of Owatonna
(507) 774-7317
Greg.Kruschke@ci.owatonna.mn.us
www.ci.owatonna.mn.us
www.owatonnadevelopment.com



Follow us on Twitter: @DevelopOwatonna

From: Piekkola, Rachael [<mailto:Rachael.Piekkola@CenturyLink.com>]
Sent: Wednesday, March 7, 2018 12:19 PM
To: Greg W. Kruschke <greg.kruschke@ci.owatonna.mn.us>
Subject: RE: Mohs Addition, Easement Vacation, and Rezoning

At this point in time, our real estate and legal departments are researching existing easements in this area so we can determine who will take on the costs of this relocation. I will let you know when I hear back from them. I have already created a project for this to get done, so once I hear back from those departments I can start the design and permitting process.

Thank you,

Rachael Piekkola
CenturyLink Engineer

Office: 507-285-3633
Cell: 507-513-8469

From: Greg W. Kruschke [<mailto:greg.kruschke@ci.owatonna.mn.us>]
Sent: Wednesday, March 07, 2018 11:41 AM
To: Piekkola, Rachael <Rachael.Piekkola@CenturyLink.com>
Subject: RE: Mohs Addition, Easement Vacation, and Rezoning

Rachael,

Was following up on the status of this email. I know the developer or someone from his team reached out. Has there been a resolution as of this time?

Thanks

Greg Kruschke, AICP
Community Development Manager
City of Owatonna
(507) 774-7317
Greg.Kruschke@ci.owatonna.mn.us
www.ci.owatonna.mn.us
www.owatonnadevelopment.com



Follow us on Twitter: @DevelopOwatonna

From: Piekkola, Rachael [<mailto:Rachael.Piekkola@CenturyLink.com>]
Sent: Wednesday, February 28, 2018 9:33 AM
To: Kristen A. Kopp <Kristen.Kopp@ci.owatonna.mn.us>

Subject: RE: Mohs Addition, Easement Vacation, and Rezoning

Importance: High

CenturyLink objects to this proposed easement vacation, we have existing facilities within this easement. We would require either a new easement to protect facilities in place or compensation to relocate our facilities.

Rachael Piekkola

CenturyLink Engineer

Office: 507-285-3633

Cell: 507-513-8469

From: Kristen A. Kopp [<mailto:Kristen.Kopp@ci.owatonna.mn.us>]

Sent: Tuesday, February 27, 2018 4:33 PM

To: johnsonr@owatonnautilities.com; Kyle A. Skov <Kyle.Skov@ci.owatonna.mn.us>; Pauly, Jamey <Jamey.Pauly@CenturyLink.com>; ken.wilke@charter.com; Macglashin, Scott <Scott.Macglashin@centurylink.com>; Piekkola, Rachael <Rachael.Piekkola@CenturyLink.com>; Lauren Deml <ldeml@jagcom.net>; sworms@rsc-psap.org; gregory.ilkka@co.steele.mn.us

Subject: Mohs Addition, Easement Vacation, and Rezoning

Good Afternoon,

Here is the Mohs Addition and related easement vacation for your review.

Thank you,

Kristen A. Kopp
Administrative Technician
Planning and Zoning
City of Owatonna
540 West Hills Circle
Owatonna, MN 55060

507-774-7315

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