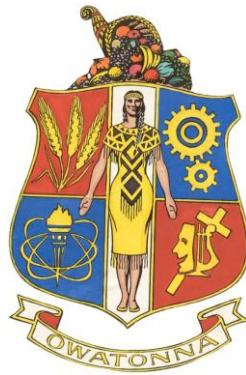


# THE CITY OF

Greg Kruschke  
Community Development Manager



# OWATONNA

540 West Hills Circle  
Owatonna, MN 55060-4794  
Ph. (507) 774-7317  
FAX: (507) 444-4394  
Email: [Greg.Kruschke@ci.owatonna.mn.us](mailto:Greg.Kruschke@ci.owatonna.mn.us)

DATE: June 21, 2019

TO: Mayor and City Council

FROM: Community Development Dept. – Greg Kruschke

SUBJECT: Vacate Portion of a Utility Easement

**Purpose:**

City Council approval of Proposed Ordinance 19-3 to vacate of a portion of a utility easement at 1205 Park Drive NW for RFS Partners.

**Background:**

See attached staff report. Council approved the first reading of this proposed ordinance during the June 18, 2019 Council Meeting. The second/final reading is proposed to hear during the July 2, 2019 Council Meeting.

**Budget Impact:**

None. The easement will not be needed in the future.

**Staff Recommendation:**

Staff recommends approval of tProposed Ordinance 19-3.

Proposed Ordinance No. 19-3

ORDINANCE NO. \_\_\_

AN ORDINANCE PURSUANT TO SECTION 6.2 OF THE HOME RULE CHARTER OF THE CITY OF OWATONNA, AND SECTION 675 OF THE 1992 ORDINANCE CODE OF THE CITY OF OWATONNA, VACATING A STREET, ALLEY, OR PUBLIC RIGHT-OF-WAY, OR ANY PART THEREOF, HEREIN DESCRIBED, AND PROVIDING FOR ITS RECORDING.

WHEREAS, there has been filed with the City Council a petition to vacate the premises hereinafter described; and

WHEREAS, a public hearing was held on June 11, 2019, on the said petition and after public notice was given, pursuant to Section 6.2 of the Home Rule Charter; and

WHEREAS, the proposed vacation does not destroy or interfere with the rights of any person, corporation, or municipality; and

WHEREAS, the City finds that the premises hereinafter described are no longer required for municipal purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OWATONNA DO ORDAIN:

SECTION 1. That the following described portion of a Utility Easement:

The East 10.00 feet of said Lot 1, Block 2, OWATONNA INDUSTRIAL PARK, as the same is platted and recorded in the office of the Steele County Recorder, Steele County, except the North 10.00 feet thereof; the sidelines of vacated easement to be prolonged or shortened to terminate the south line of Block 2 and said North 10.00 feet.  
AND

The West 10.00 feet of said Lot 2, OWATONNA INDUSTRIAL PARK, as the same is platted and recorded in the office of the Steele County Recorder, Steele County, except the North 10.00 feet thereof; the sidelines of vacated easement to be prolonged or shortened to terminate the south line of Block 2 and said North 10.00 feet.

may be and hereby is vacated.

SECTION 2. The City Clerk shall cause this Ordinance to be filed for record in the offices of the City Clerk and the City Engineer of the City of Owatonna and its title added to Appendix IV of the 1992 Ordinance Code of the City of Owatonna.

SECTION 3. The City Clerk shall cause an original copy hereof to be filed for record and duly recorded in the office of the Steele County Recorder in and for Steele County, Minnesota.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2019, with the following vote:

Aye \_\_\_\_; No \_\_\_\_; Absent \_\_\_\_\_.

Approved and signed this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Thomas A. Kuntz, Mayor

ATTEST:

\_\_\_\_\_  
Kris M. Busse, City Administrator/City Clerk

June 5, 2019

**To:** Planning Commission  
**From:** Community Development Department  
**RE:** Request to vacate a portion of a Utility Easement

**Application Review:**

**Applicant:** Bob Seykora, on behalf of RFS Partners

**Location of Property:** 1205 Park Drive

**Legal Description:** See Attached Survey

**Report Attachments:**

1. Location Map
2. Vacation Sketch & Description
3. Survey
4. Application Letter

**Proposed Development:**

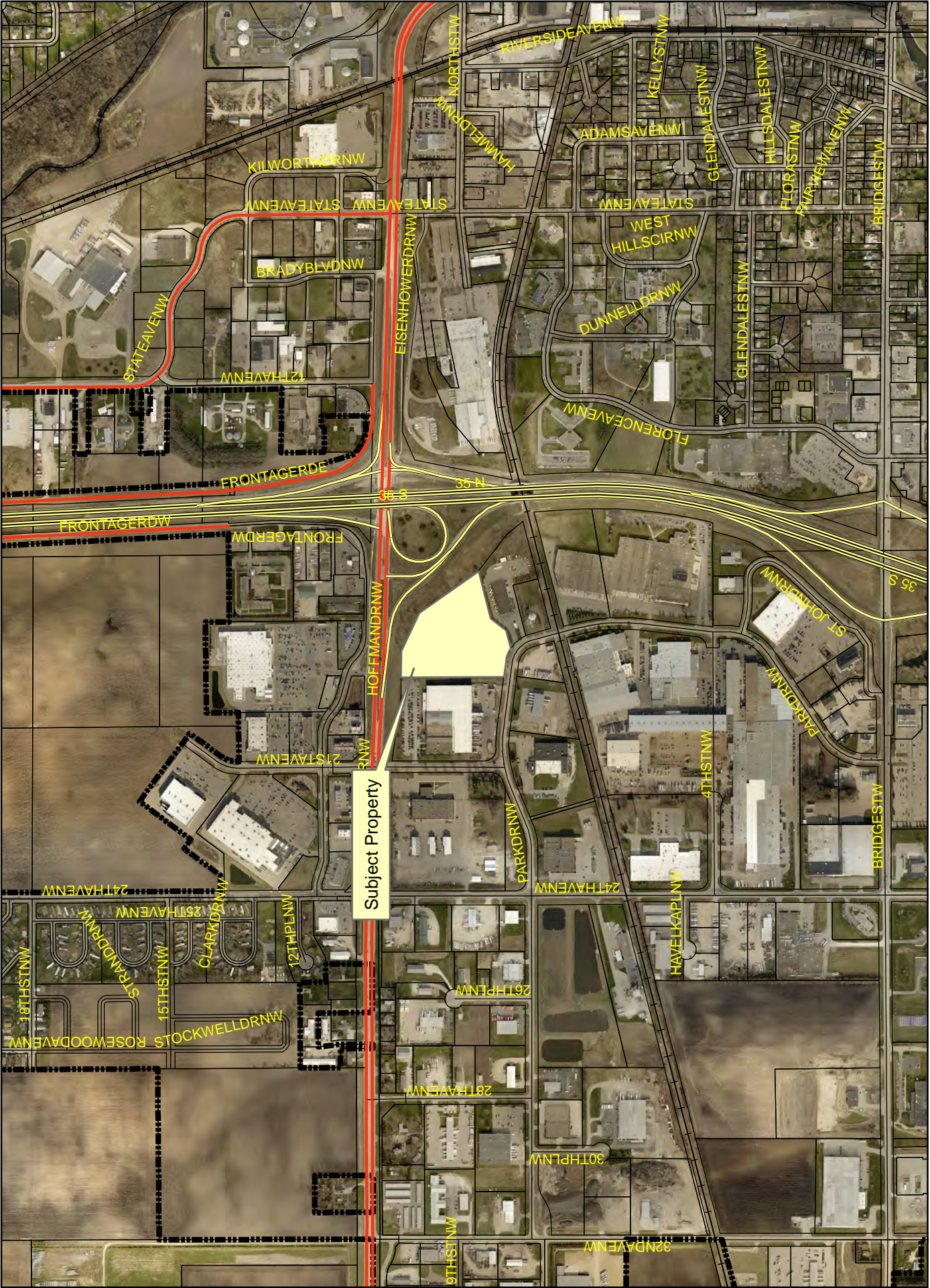
- ◆ The applicant is requesting vacation of a portion of a utility easement located in the middle of the parcel addressed 1205 Park Drive.
- ◆ This easement was originally platted with the original plat called “Owatonna Industrial Park” in 1967. The center of the easement was the original property line, in which they had two lots and created the current 3.
- ◆ At this time there is not a need for this easement and one is not foreseen in the future.
- ◆ Vacating this easement will allow for construction of a larger building on this parcel.
- ◆ This will have no effect on the existing street or utilities in the area.

**Staff Review:**

Staff recommends approval of this vacation of a portion of a utility easement located on the property at 1205 Park Drive as described in the attached survey.

**Planning Commission:**

Vacation of a portion of a Utility Easement, which is a request by Bob Seykora on behalf of RFS Partners and located at 1205 Park Drive NW, was presented by Community Development Manager Greg Kruschke. (Refer to report on file.) Public hearing opened at 5:32 pm. No comments were made regarding this request. Public hearing closed at 5:33 pm. A motion was made by Boeke and seconded by Jessop to recommend City Council approval of this Utility Easement Vacation. All ayes, motion carried.

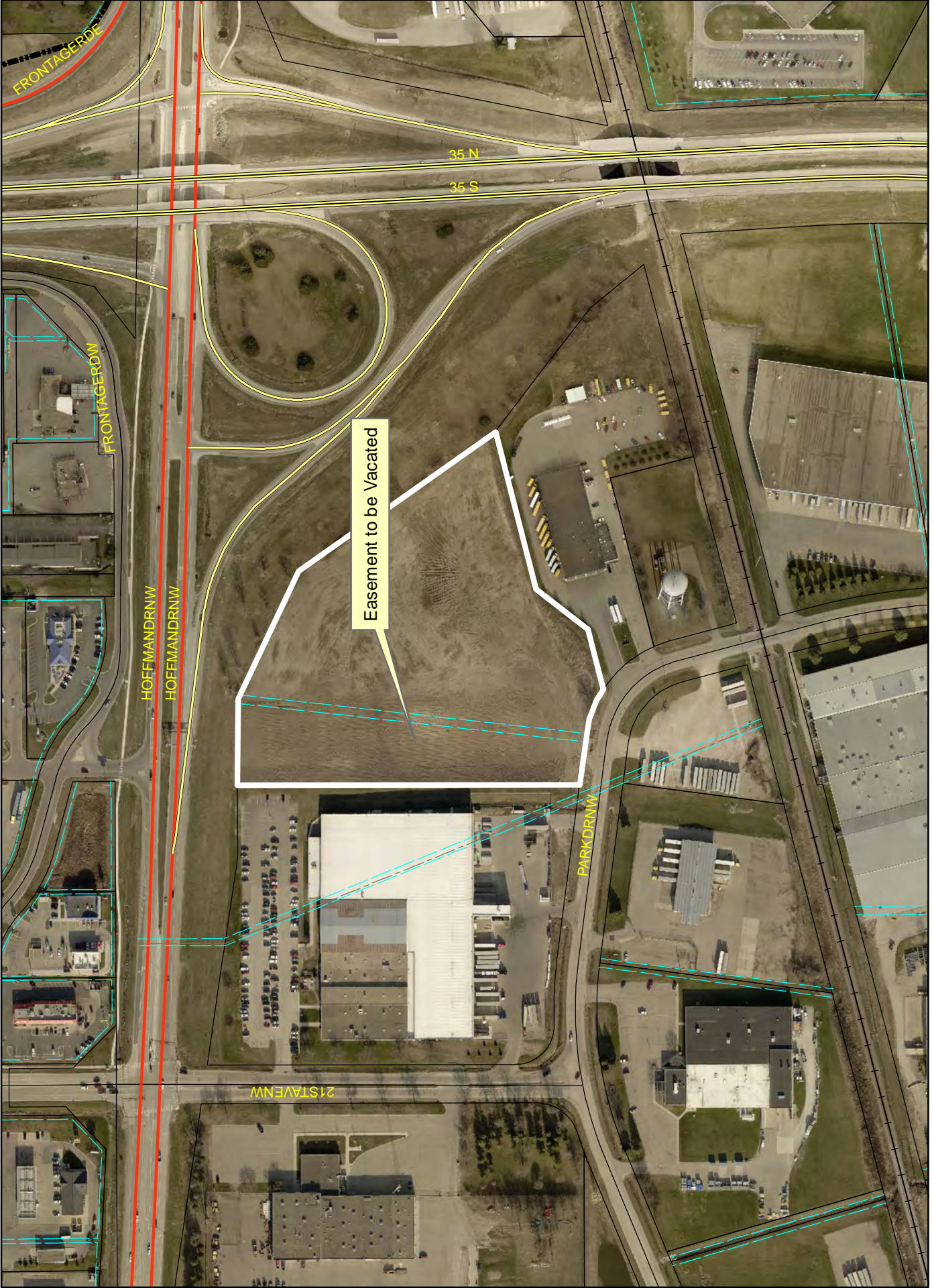


Subject Property



RFS Partners Easement Vacation

1 inch = 1,000 feet  
Date: 5/28/2019

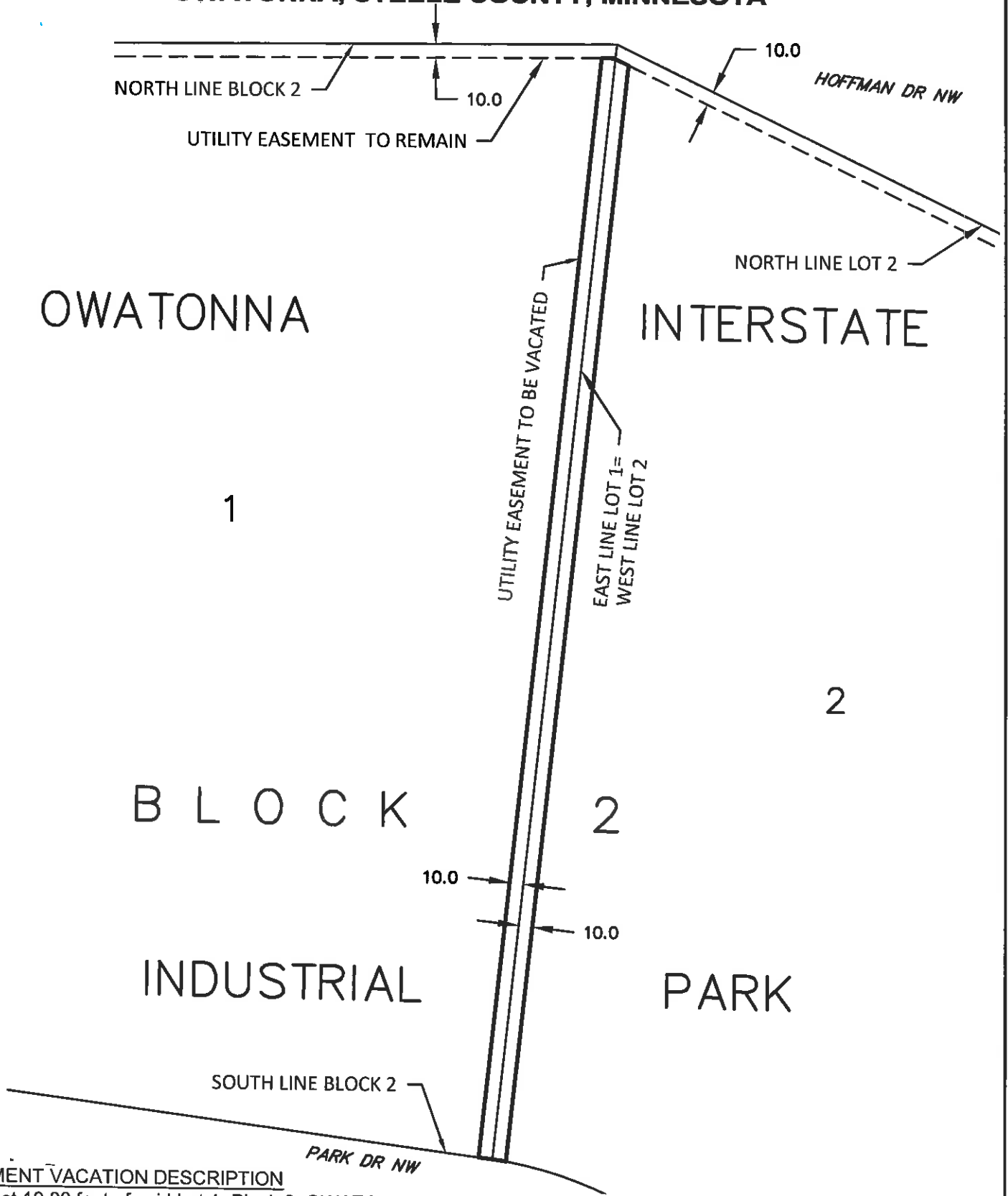


RFS Partners Easement Vacation

1 inch = 300 feet  
Date: 5/28/2019

# EASEMENT VACATION DRAWING

PART OF LOTS 1 & 2, BLOCK 2, OWATONNA INTERSTATE INDUSTRIAL PARK  
OWATONNA, STEELE COUNTY, MINNESOTA



**EASEMENT VACATION DESCRIPTION**

The East 10.00 feet of said Lot 1, Block 2, OWATONNA INDUSTRIAL PARK, as the same is platted and recorded in the office of the Steele County Recorder, Steele County, except the North 10.00 feet thereof; the sidelines of vacated easement to be prolonged or shortened to terminate the south line of Block 2 and said North 10.00 feet.

AND

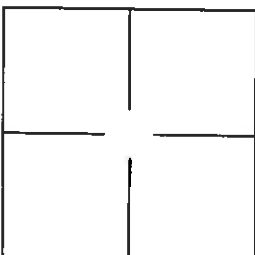
The West 10.00 feet of said Lot 2 OWATONNA INDUSTRIAL PARK, as the same is platted and recorded in the office of the Steele County Recorder, Steele County, except the north 10.00 feet thereof; the sidelines of vacated easement to be prolonged or shortened to terminate the south line of Block 2 and said North 10.00 feet.

**FOR: RFS PARTNERS**

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.

*Scott A. Tuchtenhagen*  
 Scott A. Tuchtenhagen  
 Date: 5/20/19  
 L.S. No. 52646

**LOCATION MAP**



Scale: 1" = 4000'

Date: 4/26/19  
 Drawn by: JHS5  
 Field Book:-  
 Coord-System: MNDOT CO. NAD83 (11)  
 Job No: 19-1073  
 Revised date:-  
 Survey: SAT  
 Page 1 of 1  
 File: 935

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**JONES  
 HAUGH  
 SMITH**  
 Engineers + Surveyors

515 South Washington Ave.  
 Albert Lea, MN 56007  
 507-373-4876

415 West North Street  
 Owatonna, MN 55060  
 507-451-4598