



Request for Council Action

TO: Mayor and City Council

THROUGH: Planning Commission
Tim Murray, City Administrator

FROM: Deanna Kuennen, Com & Econ Dev Director

MEETING DATE: January 26, 2021

SUBJECT: Ordinance 2020-4 Vacate Certain Perimeter Public Drainage and Utility Easements Originally Platted in Hofmeister Second Addition - Second Reading

Background:

As the first step in a multi-part process, Dorothy Hofmeister, on behalf of the Hofmeister Family Limited Partnership (owners), has applied to vacate unused public drainage and utility easements on the perimeter of lots that are going to be combined as part of a proposal to replat Outlot A, and Lots 2 and 3, in Block 1 of Hofmeister Second Addition. The proposed Hofmeister Third Addition subdivision plat converts Outlot A to a buildable lot for resale and combines Lots 2 and 3 for expanded use by the existing Harley Davidson Dealership.

The subdivision plat and related development agreement are also being presented for City Council approval as separate items, along with this second reading of the public easement vacation ordinance.

After proper notice, the Planning Commission held a combined public hearing on August 17, 2020 regarding applications for Preliminary and Final Plat of Hofmeister Third Addition and the Vacation of Certain Easements related to the plat application. There were several members of the public in attendance during the online public hearing. No objections to the request were received.

The Planning Commission with a vote of 6-0 approved the draft ordinance vacating certain perimeter easements established in Hofmeister Second Addition subject to the approval of the Preliminary and Final Plat of Hofmeister Third Addition as proposed.

The City Council, at its meeting of December 22, 2020 approved the first reading of this ordinance by unanimous vote. No objections have been received and no changes have been made to the ordinance since that time.

The second reading and approval of summary publication will complete the steps necessary to vacate certain perimeter public drainage and utility easements as shown in Exhibit A of the attached Ordinance 2020-4.

Recommendations:

1. Approve second reading of Ordinance 2020-4 Vacating Certain Perimeter Easements in Hofmeister Second Addition (4/7 vote)
2. Approve Summary Publication of Ordinance 2020-4 (5/7 vote)

Attachments:

- Ordinance 2020-4
- Summary Publication

**CITY OF FARIBAULT
ORDINANCE No. 2020-4**

**VACATE CERTAIN PERIMETER PUBLIC DRAINAGE AND UTILITY EASEMENTS
ORIGINALLY PLATTED IN HOFMEISTER SECOND ADDITION**

WHEREAS, Dorothy Hofmeister, on behalf of the Hofmeister Family Partnership (Applicant and Owner), submitted a complete application to the City of Faribault requesting that the City of Faribault vacate the perimeter drainage and utility easements that were platted along both sides of the south and west property lines of Lot 3, Block 1, Hofmeister Second, legally described and graphically depicted in Exhibit A; and

WHEREAS, the applicant in this case has also applied to replat their property to combine two parcels into one commercial lot at the site and the proposed subdivision plat, the Hofmeister Third Addition, will re-establish new perimeter drainage and utility easements as required by City Subdivision Regulations; and

WHEREAS, the City Engineer has determined that there is no public need to maintain the easements proposed for vacation in this application; and

WHEREAS, the City of Faribault Development Review Committee reviewed the Applicant's request and does not object to the requested vacations; and

WHEREAS, City Staff made a report to the Planning Commission (Case Number: PFP/VAC 13-2020) related to the Applicant's request; and

WHEREAS, the Planning Commission, on the 17th day of August, 2020 following proper notice, held a public hearing regarding said requests; and

WHEREAS, following said public hearing, the Planning Commission recommended that the City Council approve the vacation request based on the following written findings as required by Section 2-540 of the City of Faribault Unified Development Ordinance:

- 1. No private rights will be injured or endangered because of said vacation.** The requested vacation will not adversely affect private rights in any manner. The Hofmeister Third Addition plat associated with this application will, re-establish required perimeter drainage and utility easements at the site.
- 2. The public will not suffer loss or inconvenience because of said vacation.** There is no public need to maintain the unused and unneeded drainage and utility easements, which the Applicant has requested that the City vacate. The Hofmeister Third Addition plat

associated with this application will, re-establish required perimeter drainage and utility easements at the site which are adequate to serve adjacent properties.

- 3. No written objection was received, prior to the public hearing, from an adjacent property owner who did not join in the application.** The proposed vacation will not adversely affect adjacent property owners.

WHEREAS, the City Council of the City of Faribault held a public meeting on December 22, 2020 for first reading, and on January 26, 2021 for second reading of this ordinance in consideration of the Applicant's request, the Staff report, the summary results of the public hearing, and the written findings and recommendation of the Planning Commission related to the Applicant's request; and

WHEREAS, the City Council of the City of Faribault concurs with the recommendation and written findings of the Planning Commission as stated in the above recitals, and hereby makes the identical findings related to the vacation request; and

NOW, THEREFORE, THE CITY OF FARIBAULT ORDAINS:

Section 1. Findings. The recitals set forth in this ordinance are incorporated into and made a part of this ordinance and, where applicable, constitute the findings of the Faribault City Council.

Section 2. Vacation. Those unused perimeter drainages and utility easements along the south and west lines of Lot 3, Block 1, of Hofmeister Second Addition as described and graphically depicted in Exhibit A are hereby vacated.

Section 3. Responsibility for Private Utilities. The Owner shall verify the existence of any private utilities affected by this vacation request. The Owner shall be responsible for any associated costs with relocating said utilities.

Section 4. Authorization to take Additional City Action. The Mayor, City Administrator, and the City's Consultants are hereby authorized and directed to take any and all additional steps and actions necessary and convenient to accomplish the intent of this ordinance.

Section 5. Effective Date. This ordinance shall be effective after its passage and publication, in accordance with Chapter 3 of the City Charter.

First Reading: December 22, 2020

Second Reading / Adoption: January 26, 2021

Publication Date: January 28, 2021

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

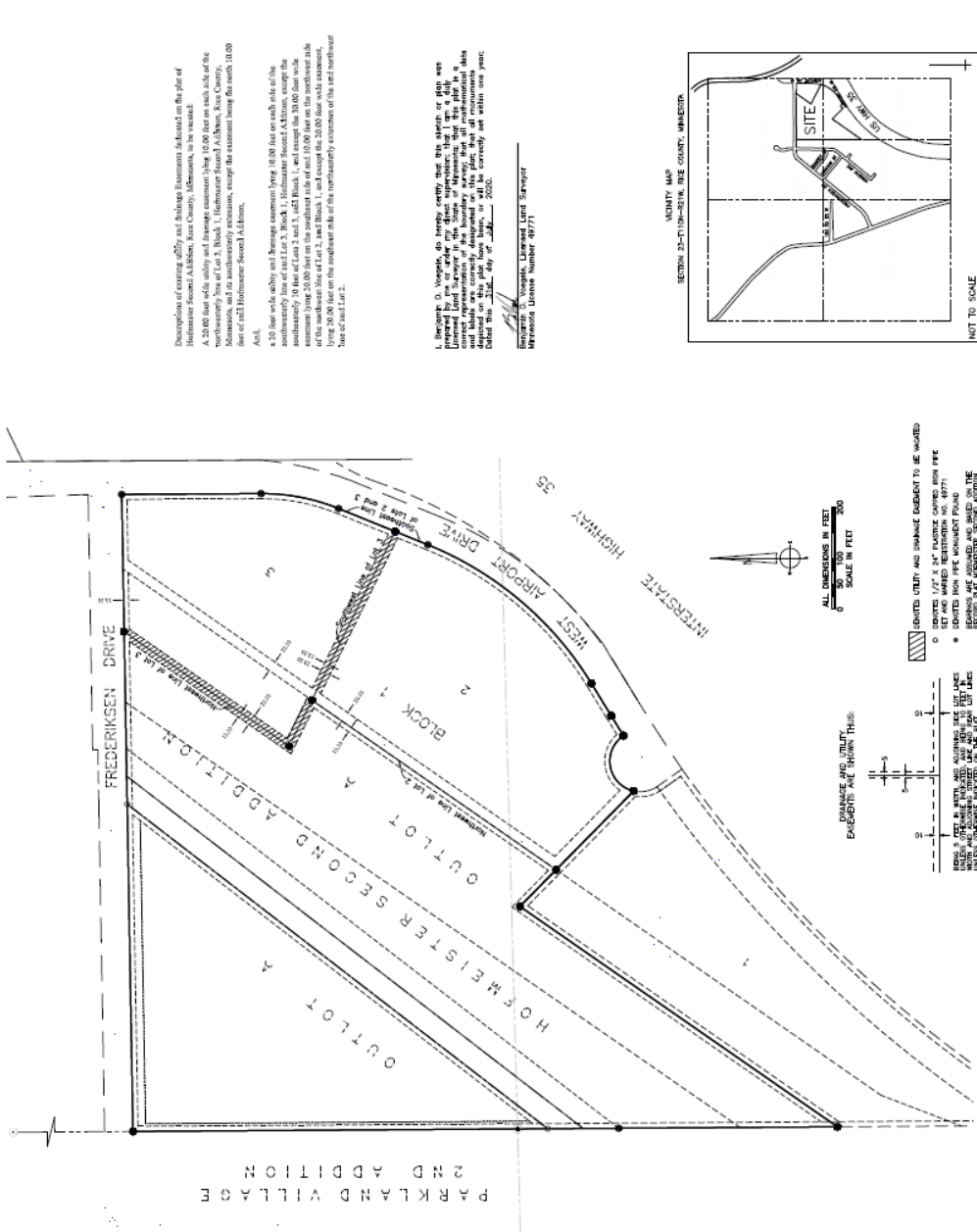
Timothy C. Murray, City Administrator

EXHIBIT A
Legal Description

Lots 2 and 3, Block 1, and Outlot A, Hofmeister Addition, in the City of Faribault,
Rice County, Minnesota

GRAPHIC DEPICTION OF THE EASEMENTS TO BE VACATED

UTILITY AND DRAINAGE EASEMENT VACATION SKETCH



THIS PLAN PREPARED BY KORTMAN & BENTON, LLC