

**City of South St. Paul  
Dakota County, Minnesota**

**Ordinance No. 1362**

**AN ORDINANCE VACATING TWO SEWER AND UTILITY EASEMENTS AT 633  
CONCORD STREET SOUTH**

The City Council of the City of South St. Paul does ordain:

**SECTION 1.** Pursuant to South St. Paul City Code § 54-429 and Minn. Stat. § 412.851, after receiving a petition from the majority of abutting landowners, with a vote of four 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**, the City of South St. Paul uses this same formal vacation process to vacate public easements;

**WHEREAS**, the City of South St. Paul received a petition from Kriss Novak on behalf of True North Investments, LLC for the vacation of two sewer and utility easements that encumber the property located at 633 Concord Street South. The property's owner, Bremer Bank National Association, signed the vacation petition;

**WHEREAS**, the Applicant wishes for the City of South St. Paul to vacate the two sewer and utility easements, situated in the City of South St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A and depicted 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 South St. Paul, 125 Third Avenue North, South St. Paul, Minnesota; and

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

**NOW, THEREFORE BE IT RESOLVED:**

1. That the City of South St. Paul, pursuant to Minn. Stat. § 412.851, hereby vacates the two sewer and utility easements situated in the City of South St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A and depicted on the attached Exhibit B.

2. That the City's vacation of these easements is contingent upon the Applicant relocating the public sewer line that currently lies within the easements, at their own expense. The new line's location and design is subject to the review and approval of the City Engineer. If the new location is not within an existing public easement or public right-of-way, the Applicant shall grant the City a new easement over the relocated public sewer line with the new easement's width to be determined by the City Engineer.
3. That said vacation has no relationship to the City's Comprehensive Plan and therefore the South St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the South 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.
4. That the City Clerk shall prepare a notice to be presented to the Dakota County Auditor reflecting the completion of the proceedings herein. The certified notice shall be recorded with the Dakota County Recorder. The recording shall not take place until the City Engineer has confirmed that the sewer line has been relocated and any required easements are in place.

**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:

The City wishes to vacate two sewer and utility easements located at the Bremer Bank property at 633 Concord Street South. The two easements run east-west and are generally located in the northern section of the subject property's parking lot.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall become effective upon publication.

Passed by the City Council of the City of South St. Paul, Minnesota, this 17th day of August, 2020.

Approved: August 17, 2020

Published: August 20, 2020

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Christy Wilcox, City Clerk

**EXHIBIT A**

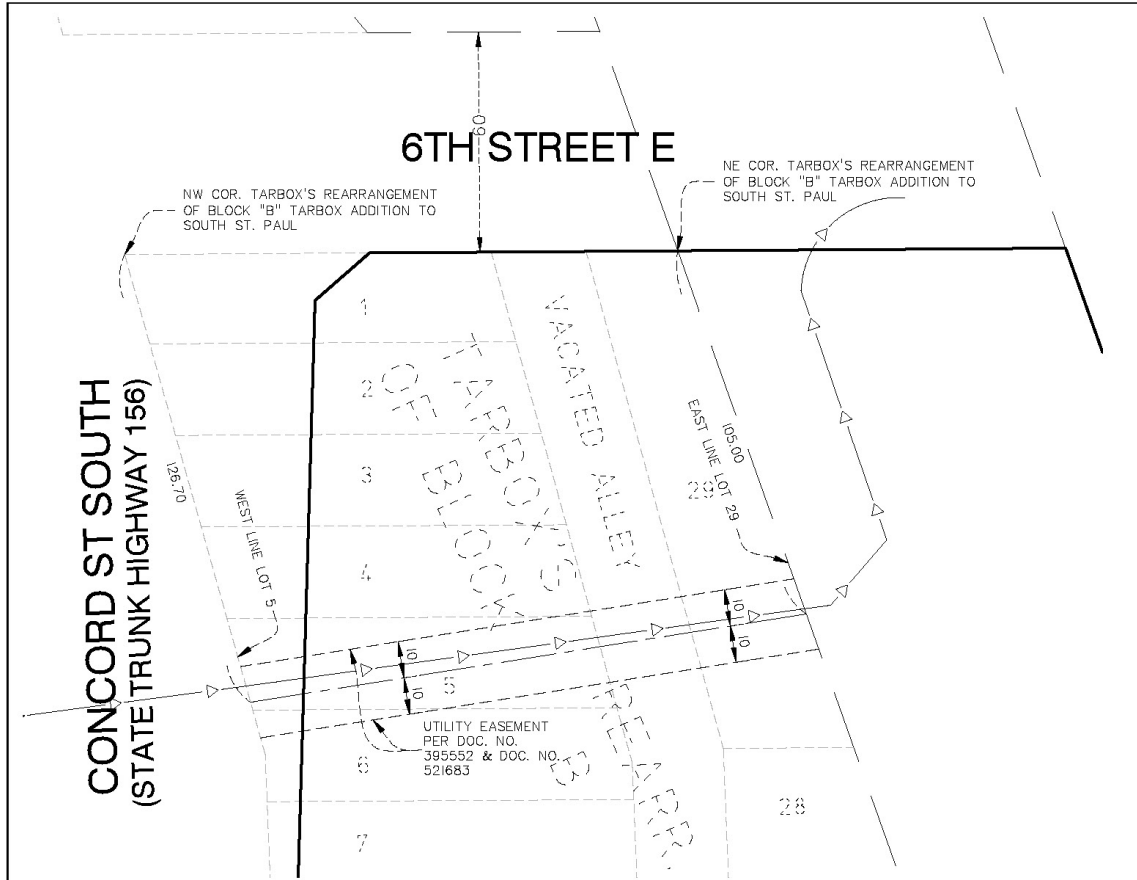
**LEGAL DESCRIPTION OF  
THE TWO SEWER AND UTILITY EASEMENTS TO BE VACATED**

Both easements (Document No. 395552 and Document No. 521683) have the same legal description:

An easement for public sewer and utility purposes in, under and upon the tract or parcel of land lying and being in the County of Dakota and State of Minnesota described as follows, to-wit: a strip of land 20 feet in width, being 10 feet on each side of the following described line, to-wit: commencing at a point on the West line of Lot 5, Tarbox Rearrangement of Block B of Tarbox Addition, 126.7 feet Southerly of the Northwest corner of said Block B; thence Easterly to a point on the East line of Lot 29, Tarbox Rearrangement of Block B of Tarbox Addition, 105 feet Southerly of the Northeast corner of said Block B, and there terminating.

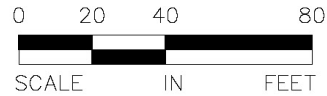
## EXHIBIT B

### DEPICTION OF THE TWO SEWER AND UTILITY EASEMENTS TO BE VACATED



**EXISTING SEWER AND UTILITY EASEMENT LEGAL DESCRIPTION**

An easement for public sewer and utility purposes in, under and upon the tract or parcel of land lying and being in the County of Dakota and State of Minnesota described as follows, to-wit: a strip of land 20 feet in width, being 10 feet on each side of the following described line, to-wit: commencing at a point on the West line of Lot 5, Tarbox Rearrangement of Block B of Tarbox Addition, 126.7 feet Southerly of the Northwest corner of said Block B; thence Easterly to a point on the East line of Lot 29, Tarbox Rearrangement of Block B of Tarbox Addition, 105 feet Southerly of the Northeast corner of said Block B, and there terminating.



Design File: 200064	Checked By: DPE
Dwg Name: ESM-EXH	Drawn By: DPE
Date: 06/28/2020	Scale: 1" = 40'

EXISTING SEWER AND UTILITY EASEMENT EXHIBIT

SOUTH ST. PAUL, MINNESOTA


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