

**CITY OF COLOGNE
CARVER COUNTY, MINNESOTA
RESOLUTION NO. 20-21**

**A RESOLUTION APPROVING THE VACATION OF CERTAIN DRAINAGE
AND UTILITY EASEMENTS IN CONJUNCTION WITH A PLAT FOR A
DEVELOPMENT KNOWN AS WINKLER CROSSING 3RD 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, Winkler Crossing 2nd, LLC (the “Developer”) is the owner of certain real property located in the City of Cologne, State of Minnesota, legally described as follows:

Outlot A, WINKLER CROSSING 2ND ADDITION, Carver County, Minnesota, according to the recorded plat thereof.

(the “Subject Property”); and

WHEREAS, the Developer has received approval to plat the Subject Property; and

WHEREAS, the Subject Property is subject to certain drainage and utility easements as shown in Exhibit “A” which the Owners have requested be vacated so replacement drainage and utility easements can be placed in appropriate locations on the platted 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

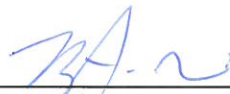
1. Given changing lot lines, leaving certain drainage and utility easements in place on the Subject Property would create confusion and marketable title issues.
2. In order to avoid confusion in the future for individuals and title examiners reviewing legal descriptions and easement boundaries, the City finds it in the public interest to vacate certain 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.
3. This Resolution is adopted pursuant to the Petition of the Owner.

4. No part of the easements to be vacated terminates at or abuts a public water.

RESOLUTION

1. The City approves the vacation of the drainage and utility easements on the Subject Property.
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 submitted to the Carver County Recorder for recording immediately prior to the recording of the final plat for Winkler Crossing 3rd Addition. However, the Notice of Completion of Proceedings will not be released for processing and filing until the following have occurred:
 - a. The Developer will coordinate the order of recording of the plat, deeds and related documents with the City Planner and a title company selected by Developer but approved by the City Planner.
 - b. Additional conditions as determined necessary by the City Planner and City Attorney prior to release of the documents for recording.

Adopted and approved by the City Council of the City of Cologne by a vote of ___
eyes and ___ nays on this 21st day of September, 2020.



Matt Lein
Mayor

Attested:



Michelle Morrison
City Clerk

M/ Kells

Lein yes

Szaroletta yes

Kells yes

S/ Bruss

Bruss yes Lenzen yes

EXHIBIT "A"

SKETCH & DESCRIPTION
FOR: LOOMIS DEVELOPMENT


EASEMENT VACATION

All those drainage and utility easements, originally dedicated on the recorded plat of WINKLER CROSSING 2ND ADDITION, Carver County, Minnesota, and now to be vacated, which lie within Outlot A, said plat.

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 Professional Land Surveyor under the laws of the State of Minnesota.

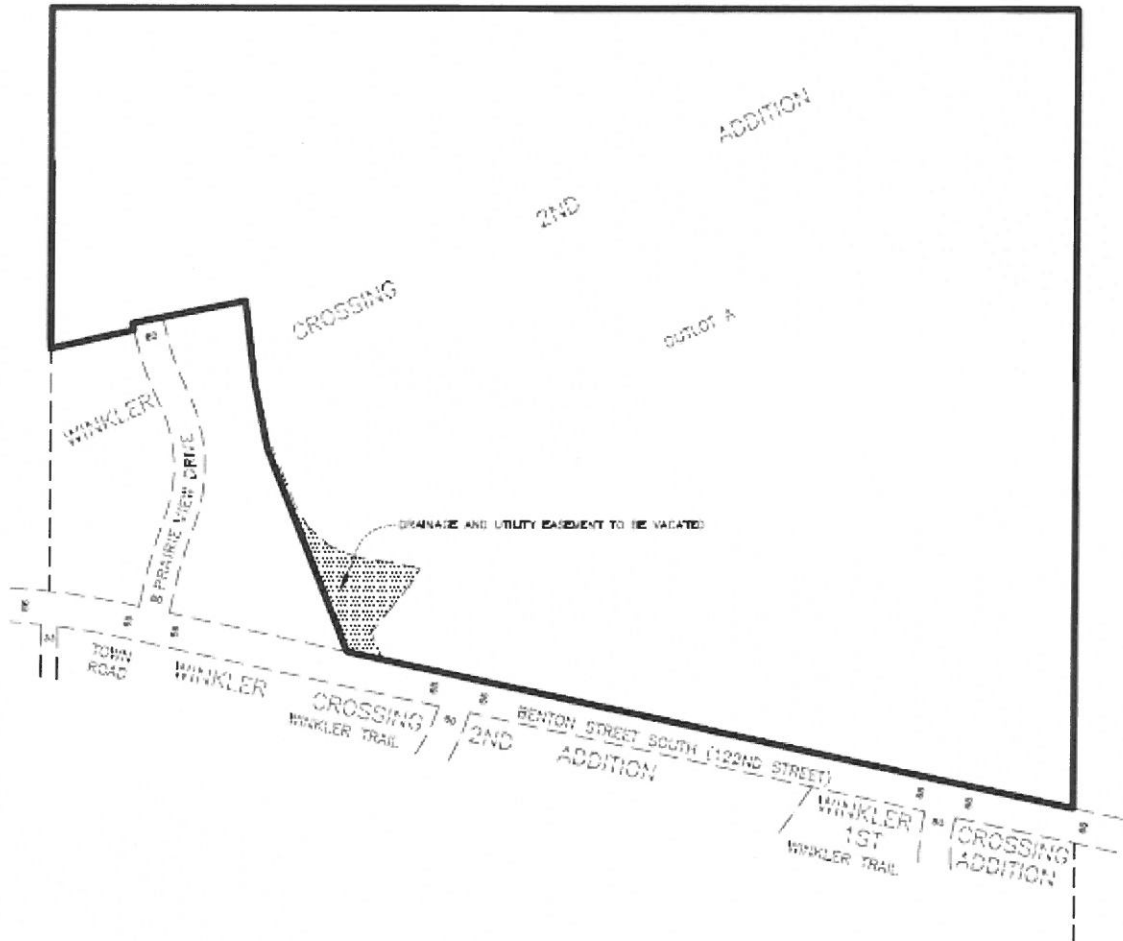
Signed this 24th day of August, 2020
For: James R. Hill, Inc.


By: 
Marcus F. Hampton, Land Surveyor, MN license No. 47451

PAGE 1 OF 2	PROJECT NO. 23500	CAD FILE 23500.dwg	REVISIONS	DATE 8/24/2020	DRAWN BY FLM
					

James R. Hill, Inc.
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PHONE: 952.890.6044 www.jrhinc.com

SKETCH & DESCRIPTION FOR: LOOMIS DEVELOPMENT



Scale: 1"=300'
 EASEMENT VACATION