

RESOLUTION NO. 2016-04

RESOLUTION PARTIALLY VACATING A UTILITY EASEMENT

WHEREAS, by instrument dated December 1, 1993 and recorded January 14, 1994 as Document Number 766245 in the office of the Stearns County Recorder, the Church of the Sacred Heart granted four perpetual utility easements to the City of Freeport; and

WHEREAS, a public hearing to consider the vacation of one of said utility easements was held on the March 29, 2016, before the Freeport City Council in the City Hall located in Freeport, Minnesota at 7:00 pm after due published and posted notice had been given, as well as personal mailed notice to the 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, vacating one of the utility easements will facilitate the construction by the Church of the Sacred Heart/Sacred Heart School of an elementary school gymnasium and after-care facility; and

WHEREAS, the Church of the Sacred Heart/Sacred Heart School has agreed to grant the City of Freeport a replacement perpetual utility easement allowing for the relocation of the utility lines within the effected utility easement; and

WHEREAS, the Church of the Sacred Heart/Sacred Heart School has agreed to enter into an Encroachment Agreement with the City of Freeport to permit the construction the elementary school gymnasium within a portion of one of the other of the utility easements granted in the above referenced instrument; and

WHEREAS, four-fifths of all members of the City Council concur in this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, MINNESOTA, AS FOLLOWS:

1. It is determined and declared that the public interest of the City of Freeport and of the citizens of Freeport will be best served by the vacation of one of the utility easement contained in the above referenced easement, which is described as follows:

A 20 foot perpetual utility easement over, under, and across Lot 35, Auditor's Subdivision #5, according to the recorded plat thereof in the City of Freeport, Stearns County, Minnesota. The centerline of said 20 foot easement is described as follows: Commencing at the northwest corner of Lot 15, Auditor's subdivision #5, thence South 03 degrees 16 minutes 35 seconds East, assumed bearing, along the lot line between said Lots 15 and 35 a distance of 282.4 feet; thence South 86 degrees 43 minutes 25 seconds West 10.00 feet; thence South 32 degrees 53 minutes 38 seconds West 35.40 feet to the point hereinafter referred to as "Point A", which is the point of beginning to the easement

to be described; thence South 48 degrees 14 minutes 50 seconds West 230 feet and there terminating.

2. That upon the Church of the Sacred Heart/Sacred Heart School granting the City of Freeport a utility easement replacing and relocating the utility easement described above, and entering into an Encroachment Agreement with the City of Freeport, the utility easement described above shall hereby be vacated.

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.

Adopted by the Council this 29th day of March, 2016.

Rodney Atkinson, Mayor

Attested by:

Adrianna Hennen, City Clerk