

**BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA
RESOLUTION NO. 09-02 (2)**

RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT

WHEREAS, Scott Daniels (the "Owner") purchased Lot 1, Block 3 within the Northgate Estates plat, the legal description for which is attached hereto and described as Exhibit A (the "Property");

WHEREAS, the Owner has requested the Town Board vacate a portion of the drainage and utility easement, described in Exhibit B attached hereto, located entirely on the Lot to facilitate of construction of an addition to a dwelling on the Property;

WHEREAS, the easement does not terminate at or abut upon public water;

WHEREAS, the Town is authorized by Minn. Stat. § 462.358, subd. 7 to vacate drainage and utility easements by following the procedure available to it to vacate town roads;

WHEREAS, Baldwin Township is an urban town and may vacate town roads using the procedure set out in Minn. Stat. §368.01, subd. 25;

WHEREAS, the Owner, who own all of the property in which the easement is located, submitted a petition requesting the vacation of the easement;

WHEREAS, the Town Board provided notice of and conducted a public hearing regarding the proposed vacation on February 3, 2009;

WHEREAS, the Town Board hereby finds and determines:

- Utilities are not located within the easement and it is not otherwise being used for the purpose for which it was dedicated;
- The easement will not be needed in the future; and
- It is in the public's interest to vacate the easement;

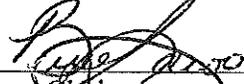
NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby vacates the easement described in Exhibit B effective as of the date of this Resolution;

BE IT FURTHER RESOLVED, the Town Board determines no damages are owed for the vacation of the easement;

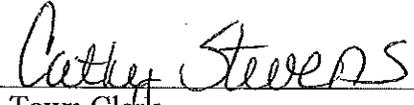
BE IT FINALLY RESOLVED, this Resolution shall constitute the notice of completion and the Town Clerk-Treasurer is hereby authorized and directed to file this Resolution with the office of the County Auditor to be entered into the transfer record and then record it with the office of the County Recorder.

Adopted this 3rd day of February, 2009

BY THE BOARD



Town Chairperson

Attest: 

Town Clerk

Exhibit A
Legal Description of the Property

Lot 1, Block 3, Northgate Estates, Located in Section 13, Township 35, Range 26, Sherburne County, Minnesota.

Exhibit B
Legal Description of the Easement

Vacated Drainage & Utility Easement:

All that part of the South 300 feet of the North 370.67 feet of Lot 1, Block 3, of Northgate Estates, according to the recorded plat, Sherburne County, Minnesota.

Drainage & Utility Easement after Vacation:

The East 6 feet and the West 12 feet of that part of the South 300 feet of the North 370.67 feet of Lot 1, Block 3, of Northgate Estates, according to the recorded plat, Sherburne County Minnesota.

And

The South 60.00 feet of the North 180.00 feet of the West 80.00 feet of Lot 1, Block 3, of Northgate Estates, according to the recorded plat, Sherburne County, Minnesota, except the West 12 feet thereof.

And

That part of the South 300 feet of the North 370.67 feet of Lot 1, Block 3, of Northgate Estates, according to the recorded plat, Sherburne County, Minnesota lying South of the North 70.67 feet of said Lot 1, and lying 10.00 feet northeasterly of and 10.00 feet southwesterly of the following described centerline line:

Commencing at the Southeast corner of said Lot 1; thence, on a plat bearing, North 00 degrees 06 minutes 57 seconds West, along the east line of said Lot 1, a distance of 328.22 feet to the point of beginning of said centerline; thence North 45 degrees 38 minute 05 seconds West a distance of 194.77 feet and there terminating.

Said easement sidelines are to be prolonged or shortened at the west line of the East 6 feet of said Lot 1 and at the South line of the North 180.00 feet of said Lot 1 and at the East line of the West 80.00 feet.

Said easement is intended to be continuous.