

**RESOLUTION NO. 20-45**

**A RESOLUTION VACATING THE ELECTRIC TRANSMISSION EASEMENT AT 5609 MANITOU ROAD**

WHEREAS, a petition signed by the majority of property owners abutting 5609 Manitou Road in the city of Tonka Bay was received by the City Clerk on the 22<sup>nd</sup> day of June 2020; and

WHEREAS, the petition requested that the City Council pursuant to Minnesota Statute § 412.851 vacate the utility easement legally described as:

*A 20.00-foot easement for electric transmission purposes over, under and across the following described property:*

*Tract A, Registered Land Survey No. 482, Files of Registrar of Titles, Hennepin County, Minnesota.*

*The centerline of said easement is described as follows:*

*Commencing at the northeast corner of said Tract A; thence on an assumed bearing of South along the east line of said Tract A, a distance of 590.00 feet; thence on a bearing of West a distance of 46.00 feet; thence North 4 degrees 15 minutes 00 seconds West a distance of 5.00 feet to the point of beginning of the centerline to be described; then South 4 degrees 15 minutes 00 seconds East a distance of 252.00 feet; thence South 22 degrees 00 minutes 00 seconds West a distance of 35.00 feet and said centerline there terminating.*

WHEREAS, the City Clerk reviewed and examined the signatures on said petition and determined that such signatures constituted a majority of the landowners abutting upon the easement area to be vacated; and

WHEREAS, a public hearing to consider the vacation of such street was held on the 14<sup>th</sup> day of July, 2020, before the Tonka Bay City Council after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because:

1. The existing easement for electric transmission has not been in use for many years and does not serve any City owned or maintained infrastructure now or in the foreseeable future.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TONKA BAY, MINNESOTA AS FOLLOWS:**

That such petition for vacation is hereby granted according to the terms herein and the permanent easement described as follows is hereby vacated:

*A 20.00-foot easement for electric transmission purposes over, under and across the following described property:*

*Tract A, Registered Land Survey No. 482, Files of Registrar of Titles, Hennepin County, Minnesota.*

*The centerline of said easement is described as follows:*

*Commencing at the northeast corner of said Tract A; thence on an assumed bearing of South along the east line of said Tract A, a distance of 590.00 feet; thence on a bearing of West a distance of 46.00 feet; thence North 4 degrees 15 minutes 00 seconds West a distance of 5.00 feet to the point of beginning of the centerline to be described; then South 4 degrees 15 minutes 00 seconds East a distance of 252.00 feet; thence South 22 degrees 00 minutes 00 seconds West a distance of 35.00 feet and said centerline there terminating.*

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution and file notice of the vacation as required by law.

**PASSED AT A REGULAR MEETING** of the Tonka Bay City Council this 14<sup>th</sup> day of July 2020.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll call vote:

Councilmember LaBelle	_____
Councilmember Jennings	_____
Councilmember Anderson	_____
Councilmember Ansari	_____
Mayor De La Vega	_____

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST: \_\_\_\_\_  
Kathy Laur, City Administrator/Clerk

