



City Council Memorandum

To: Mayor Fasbender & City Councilmembers
From: Chris Jenkins, Parks & Recreation Director
Date: May 6, 2024
Item: Trail Easement Vacation – Smead Property

Council Action Requested: Conduct public hearing and approve attached resolution vacating a trail easement.

Background Information: This trail easement was acquired to construct a trail through private property owned by Smead Mfg. This easement is not accurate, and is no longer necessary because Dakota County has obtained a new easement through the property for public trail purposes.

Financial Impact: N/A

Advisory Commission Discussion: N/A

Council Committee Discussion: N/A

Attachments:

- Resolution

RESOLUTION NO. _____

**CITY OF HASTINGS
DAKOTA COUNTY, MINNESOTA**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HASTINGS
VACATING CERTAIN EASEMENTS LOCATED
WITHIN THE CITY OF HASTINGS, MINNESOTA**

Council member _____ introduced the following Resolution and moved its adoption:

WHEREAS, pursuant to Minn. Stat. § 412.851, the Hastings City Council (“City Council”) may vacate any street, alley, public grounds, public way or any part thereof within the City by Resolution; and

WHEREAS, the City Council initiated the vacation the certain easements over property in Hastings, Minnesota, described in the Permanent Pedestrian Trail and Bike Path Easement dated December 7, 1998, and filed of record in the office of the Dakota County Registrar of Titles on January 20, 1999 as Document Number 390657, and filed of record in the office of the Dakota County Recorder on January 20, 1999 as Document Number 1569596 (“Easement”); and

WHEREAS, the Easement is being vacated due to an error in the legal description and a new easement for the same trail will be approved and recorded with a corrected legal description; 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; and

WHEREAS, the City Council 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 has determined that the vacation would be in the public interest; and.

WHEREAS, the City Council has reviewed the request and recommendation of the Planning Commission.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HASTINGS AS FOLLOWS:

1. That the City of Hastings, pursuant to Minn. Stat. § 412.851, hereby vacates the easements situated in the City of Hastings, County of Dakota, State of Minnesota, described in the

Permanent Pedestrian Trail and Bike Path Easement dated December 7, 1998, and filed of record in the office of the Dakota County Registrar of Titles on January 20, 1999 as Document Number 390657, and filed of record in the office of the Dakota County Recorder on January 20, 1999 as Document Number 1569596.

- 2. That said vacation has no relationship to the City’s Comprehensive Plan and therefore the Hastings City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the Hastings 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.

The City Council hereby approves the Resolution as presented.

Council member _____ moved a second to this resolution and upon being put to a vote it was adopted by the Council Members present.

Adopted by the Hastings City Council on _____ day of _____, 2024, by the following vote:

Ayes:
 Nays:
 Absent:

 Mary Fasbender, Mayor

ATTEST:

 Kelly Murtaugh, City Clerk