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REQUEST FOR COUNCIL ACTION

MEETING DATE: 08-04-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-13
ITEM DESCRIPTION: **Vacation Petition #03-04 by Lumber One Avon Inc. to vacate the drainage and utility easement located on the easterly 5 feet of Outlot A Valley Side Estates and on the westerly 5 feet of Outlot F Valley Side Estates. The property is located east of 40th Avenue SE, north of Trumpeter Drive SE and west of Red Hawk SE.**		PREPARED BY: Theresa Fogarty, Planner

July 30, 2003

Planning Department Recommendation:

See attached staff report dated July 30, 2003.

Staff has reviewed the request and is recommending approval vacating the existing drainage and utility easement, as submitted, with the following comments:

1. ***Prior to recording the vacation, dedication of a new public utility easement shall be executed with the City for relocation of the existing drainage and utilities located within the area being vacated.***

Council Action Needed:

1. **Following the hearing, if the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution to approve the vacation petition as recommended by staff.**

Attachments:

1. Staff Report dated July 30, 2003.

Distribution:

1. City Administrator
2. City Clerk
3. City Attorney: Copy of legal description is attached
4. Planning Department File
5. Applicant: This item will be considered by the Council sometime after 7:00 p.m. on Monday, August 4, 2003, in the Council/Board Chambers at the Government Center, 151 4th Street SE.
6. Dave Bell, Project Consultant
7. Surveying & Engineering Professionals, Inc.

COUNCIL ACTION: Motion by:_____ Second by:_____ to:

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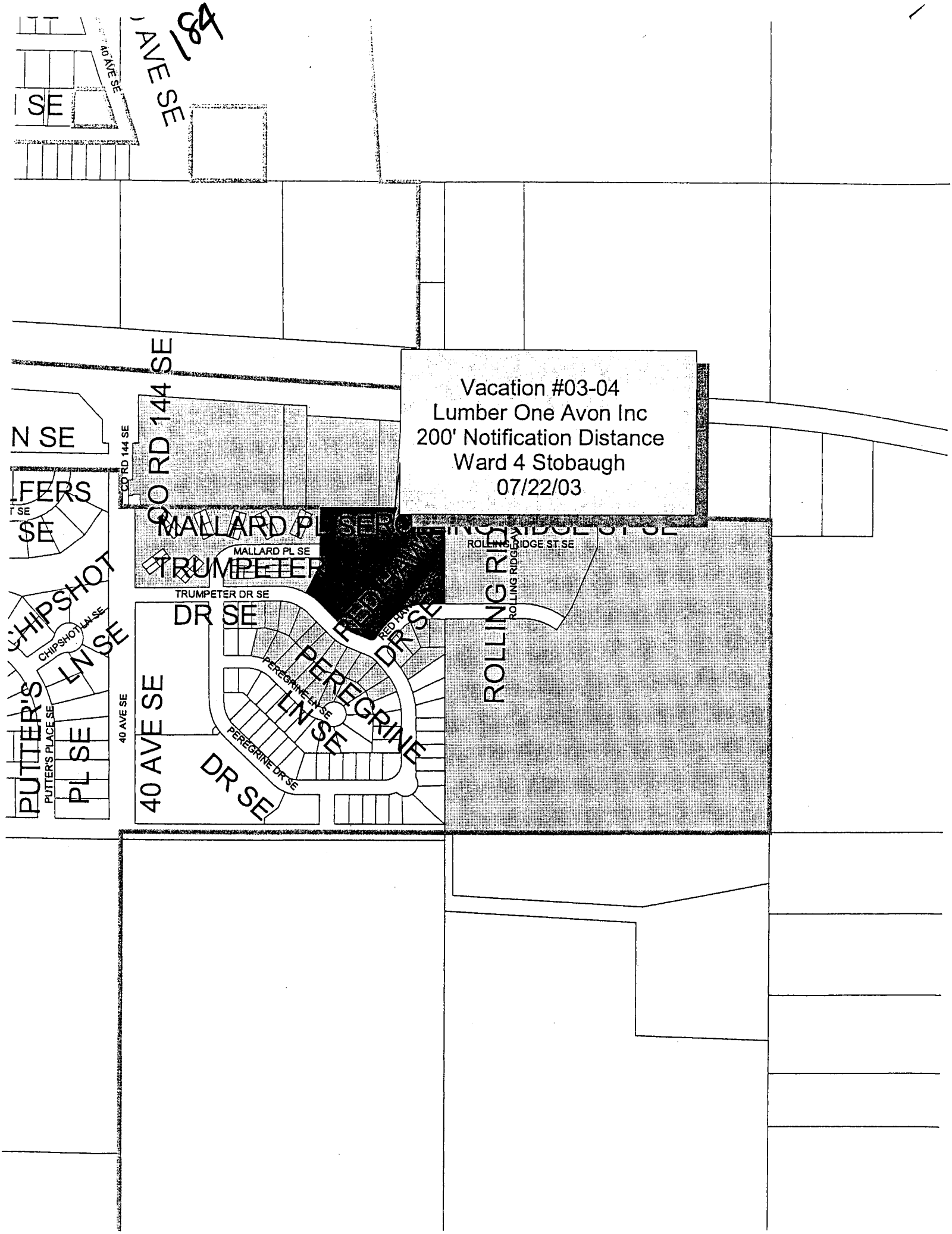
Vacation #03-04
Lumber One Avon Inc
200' Notification Distance
Ward 4 Stobaugh
07/22/03



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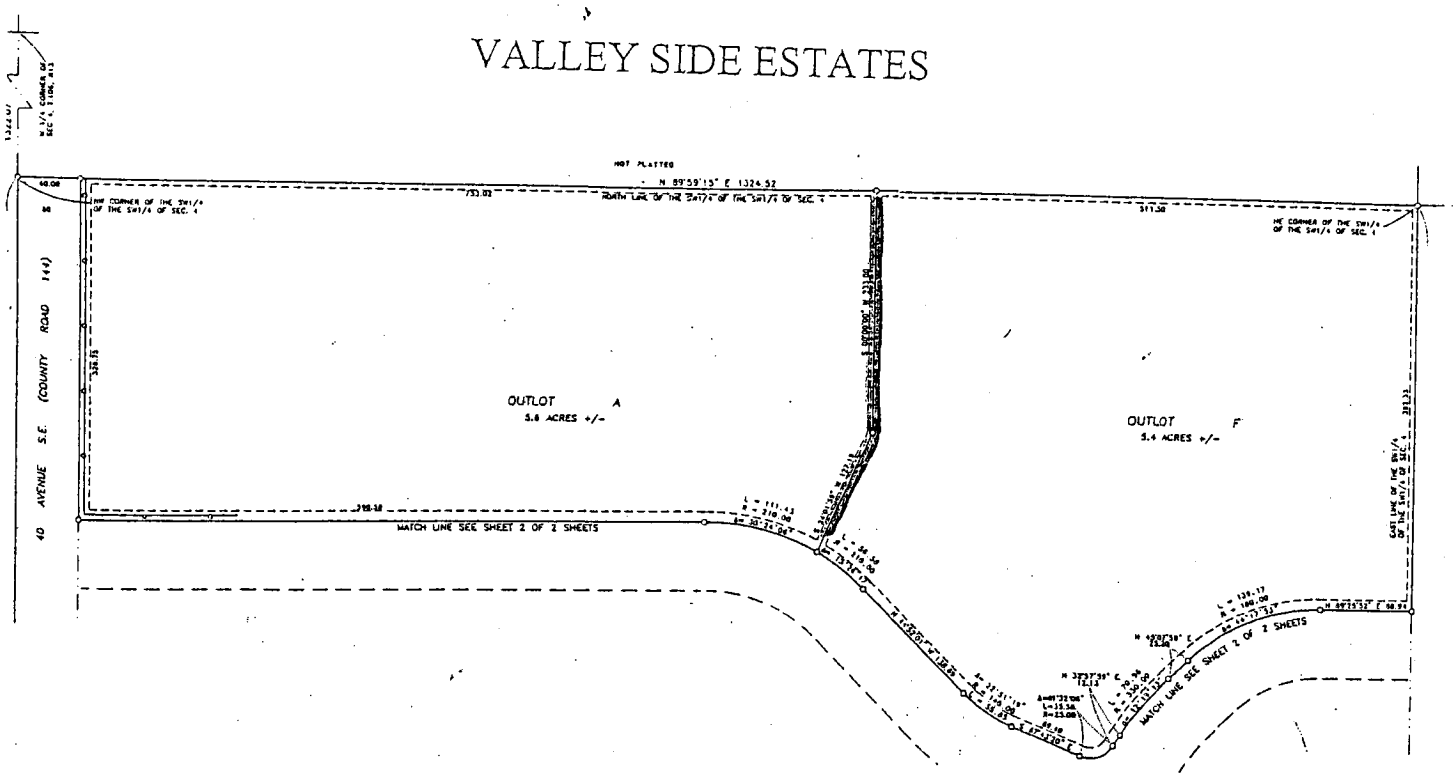
VALLEY SIDE ESTATES



Vacation of drainage and utility easement

That part of the easterly 5.00 feet of Outlot A, VALLEY SIDE ESTATES, according to the recorded plat thereof, which lies 5.00 feet southerly of the north line of said Outlot A, and lies 10.00 feet northerly of the southerly line of said Outlot A, as measured at a right angle to, and parallel with the said southerly line, and that part of the westerly 5.00 ft of Outlot F, VALLEY SIDE ESTATES, according to the recorded plat thereof, which lies 5.00 feet southerly of the north line of said Outlot F, and lies 10.00 feet northerly of the southerly line of said Outlot F, as measured at a right angle to, and parallel with the said southerly line.

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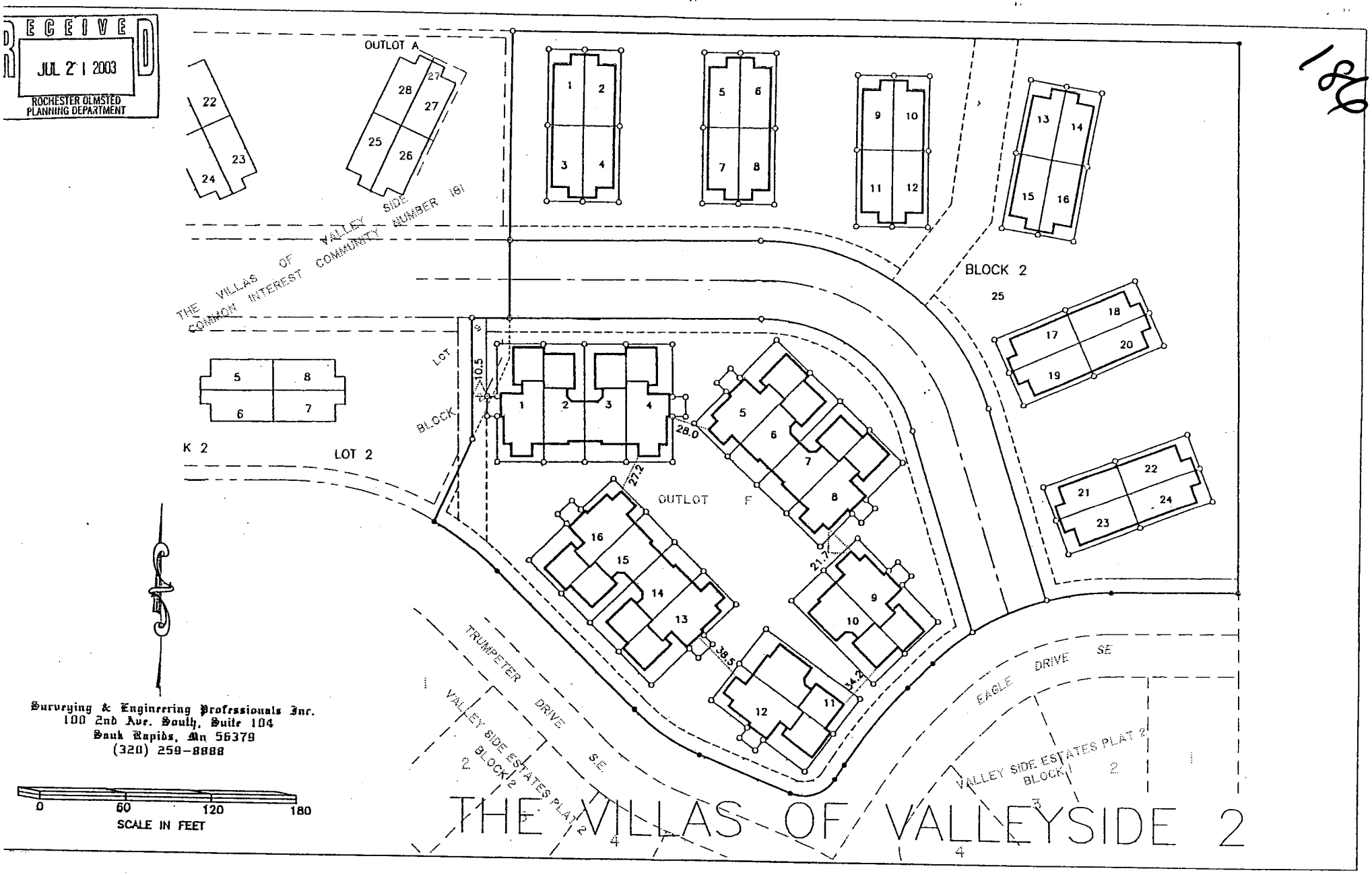

03175

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ROCHESTER-OLMSTED PLANNING DEPARTMENT
2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744
COUNTY OF Olmsted
www.olmstedcounty.com/planning

CITY OF ROCHESTER MINNESOTA INCORPORATED AUGUST 5 A.D. 1858

TO: Rochester City Council

FROM: Theresa Fogarty, Planner

DATE: July 30, 2003

RE: **Vacation Petition #03-04 by Lumber One Avon, Inc. to vacate the drainage and utility easement located on the easterly 5 feet of Outlot A Valley Side Estates and on the westerly 5 feet of Outlot F Valley Side Estates. The property is located east of 40th Avenue SE, north of Trumpeter Drive SE and west of Red Hawk SE.**

Planning Department Review:

Petitioner(s):	Lumber One Avon, Inc. P.O. Box 7 Avon, MN 56310
Consultant:	Dave Bell P.O. Box 1643 St. Cloud, MN 56302
Engineer/Surveyor:	Surveying & Engineering Professionals, Inc. 100 Second Avenue South, Suite 104 Sauk Rapids, MN 56379
Reason to Vacate:	The petitioner is requesting vacating the utility and drainage easement to accommodate the setback requirements and new boundary utility easements for the development of Phase 2, Villas of Valleyside.
Referral Comments:	1. Rochester Public Works
Report Attachments:	1. Vacation Petition 2. Location Map 3. Referral Comments (1 letter)

Staff Recommendation:

Staff has reviewed the recommendation presented by the Rochester Public Works and is recommending approval vacating the existing drainage and utility easement, as submitted, with the following comments:

1. ***Prior to recording the vacation, dedication of a new public utility easement shall be executed with the City for relocation of the existing drainage and utilities located within the area being vacated.***

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ROCHESTER

Minnesota

DEPARTMENT OF PUBLIC WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

FROM: Mark E. Baker

DATE: 7/25/03

The Department of Public Works has reviewed the application requesting Vacation #03-04 by Lumber One to vacate a portion of a drainage & utility easement. The following are Public Works comments on the proposal:

1. Public Works has no objection to granting this request provided an easement is granted for relocation of the drainage and utilities.