

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 20-003

**AN ORDINANCE VACATING EASEMENTS LOCATED WITHIN THE
CITY OF WEST ST. PAUL, MINNESOTA**

The City Council of West St. Paul does ordain:

SECTION 1. Pursuant to West St. Paul City Code § 95.55 and Minn. Stat. § 412.851, on petition of the majority landowner, with a majority vote of its members, the City Council may vacate any street, alley, public grounds, public way or any part thereof within the City by Ordinance; and

WHEREAS, Landco Investments of West St Paul LLC, a Wyoming limited liability company, petitioned to vacate the easements over its property situated in West St. Paul, Minnesota 55118, which are legally described on the attached Exhibit A (“Existing Easements”); and

WHEREAS, the City wishes to vacate the Existing Easements in exchange for a new easement described on the attached Exhibit B; and

WHEREAS, a notice of a public hearing on said vacation was duly published and posted in accordance with applicable Minnesota Statutes and a public hearing was held on said vacation at the City of West St. Paul, 1616 Humboldt Avenue, West St. Paul, Minnesota; and

WHEREAS, the City Council of West St. Paul then proceeded to hear all persons interested in said vacation and all persons interested were afforded an opportunity to present their views and objections to the granting of said vacation; and

WHEREAS, the City Council of West St. Paul has determined that the vacation would be in the public interest.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of West St. Paul:

1. That the City of West St. Paul, pursuant to West St. Paul City Code § 95.55 and Minn. Stat. § 412.851, hereby vacates the easements situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A.
2. That said vacation has no relationship to the City’s Comprehensive Plan and therefore the West St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the West St. Paul Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of real property pursuant to § 462.356, Subd. 2.

3. That the City Clerk shall prepare a certified copy of this ordinance to be presented to the Dakota County Auditor reflecting the completion of the proceedings herein. The certified ordinance shall then be recorded with the Dakota County Recorder.

BE IT FURTHER RESOLVED, a new easement will be established and accepted by the City as described on the attached Exhibit B.

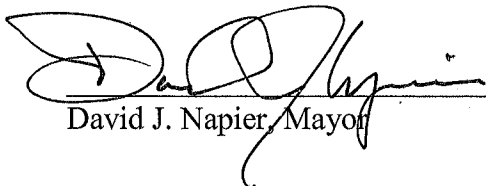
BE IT FURTHER RESOLVED, that the vacation of the Existing Easements is contingent upon the execution of the new easement by Landowner.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

Landco Investments of West St Paul LLC requested the multiple easements, for public sidewalk, landscape, wall, drainage and utility purposes, on its property be vacated in exchange for one easement. The easements are generally located east of Robert Street between Hurley and Haskell Streets, in West St. Paul, MN.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 23rd day of March 2020.



David J. Napier, Mayor

Attest:


Shirley R. Buckles, City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF
EASEMENTS TO BE VACATED

Easement No. 1

An easement for public sidewalk, landscape, wall, drainage and utility purposes as given, granted and conveyed per Document No. **3152737**, Office of the Dakota County Recorder, dated September 9, 2016, recorded September 29, 2016, more particularly described as follows:

The West 1.00 feet of that part of Lot 1, AUDITOR'S SUBDIVISION NO. 36, Dakota County, Minnesota lying southerly of a line run from a point on the westerly line of said Lot 1 distant 9.00 feet southerly of the northwest corner of said Lot 1 to a point on the northerly line of said Lot 1 distant 9.00 feet easterly of said northwest corner.

Together with the West 1.00 feet of Lots 2 and 3, AUDITOR'S SUBDIVISION NO. 36, Dakota County, Minnesota.

Easement No. 2

An easement for public sidewalk, landscape, wall, drainage and utility purposes as given, granted and conveyed per Document No. **3305186**, Office of the Dakota County Recorder, dated April 10, 2019, recorded May 16, 2019, more particularly described as follows:

A perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes over, under, across and through that part of the North 5.00 feet of the South 118.30 feet of the West 1.70 feet of Lot 5, WASHINGTON HEIGHTS ADD. TO ST. PAUL, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota.

Easement No. 3

An easement for public sidewalk, landscape, wall, drainage and utility purposes as given, granted and conveyed per Document No. **3305188**, Office of the Dakota County Recorder, dated April 10, 2019, recorded May 16, 2019, more particularly described as follows:

A perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes (except that this easement does not permit the construction of a wall within any driveway existing on the date this easement commences) over, under, across and through the West 1.00 feet of the South 118.30 feet of Lot 5, WASHINGTON HEIGHTS ADD. TO ST. PAUL, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota.

Together with a perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes (except that this easement does not permit the construction of a wall within any driveway existing on the date this easement commences) over, under, across and

through the West 1.0 feet of that part of the South 145.00 feet of said Lot 5 lying northerly of the South 123.30 feet thereof.

Together with a perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes (except that this easement does not permit the construction of a wall within any driveway existing on the date this easement commences) over, under, across and through that part of said Lot 5 lying easterly of the West 1.00 feet thereof and southwesterly of a line run from a point on the westerly line of said Lot 5 distant 8.80 feet northerly of the southwest corner of said Lot 5 to a point on the southerly line of said Lot 5 distant 8.80 feet easterly of said southwest corner.

EXHIBIT B
FORM OF NEW PERMANENT EASEMENT

PERMANENT EASEMENT

THIS INSTRUMENT is made by Landco Investments of West St Paul LLC, a Wyoming limited liability company (“Grantor”), in favor of City of West St. Paul, a Minnesota municipal corporation (“Grantee”).

Recitals

- A. Grantor is the fee owner of the following legally described property in Dakota County, Minnesota:
- Lot 1, Block 1, Suite Living Senior Care of West Saint Paul
- (the “Property”).
- B. Grantor desires to grant to Grantee a permanent easement over a portion of the Property, according to the terms and conditions contained herein.

Terms of Easement

1. **Grant of Easement.** For good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor, Grantor grants and conveys to the Grantee a permanent easement for public sidewalk, landscape, wall, drainage and utility purposes over, under, across and through that part of the Property described and depicted on Exhibit A, attached hereto and incorporated herein.
2. **Scope of Easement.** The permanent easement which is granted herein includes the right of the Grantee, its contractors, agents, employees and invitees to enter the easement areas at all reasonable times for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering, repairing and using public sidewalk, wall, landscape, storm sewer, sanitary sewer and water facilities, surface drainage ways and other public facilities or improvements in the described easement area.

3. Warranty of Title. The Grantor warrants that it is the owner of the Property in fee simple, that it has the right, title and capacity to convey the easement herein to the Grantee, and that any judgments or liens against parties with the same or similar name as the Grantor are not against the Grantor.
4. Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the easement area or Property prior to the date of this instrument.
5. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its successors and assigns.

STATE DEED TAX DUE HEREON: NONE

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Dated this _____ day of _____, 2020.

GRANTOR:
LANDCO INVESTMENTS OF WEST ST PAUL LLC

By: _____
Name: _____
Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

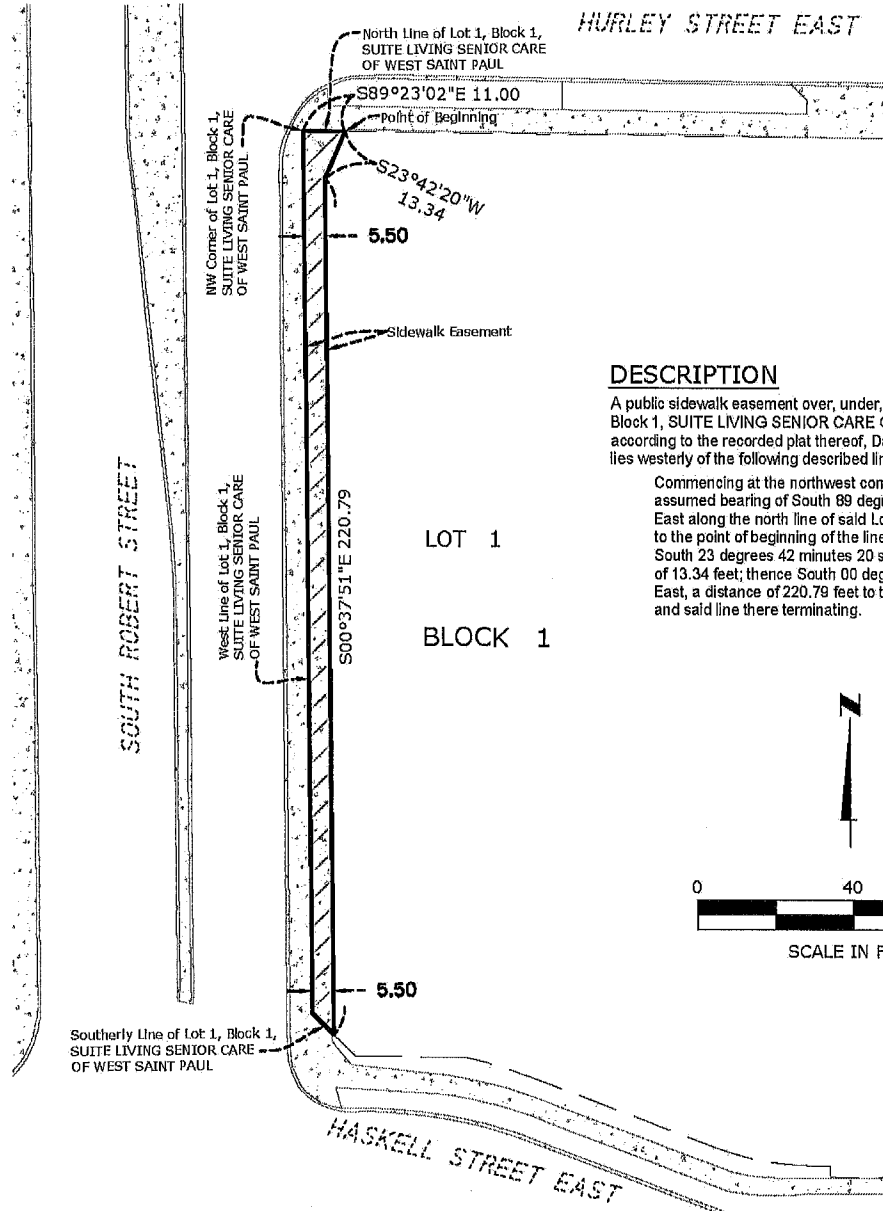
On this _____ day of _____, 2020, before me a Notary Public within and for said County, personally appeared _____ to me personally known, who being by me duly sworn, did say that s/he is the _____ of Landco Investments of West St Paul LLC, a Wyoming limited liability company, the entity named in the foregoing instrument, and that said instrument was signed on behalf of said entity by authority of its Board of Governors and said _____ acknowledged said instrument to be the free act and deed of the entity.

Notary Public

**This instrument drafted by
And after recording, please return to:**
Korine L. Land (#262432)
West St. Paul City Attorney
LeVander, Gillen & Miller, P.A.
633 South Concord Street, Suite 400
South St. Paul, Minnesota 55075

EXHIBIT A
LEGAL DESCRIPTION AND DEPICTION OF EASEMENT

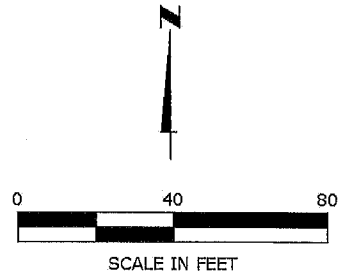
Sidewalk Easement
Lot 1, Block 1, SUITE LIVING SENIOR CARE OF WEST SAINT PAUL
West Saint Paul, Dakota County, Minnesota



DESCRIPTION

A public sidewalk easement over, under, and across that part of Lot 1, Block 1, SUITE LIVING SENIOR CARE OF WEST SAINT PAUL, according to the recorded plat thereof, Dakota County, Minnesota, that lies westerly of the following described line:

Commencing at the northwest corner of said Lot 1, thence on an assumed bearing of South 89 degrees 23 minutes 02 seconds East along the north line of said Lot 1, a distance of 11.00 feet to the point of beginning of the line to be described; thence South 23 degrees 42 minutes 20 seconds West, a distance of 13.34 feet; thence South 00 degrees 37 minutes 51 seconds East, a distance of 220.79 feet to the southerly line of said Lot 1 and said line there terminating.



MINNESOTA CERTIFICATION

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.

Dated this 17th day of February, 2020

Rory L. Synsteliien

Minnesota License No. 44585

CivilSite
GROUP

4931 W. 35TH ST. SUITE 200
 ST. LOUIS PARK, MN 55416
 CivilSiteGroup.com

Drawn By: CEJ

Project No. 19076

SHEET 1 OF 1