

Memorandum

TO: City Council
FROM: Izaak Peterson , Associate Planner
DATE: April 21, 2025
SUBJECT: Drainage and Utility Easement Vacation Request- 720 Timber Lane - Rod Ives/John Dykstra (Public Hearing)
ITEM NUMBER: 9.a
SECTION: PUBLIC HEARINGS

REQUESTED MOTION

Motion #1

To close the public hearing.

Motion #2

To adopt Resolution 25-32, vacating the public drainage and utility easement as depicted on Registered Land Survey 559 Tract B and C.

INTRODUCTION

On [February 18, 2025](#), the city council approved a minor subdivision application to allow for a boundary adjustment between the properties located at 720 and 725 Timber Lane. A condition of minor subdivision approval was that the applicant submit an easement vacation request for council consideration, regarding a portion of existing public drainage and utility easement that would no longer align with the proposed interior property line, as a result of the boundary adjustment. The applicants, Rod Ives (720 Timber Lane) and John Dykstra (725 Timber Lane), have submitted the following vacation request in order to full the minor subdivisions condition of approval.

DISCUSSION

Development Ordinance Requirements

[Article IV](#) 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 five-foot wide public drainage and utility easement area was originally dedicated with Registered Land Survey 559 Tract B and C. The existing easement area reflects standard sideyard easements required by code [Sec 105-86](#), and do not currently contain and public infrastructure or public facilities.

Upon review of the previously submitted minor subdivision application, staff recommended a

condition of approval requiring the applicant submit application to vacate the easement areas that would no longer reflect the location of the interior side property line. This condition of approval was intended to avoid the instance of a "stray" public easements that no longer served the public interest. If the vacation is approved, the applicant intends to work with staff to rededicate standard drainage and utility easements that align with the adjusted property boundary, that was approved through the previous minor subdivision application.

Public Notice

Per state statute, notice of the vacation was published in the March 25th and April 8th editions of the Shoreview Press, and mailed notice was delivered to affected property owners within 350 feet of the request, and the Commissioner of the Department of Natural Resources. At the time of this staff report, no public comments have been received.

RECOMMENDATION

Staff is recommending the city council hold the public hearing to receive any public testimony, close the public hearing, and adopt Resolution 25-32, vacating the drainage and utility easement as proposed within Registered Land Survey 559 Tract B and C.

ATTACHMENTS

[Location Map](#)

[Resolution 25-32](#)

[Exhibit A- Depiction of Easement Vacation](#)