

CITY OF CALEDONIA, MINNESOTA

**RESOLUTION 2020-014**

**RESOLUTION VACATING UTILITY EASEMENTS**

**WHEREAS**, a petition signed by the sole landowners of Lots 21 and 22 of Block 1, located at 1104 and 1108 Courtney Drive in Doering Estates, in the City of Caledonia was received by the public works and zoning director on the 17<sup>th</sup> day of July, 2020; and

**WHEREAS**, the petition requested that the Caledonia City Council, pursuant to Minnesota Statutes §§ 412.851 and 462.358, vacate a 6-foot perpetual utility easement on the east lot line of Lot 21 of Block 1 and a 6-foot perpetual utility easement on the west lot line of Lot 21 of Block 1; and

**WHEREAS**, the petition requested that the Caledonia City Council, pursuant to Minnesota Statutes §§ 412.851 and 462.358, vacate a 6-foot perpetual utility easement on the east lot line of Lot 22 of Block 1 and a 6-foot perpetual utility easement on the west lot line of Lot 22; and

**WHEREAS**, the petition proposed to dedicate a new 12-foot perpetual utility easement (Easement "A") over, under, and across that part of Lot 22, Block 1, Doering Estates, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota described as being a strip of land 12.00 feet in width, lying 6.00 feet on each side of, parallel, adjacent and contiguous to the following described line:

Commencing at the northwest corner of said Lot 22, Block 1; thence North 64°30'49" East, along the north line of said Lot 22, a distance of 24.28 feet to the point of beginning of the line to be described; thence South 04°47'06" East 195.08 feet to the south line of said Lot 22 and there terminating.

The above described easement shall be prolonged or shortened to begin on the north line of said Lot 22 and terminate on the south line of said Lot 22; and

**WHEREAS**, the petition proposed to dedicate a new 12-foot perpetual utility easement (Easement "B") over, under, and across that part of Lot 21, Block 1, Doering Estates, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota described as being a strip of land 12.00 feet in width, lying 6.00 feet on each side of, parallel, adjacent and contiguous to the following described line:

Commencing at the northeast corner of said Lot 21, Block 1; thence South 70°27'47" West, along the north line of said Lot 21, a distance of 24.48 feet to the point of beginning of the line to be described; thence South 14°59'26" East 217.62 feet to the south line of said Lot 21 and there terminating.

The above described easement shall be prolonged or shortened to begin on the north line of said Lot 21 and terminate on the south line of said Lot 21; and

**WHEREAS**, the public works and zoning director reviewed and examined the signatures on said petition and determined that such signatures constituted all the landowners of Lots 21 and 22; and

**WHEREAS**, the petitioners provided the attached survey showing the location of the utility easements to be vacated and the new utility easements to be dedicated to the City; and

**WHEREAS**, a public hearing to consider the vacation of the utility easements was held at 6:45 p.m. on the 10<sup>th</sup> day of August 2020, before the City Council in the City Auditorium, located at 219 East Main Street, after notice had been duly published in the *Caledonia Argus* on July 29, 2020 and after notice had been mailed to all affected property owners by the public works and zoning director, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

**WHEREAS**, the City Council in its discretion has determined that the vacation will benefit the public interest because of the following reasons:

1. The vacation will facilitate the construction of a new residential dwelling in the City of Caledonia.
2. The City will be receiving two new 12-foot utility easements to help offset the four 6-foot utility easements to be vacated.
3. The new utility easements to be dedicated to the City have been reviewed by the City engineer and found to be suitable replacements for the utility easements to be vacated.

**NOW, THEREFORE, BE IT RESOLVED BY THE CALEDONIA CITY COUNCIL AS FOLLOWS:**

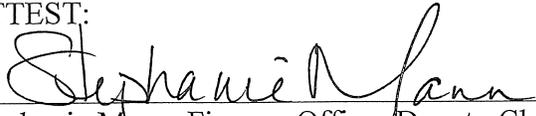
1. The utility easements described as follows are hereby vacated, contingent on the petitioners dedicating to the City two new 12-foot utility easements as depicted on the attached survey:
  - a. A 6-foot perpetual utility easement on the east lot line of Lot 21 of Block 1
  - b. A 6-foot perpetual utility easement on the west lot line of Lot 21 of Block 1
  - c. A 6-foot perpetual utility easement on the east lot line of Lot 22 of Block 1
  - d. A 6-foot perpetual utility easement on the west lot line of Lot 22 of Block 1
2. The utility easement vacation will not be recorded by the City until the two new 12-foot utility easements have been dedicated to the City.
3. If the petitioners do not dedicate the new 12-foot easements to the City by October 15, 2020, the easement vacation will be null and void.

**BE IT FURTHER RESOLVED**, that the mayor and city clerk/administrator are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

**ADOPTED** by the Caledonia City Council this 10<sup>th</sup> day of August, 2020.

  
DeWayne "Tank" Schroeder, Mayor

ATTEST:

  
Stephanie Mann, Finance Officer/Deputy Clerk

# CERTIFICATE OF SURVEY

SECTION 13  
T. 102 N., R. 6 W.

## LAND DESCRIPTIONS:

### PARCEL 'A'

That part of Lot 22, Block 1, DOERING ESTATES, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota lying westerly of the following described line:  
Commencing at the northwest corner of said Lot 22, Block 1; thence North 64°30'49" East, along the north line of said Lot 22, a distance of 24.28 feet to the point of beginning of the line to be described; thence South 04°47'06" East 195.08 feet to the south line of said Lot 22 and there terminating.

The above described parcel contains 0.12 acres and is subject to any easements, covenants, and restrictions of record.

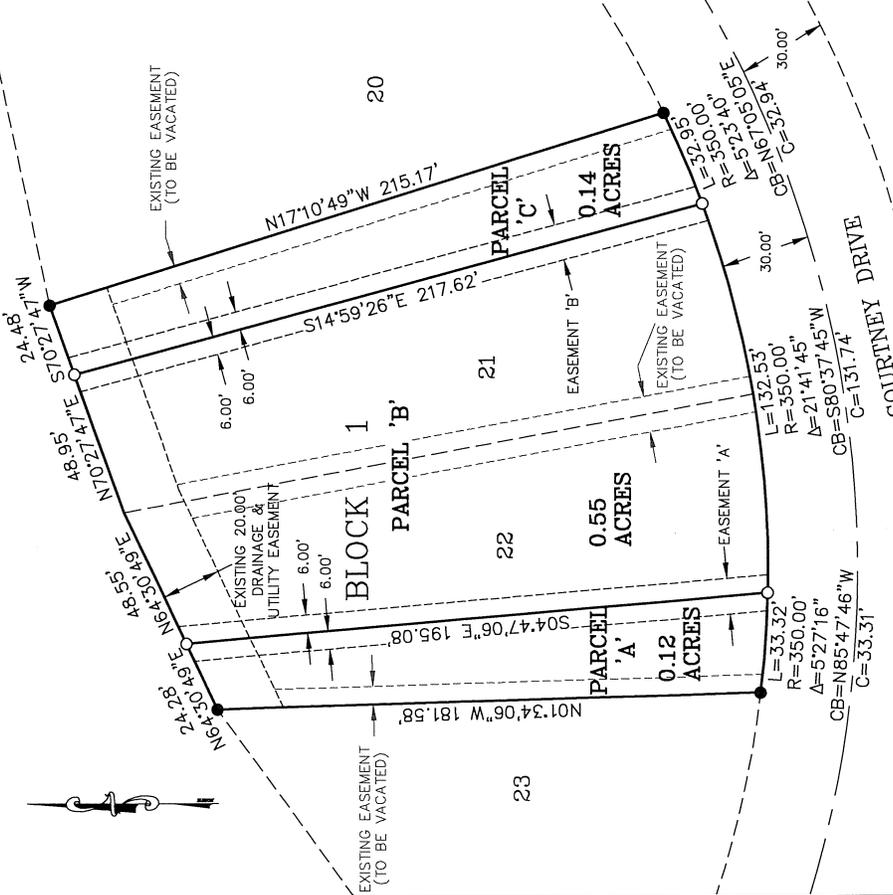
### PARCEL 'B'

That part of Lot 22, Block 1, DOERING ESTATES, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota lying easterly of the following described line:  
Commencing at the northwest corner of said Lot 22, Block 1; thence North 64°30'49" East, along the north line of said Lot 22, a distance of 24.28 feet to the point of beginning of the line to be described; thence South 04°47'06" East 195.08 feet to the south line of said Lot 22 and there terminating.

AND

That part of Lot 21, Block 1, DOERING ESTATES, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota lying westerly of the following described line:  
Commencing at the northeast corner of said Lot 21, Block 1; thence South 70°27'47" West, along the north line of said Lot 21, a distance of 24.48 feet to the point of beginning of the line to be described; thence South 14°59'26" East 217.62 feet to the south line of said Lot 21 and there terminating.

The above described parcel contains 0.55 acres and is subject to any easements, covenants, and restrictions of record.



### PARCEL 'C'

That part of Lot 21, Block 1, DOERING ESTATES, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota lying easterly of the following described line:  
Commencing at the northeast corner of said Lot 21, Block 1; thence South 70°27'47" West, along the north line of said Lot 21, a distance of 24.48 feet to the point of beginning of the line to be described; thence South 14°59'26" East 217.62 feet to the south line of said Lot 21 and there terminating.

The above described parcel contains 0.14 acres and is subject to any easements, covenants, and restrictions of record.

### EASEMENT 'A'

A perpetual easement for utility purposes over, under, and across that part of Lot 22, Block 1, DOERING ESTATES, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota described as being a strip of land 12.00 feet in width, lying 6.00 feet on each side of, parallel, adjacent and contiguous to the following described line:  
Commencing at the northwest corner of said Lot 22, Block 1; thence North 64°30'49" East, along the north line of said Lot 22, a distance of 24.28 feet to the point of beginning of the line to be described; thence South 04°47'06" East 195.08 feet to the south line of said Lot 22 and there terminating.

The above described easement shall be prolonged or shortened to begin on the north line of said Lot 22 and terminate on the south line of said Lot 22.

### EASEMENT 'B'

A perpetual easement for utility purposes over, under and across that part of Lot 21, Block 1, DOERING ESTATES, according to the recorded plat thereof on file at the office of the County Recorder, Houston County, Minnesota described as being a strip of land 12.00 feet in width, lying 6.00 feet on each side of, parallel, adjacent and contiguous to the following described line:  
Commencing at the northeast corner of said Lot 21, Block 1; thence South 70°27'47" West, along the north line of said Lot 21, a distance of 24.48 feet to the point of beginning of the line to be described; thence South 14°59'26" East 217.62 feet to the south line of said Lot 21 and there terminating.

The above described easement shall be prolonged or shortened to begin on the north line of said Lot 21 and terminate on the south line of said Lot 21.

I HEREBY CERTIFY THAT THIS SURVEY PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND UNDER THE SEAL AND LAWS OF THE STATE OF MINNESOTA.

*Jeffrey G. Griffin*

DATE: 07/17/2020    REG. NO. 21940

**G-Cubed**  
ENGINEERING  
SURVEYING  
PLANNING

Ph: 507-567-1666  
Fax: 507-567-1665  
www.gcsd.com

14070 Hwy 52 S.E.  
Chatfield, MN 55923

DATE OF SURVEY: 06-03-2020  
Prepared For:  
Bob Burns  
1108 Courtney Drive  
Caledonia, MN 55921  
SHEET 1 OF 1    FILE NO. 20-180

STATE OF MINNESOTA )  
COUNTY OF HOUSTON )  
CITY OF CALEDONIA )

I, Stephanie Mann, finance officer and deputy city clerk of the City of Caledonia, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 10 day of August, 2020, the original of which is on file in this office. I further certify that 3 members voted in favor of this resolution and that 4 members were present and voting.

Signed Stephanie Mann  
Date 8/13/20