

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #19-241

RESOLUTION APPROVING A DRAINAGE AND UTILITY EASEMENT ENCROACHMENT AGREEMENT BETWEEN THE CITY AND RAMSEY STATION APARTMENTS, LLC

WHEREAS, The City of Ramsey approved the Final Plat of Greenway Terrace on August 22, 2017; and

WHEREAS, with the Final Plat the Developer dedicated to the City standard drainage and utility easements around the perimeter of the property; and

WHEREAS, upon construction of the facility as-built surveys indicated that the trash enclosure was constructed a distance of two feet seven inches into the previously dedicated drainage and utility easement; and

WHEREAS, the City Engineer has reviewed the encroachment and indicated support for the encroachment as no utilities have been constructed in the general area of the encroachment; and

WHEREAS, the terms of the proposed encroachment agreement indicate that the City retains all rights for use of the drainage and utility easement and that the owner waives the right to claim damages to the trash enclosure in the event it is damaged by the City while the City is performing maintenance or operating within the easement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY , STATE OF MINNESOTA, as follows:

That the Ramsey City Council hereby approves of the proposed drainage and utility encroachment agreement contingent upon the following conditions:

1. Review and approval as to legal form by the City Attorney.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this 24th day of September, 2019.

Mayor

ATTEST:

City Clerk