



Legislation Text

File #: Ord. 1005, **Version:** 1

City Council Meeting Date: July 2, 2019

To: Mayor and City Council
City Administrator

From: Sean M. Simonson, Engineering Manager
David Bennett, Public Works Director/City Engineer

Ordinance vacating drainage easement on Outlot A Southbridge 1st Addition.

Action Requested:

The Northfield City Council is asked to approve the second reading of an ordinance vacating drainage and utility easement on Outlot A Southbridge 1st Addition.

Summary Report:

On June 18, 2019, the City held a public hearing and the first reading of Ordinance 1005 vacating the drainage and utility easement on Outlot A Southbridge 1st Addition. As part of the public hearing and Council discussion, there were questions regarding the status of Outlot A as City Park. The City has compiled a summary of information and actions as it relates to Outlot A (Attachment 3). In summary, Outlot A is in private ownership and the property was not dedicated to the City for park. The Southbridge development met its park dedication development obligations.

The typical process/sequence for park dedication is as follows:

1. Park Dedication is regulated by Article 5 of the Land Development Code and is triggered by Major Subdivision.
2. The amount of land or cash payment in lieu of park is determined at the time of preliminary plat.
3. The dedication of land or the payment of cash in lieu of land dedication by the applicant shall occur as a condition prior the city council approval of the final plat.
4. Park Dedication is completed by Resolution. This is the end of the process. The developer shall provide the city evidence of title in a form acceptable to the city attorney or a title insurance policy insuring the city's interest in the property. In any dedication of required land, the developer must have good and marketable title to the land, free and clear of any mortgages, liens, encumbrances or assessments, except easements or minor imperfections of title acceptable to the city.

Again, final dedication of park occurred and Outlot A wasn't dedicated to the City for Park.

The owners of the parcel 22.07.3.01.069 have requested vacation of a drainage easement on Outlot A Southbridge 1st Addition.

According to Northfield Municipal Code Section 15.6:

The council may by ordinance approved by at least five (5) members vacate any street, alley or other public grounds or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedures as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county offices in accordance with law.

The existing lot is zoned N2-B: Neighborhood General 2, which is described as larger vacant areas within City limits that are slated to provide a pedestrian friendly environment, a mixture of dwelling types and neighborhood-serving commercial development.

When Outlot A was platted an easement was dedicated over the entire outlot. The City does not have a public need for dedication of easement over the entire outlot. Therefore, a complete vacation of easement is proposed. A new dedication of easement over portions of Outlot A will be provided by the developer for areas that need the easement.

Tentative Timelines:

The ordinance takes effect 30 days after publication.