

February 9, 2024

To: Planning Commission
From: Community Development Department
RE: Request to vacate a portion a utility easement

Application Review:

Applicant: Brent Sherwin
Location of Property: 1213 Elm Avenue N
Legal Description: See Attached Survey
Report Attachments:
1. Location Map
2. Vacation Sketch & Description

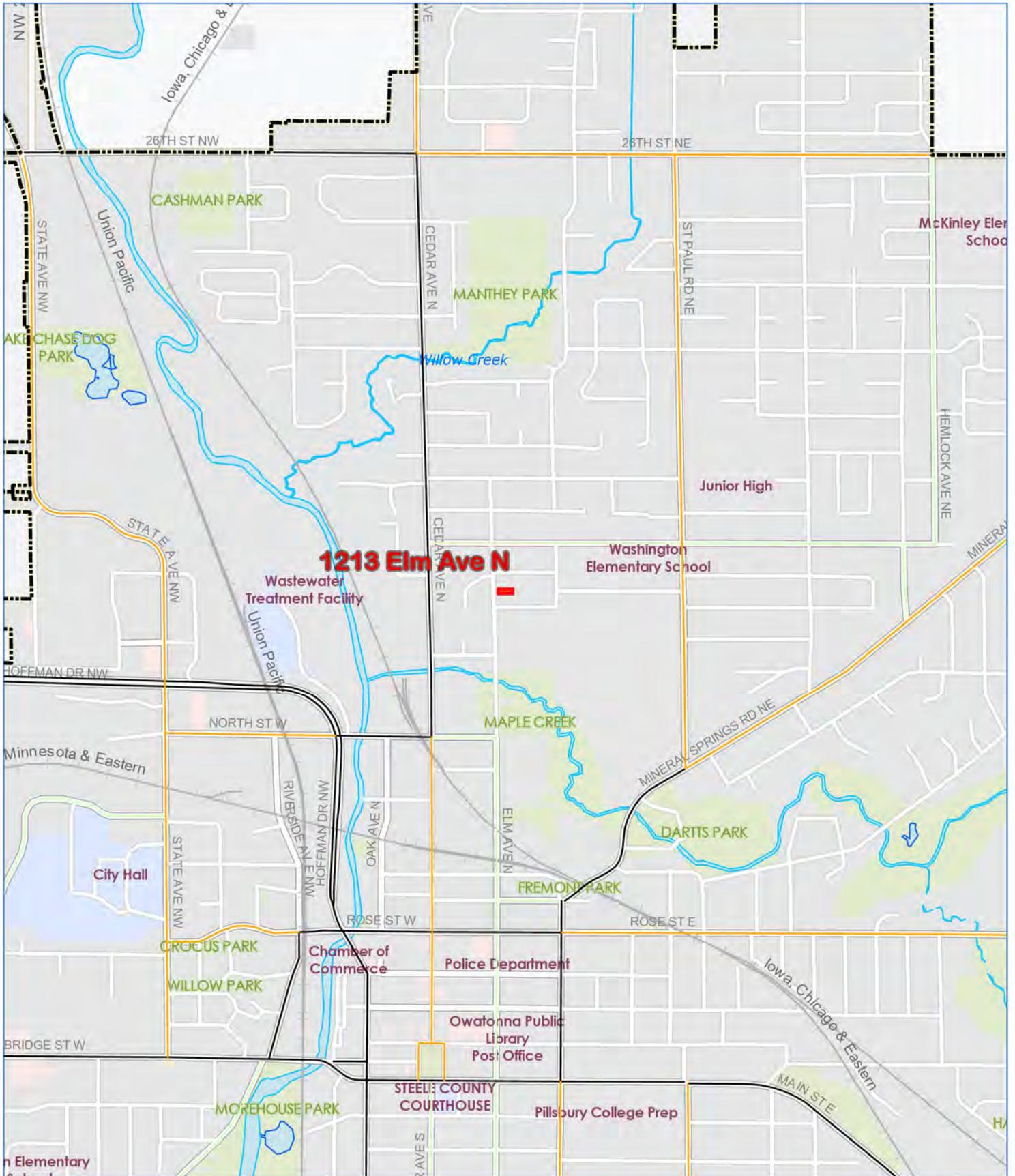
Proposed Development:

- ◆ Petition by Brent Sherwin to vacate a portion of a drainage and utility easement along the north property line of 1213 Elm Avenue N.
- ◆ In closing on the property it was discovered that the existing garage encroaches on an easement. The title company is requiring the situation to be resolved.
- ◆ In researching the property it appears that the garage was built prior to the easement being platted.
- ◆ OPU has an underground electric line just to the north of the garage. Work was completed on this a few years ago.
- ◆ There is also an underground communications line within this easement area.
- ◆ There are no utilities under the garage. The easement vacation will just be around the foundation of the garage. The remainder of the easement will remain.
- ◆ No other changes are proposed at this time.

Staff Recommendation:

Staff recommends approval of this vacation of a portion of a utility easement as described above.

1213 Elm Ave N City of Owatonna

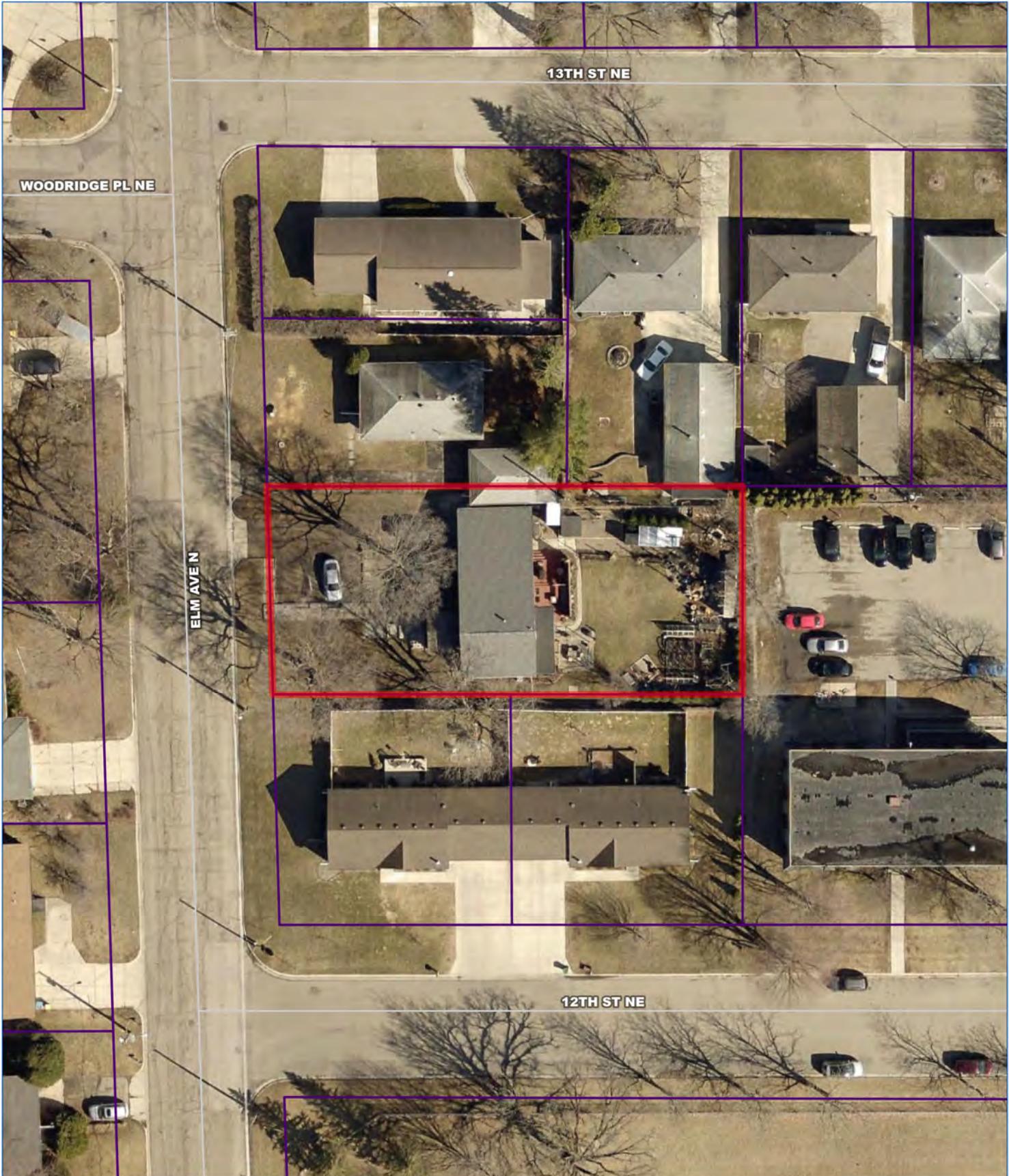


This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This information is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only.

January 31, 2024

1213 Elm Ave N
City of Owatonna

PIN: 17-235-0101
Acres: 0.332 ac.



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January 31, 2024

PROPOSED EASEMENT VACATION

PART OF LOT 1, BLOCK 1, HABERMAN ADDITION OWATONNA, STEELE COUNTY, MINNESOTA

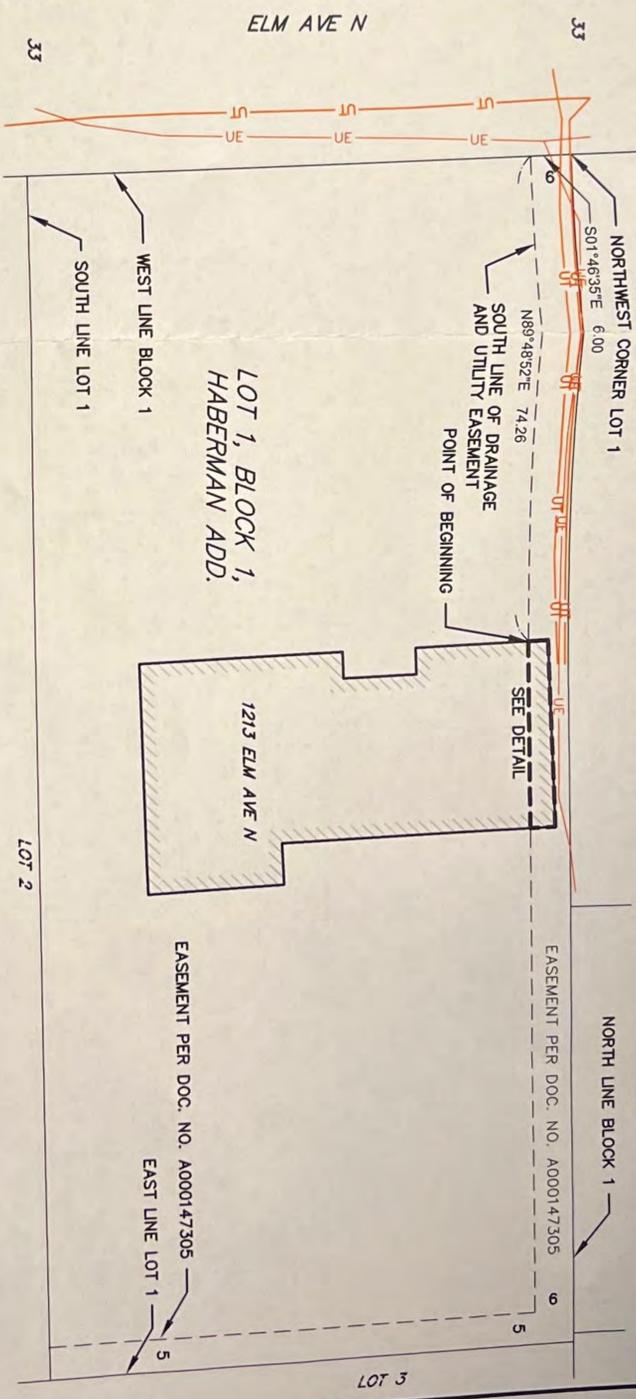
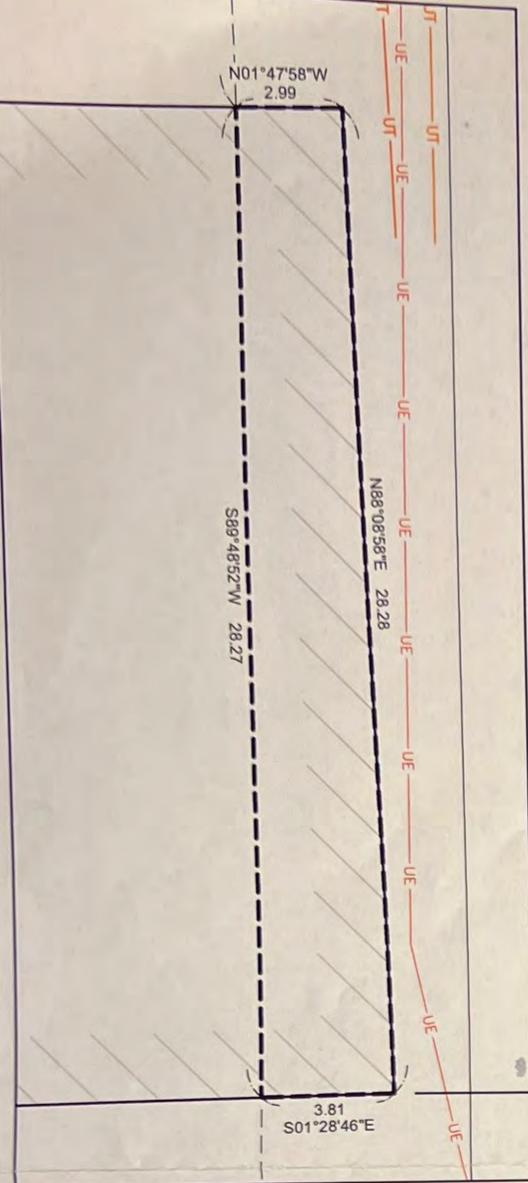
PREPARED EASEMENT VACATION DESCRIPTION

All that part the existing drainage and utility easement on the north side of Lot 1, Block 1, HABERMAN ADDITION, as the same is platted and recorded in the Office of the Steele County Recorder, Steele County, Minnesota; described as follows:

Commencing at the northwest corner of said Lot 1; thence South 01°46'35" East a distance of 6.00, on the west line of said Lot 1 to the south line of said drainage and utility easement; thence North 89°48'52" East a distance of 74.26 feet, on said south line to a point on the exterior face of the existing building wall, said point being the point of beginning;

- thence North 01°47'58" West a distance of 2.99 feet, to the northwest corner of said exterior wall;
- thence North 88°08'58" East a distance of 28.28 feet, to the northeast corner of said exterior wall;
- thence South 01°28'46" East a distance of 3.81 feet, on said exterior building wall to the south line of said easement;
- thence South 89°48'52" West a distance of 28.27 feet, to the point of beginning.

DETAIL N.T.S.



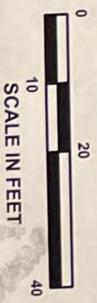
LOT 1, BLOCK 1,
HABERMAN ADD.

1213 ELM AVE N

LEGAL DESCRIPTION OF RECORD

Lot 1, Block 1, HABERMAN ADDITION,
OWATONNA, MINNESOTA

LEGEND:
 — UT — = Underground Telephone
 — UE — = Underground Electric



FOR: BRENT SHERWIN

Date: 01/11/2024
 Drawn by: SAT
 Field Book: -
 Coord-System: MNDOT CO. NAD83 (11)
 Job No: 23-1239
 File: -

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.
 Date: 1/12/24
 Scott A. Tuchenhagen

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JONES HAUGH SMITH
Engineers + Surveyors

515 South Washington Ave
 Albert Lea, MN 56007
 507-373-4876

415 West North Street
 Owatonna, MN 55060
 507-451-4598

1-22-2024

TO: City of Owatonna

I am requesting an easement vacation for the Northside of my Home at 2012 N Elm Ave.

The existing Garage encroaches on the existing easement. The Garage was pre-existing to my purchase of the home and prior to the seller of the home to me. I have now sold the home but to close the deal I must have the Easement vacated to allow the home to be sold and title insurance issued.

I am working with the new owners Elizabeth A. Mettillie and Nickolas R. Johnson to get this done.

Per our agreement I am initiating this action as guided by the city officials.

Please contact me with any concerns or additional needs to move this forward.

Brent Sherwin

bsherwin@northpointfresh.com

651-605-5736