

Memorandum

TO: City Council
FROM: Stephanie Smith , City engineer
DATE: February 3, 2025
SUBJECT: Public hearing for vacation of public utility easement dedicated with Lot 2, Block 1 of the Seven Lakes plat.
ITEM NUMBER: 9.a
SECTION: PUBLIC HEARINGS

REQUESTED MOTION

Motion #1

To close the public hearing.

Motion #2

To adopt Resolution 25-05, vacating the public utility easement as depicted within Lot 2, Block 1 of the Seven Lakes plat.

INTRODUCTION

On April 1, 2024, city council approved the final plat and PUD for Seven Lakes, development of the old Deluxe site, located on Victoria Street. The developer has notified city staff of a public utility easement across a portion of the property, that may now be vacated due to the relocation of lot lines and shifting the building pad southward.

DISCUSSION

Development Ordinance Requirements

Section 406 of the municipal code regulates the vacation of easements, rights-of-way or other publicly dedicated land. A vacation request may be initiated by the city. The city council is required to hold a public hearing regarding the vacation request and may grant or deny the request based on a 4/5 vote of its entire membership upon a finding that the vacation is in the public interest.

Staff Review

The public utility easement was dedicated with the Lot 2, Block 1 Seven Lakes plat. The developer has expressed interest in locating a building pad at this location. There are no public utilities located within the proposed vacation area, nor plans to construct any in the future. Vacation would allow the property to be returned to its highest and best use by the property owner.

Per state statute, notice of the vacation was published in two editions of the city's legal newspaper, and mailed notice was delivered to affected property owners including properties from the original plat. At the time of this staff report no comments have been received.

RECOMMENDATION

Staff is recommending the city council hold the public hearing, receive any public testimony, close the public hearing, and adopt Resolution 25-05, vacating the public easement as delineated in Lot 2, Block 1 of the Seven Lakes plat.

ATTACHMENTS

[Seven Lakes Public Easement Vacation Resolution 25-05.docx](#)

[Seven Lakes Public Easement Resolution Exhibit A.pdf](#)

[Public Hearing Notice for Seven Lakes Easement Vacation.docx](#)