

**CITY OF COLOGNE, COUNTY OF CARVER, STATE OF MINNESOTA
CITY COUNCIL
RESOLUTION NO. 14-17**

**A RESOLUTION VACATING CERTAIN PLATTED
DRAINAGE AND UTILITY EASEMENTS WITHIN THE VILLAGE AT COLOGNE
SECOND ADDITION, THE VILLAGE AT COLOGNE SIXTH ADDITION,
THE VILLAGE AT COLOGNE TENTH ADDITION, AND
THE VILLAGE AT COLOGNE TWELFTH ADDITION**

WHEREAS, the City of Cologne (the "City") is a Minnesota municipal corporation duly organized and authorized to conduct its affairs under the laws of the State of Minnesota; and

WHEREAS, Hans Hagen Homes, Inc., Partnership for Better Education, LLC, and the City of Cologne (the "Owners") are the owners of certain real property located in the City of Cologne, County of Carver, State of Minnesota, legally described on **Exhibit "A"** and depicted on **Exhibit "B"** attached hereto (the "Subject Property"); and

WHEREAS, the Owners have commenced the process requesting the City to approve a replat of the Subject Property as The Village at Cologne Sixteenth Addition; and

WHEREAS, following receipt of a petition, City has given published and mailed notice and has conducted a public hearing on the proposed vacation on September 15, 2014; and

WHEREAS, the Subject Property is subject to certain platted drainage and utility easements which the Owners have requested be vacated so replacement drainage and utility easements can be placed in appropriate locations on the lots and outlots of the replatted property; and

WHEREAS, for the purpose of facilitating good and marketable title and for the ease of title examiners in reviewing the appropriate locations of the drainage and utility easements in the future, the City makes certain findings and adopts this Resolution.

FINDINGS

1. Given changing lot lines, leaving certain drainage and utility easements in place on the Subject Property would create confusion and marketable title issues.

2. In order to avoid confusion in the future for individuals and title examiners reviewing legal descriptions and easement boundaries, the City finds it in the public interest to vacate all of the drainage and utility easements on the Subject Property and have new and/or replacement drainage and utility easements contemporaneously placed over the lots in The Village at Cologne Sixteenth Addition.
3. This Resolution is adopted pursuant to the petition.
4. No part of the easements to be vacated terminates at or abuts public water.

RESOLUTION

1. Subject to approval and recording of the plat for The Village at Cologne Sixteenth Addition, the City approves the vacation of the drainage and utility easements on the Subject Property as legally described on **Exhibit "A"** and depicted on **Exhibit "B"** attached hereto.
2. The City Clerk is directed, pursuant to Minn. Stat. § 412.851, to prepare and submit a Notice of Completion of Proceedings to the Carver County Auditor to enter in the transfer records. The Notice of Completion of Proceedings shall be only released by the City and submitted to the Carver County Recorder for recording immediately prior to the recording of the plat of The Village at Cologne Sixteenth Addition. However, the Notice of Completion of Proceedings will not be released for processing and filing until Partnership for Better Education, LLC has signed a developer's agreement.

Adopted and approved by the City Council of the City of Cologne by a vote of 5 ayes and 0 nays on this 15th day of September, 2014.

M. A. 2
Matt Lein, Mayor

Attest:

Sue Mueller
Sue Mueller, Deputy Clerk

M/McInnis	Lein	<u>Aye</u>	Meyer	<u>Aye</u>
	Williams	<u>Aye</u>	McInnis	<u>Aye</u>
S/ Meyer	Evenski	<u>Aye</u>		

EXHIBIT "A"

**LEGAL DESCRIPTION OF LOTS AND OUTLOTS ON WHICH DRAINAGE AND UTILITY
EASEMENTS WILL BE VACATED**

All drainage and utility easements as formerly donated and dedicated to the public over:

Outlot B, The Village at Cologne Second Addition

Outlot A, Lots 1 and 2, Block 1, The Village at Cologne Sixth Addition

Lot 1, Block 1, and Outlot A, The Village at Cologne Tenth Addition

Lot 1, Block 1, The Village at Cologne Twelfth Addition

Carver County, Minnesota

