

THE CITY OF



OWATONNA

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DATE: March 26, 2020
TO: Mayor and City Council
FROM: Community Development Dept. – Greg Kruschke
SUBJECT: Vacate Portion of a Utility Easement in Golfview Addition No. 3

Purpose:

City Council approval on second reading of Proposed Ordinance 20-3 to vacate a portion of a utility easement in Golfview Addition No. 3.

Background:

See attached staff report. Council approved the first reading of this proposed ordinance during the March 7, 2020 Council Meeting and there have been no changes since.

Budget Impact:

None. The easement will not be needed in the future and rededicated around the perimeter of the new plat.

Staff Recommendation:

Staff recommends approval on this second reading of Proposed Ordinance 20-3.

ORDINANCE NO. _____

AN ORDINANCE PURSUANT TO SECTION 6.2 OF THE HOME RULE CHARTER OF THE CITY OF OWATONNA, AND SECTION 675 OF THE 1992 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 10, 2020, 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 a Utility Easement:

A 10.00 foot drainage and utility easement in Lot 5, Block 1, Golfview Addition No. 3 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 and its title added to Appendix IV of the 1992 Ordinance Code 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, MN.

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 _____, 2020, with the following vote:

Aye _____; No _____; Absent _____.

Approved and signed this _____ day of _____, 2020.

ATTEST:

Thomas A. Kuntz, Mayor

Kris M. Busse, City Administrator/City Clerk

March 6, 2020

To: Planning Commission
From: Community Development Department
RE: Request to vacate a drainage and utility easement

Application Review:

Applicant: Noel Quale
Owner: Noel Quale
Location of Property: 1101 Cherry Street
Legal Description: See Attached Survey
Report Attachments:
1. Location Map
2. Vacation Sketch & Description

Proposed Development:

- ◆ The applicant is requesting to vacate the drainage and utility easements on these lots.
- ◆ They will be rededicating the perimeter easements with the Adsit Quale Addition plat.
- ◆ The easement through the middle of the lots will no longer exist.
- ◆ Notices have been sent to the neighbors as well as the utility companies.
- ◆ The vacation of this easement is contingent upon approval of the Adsit Quale Addition plat.

Staff Review:

Staff recommends approval of this vacation of a utility easement as shown and described in the attached survey with one condition:

- 1) This vacation shall be contingent upon the approval of the Adsit Quale Addition plat.

Planning Commission:

Request to vacate a drainage and utility easement at 1101 Cherry Street, which is a request by Noel Quale, was presented by Community Development Manager Greg Kruschke. (Refer to report on file.) Public hearing opened at 5:31 pm. A neighbor, Mary Levine of 1071 Cherry Street, said that she didn't have any objections to the request. She asked if vacating the easement will change the way the water flows. Kruschke said that this request isn't proposing to change anything physically. He said that it's a utility easement, which means that utility companies could come in and bury lines. Noel Frank, the applicant's husband, said that they are just wanting to clean things up. They demolished a house and that lot has been landscaped and seeded and the

driveway is gone. Public hearing closed tat 5:35 pm. A motion was made by Boeke and seconded by Meier to recommend City Council approval of this easement vacation as shown and described in the attached survey with one condition:

- 1) This vacation shall be contingent upon the approval of the Adsit Quale Addition plat.

All ayes, motion carried.



HAZEL LN

7TH AVE

BARRY DR

MAPLE SPRING DR

RIDGER DR

10TH AVE

ROGEWOOD PL

5TH AVE

6TH AVE

SPRING LN

LIEBER DR

SPUR RIDGER DR

KIRK PL

CHERRY PLUME
CHERRY ST

AUGUST PL

MAPLE DR

Subject Property

MAPLE DR

ASPLEY
HIGHLAND AVE

ST. ANDREW LN

WOODBURN LN

OAKWOOD LN

EDGEWOOD LN

PEBBLE
BEACH LN

BRAEMAR LN



Adsit Quale Addition

1 inch = 400 feet

Date: 2/24/2020

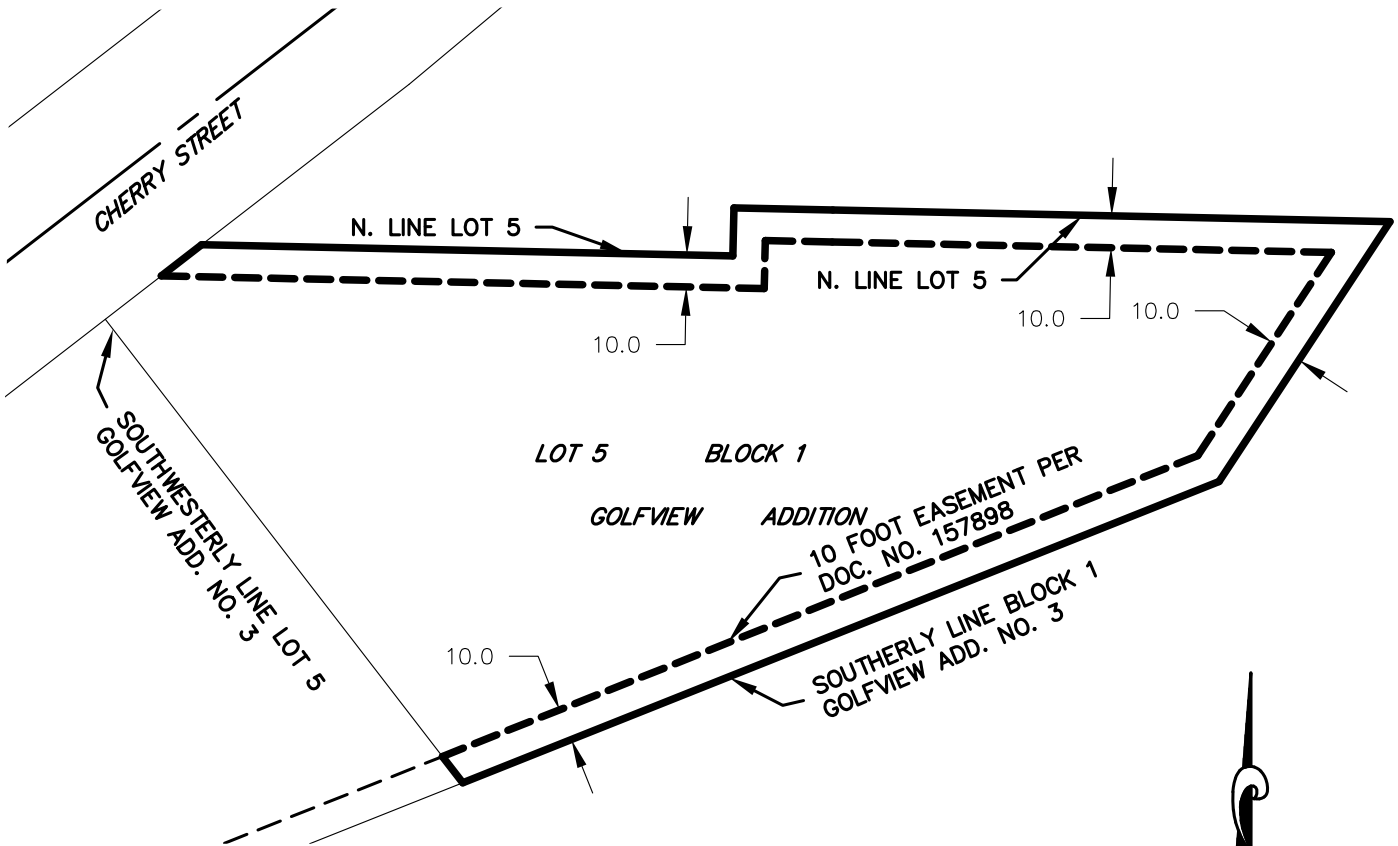


Adsit Quale Addition

1 inch = 50 feet
Date: 2/24/2020

EASEMENT VACATION

LOT 5, BLOCK 1, GOLFOVIEW ADDITION NO. 3
OWATONNA, MINNESOTA

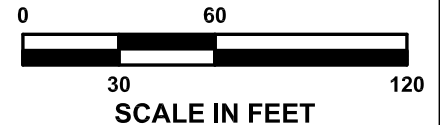


PREPARED EASEMENT VACATION DESCRIPTION

A 10.00 foot drainage and utility easement in Lot 5, Block 1, GOLFOVIEW ADDITION NO. 3



SCALE: 1" = 60'



FOR: NOEL QAULE

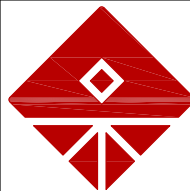
Date: -
Drawn by: SAT
Field Book: -
Coord-System: NA
Job No: 19-1132
Revised date: -
Survey: -
Page 1 of 1
File: 440

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.

Scott A. Tuchtenhagen
Date:

L.S. No. 52646

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