



CITY OF LE SUEUR
REQUEST FOR COUNCIL ACTION

TO: Mayor and City Council

FROM: Joe Roby, City Administrator
Justin Nielsen, Zoning Administrator & Building Official

SUBJECT: Resolution R2026-008: Easement Vacation

DATE: For the City Council Meeting of February 9th, 2026

PURPOSE

Consider a resolution vacating a public utility easement in favor of the City of Le Sueur.

SUMMARY

The City is the beneficiary of a public utility easement, dedicated in 1967, in the area of Turril Street and Elmwood Avenue. The easement document is attached to the memo, and the easement area is outlined and described in the vacation resolution R2026-008.

This easement is a “blanket” type, meaning it covers a wide swath of area and is not specific to installed electrical infrastructure. Such an easement can prevent future development and is an impediment to the Miller Homes PUD being presented to City Council for approval.

Should the City Council conduct a Public Hearing related to the vacation of this easement and hear comment from the public, it may consider Resolution R2026-008, which would provide for the easement’s vacation.

ACTION REQUESTED

Staff recommend that City Council adopt Resolution R2026-008 as presented.

Alternate Actions:

- No action / Denial: Easement vacation will not be approved unless otherwise directed by City Council.
- Modification of Recommendation: This is always an option for City Council.

CITY OF LE SUEUR, MINNESOTA
CITY COUNCIL RESOLUTION **R2026-008**

RESOLUTION APPROVING THE VACATION OF A PUBLIC UTILITY EASEMENT
NEAR TURRIL STREET & ELMWOOD AVENUE

WHEREAS, the City of Le Sueur (the “City”) holds a public utility easement of certain property within the City legally described in Exhibit A; and

WHEREAS, the property on which the easement is placed is labelled as “Description” and the legal description of the easement is labelled as “Deed to the City of Le Sueur” on Exhibit A; and

WHEREAS, the City obtained this easement in 1967 and finds that the easement is no longer necessary for the purposes for which it was acquired; and

WHEREAS, the City held a duly noticed public hearing on February 9, 2026 concerning the vacation of said easement; and

WHEREAS, the City Council determines that there is no current and/or anticipated future public need to retain the public utility easement and vacation would be in the public interest.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LE SUEUR, LE SUEUER COUNTY, STATE OF MINNESOTA that pursuant to Minnesota Statutes 412.851, the above described public utility easement is hereby vacated.

PASSED by the Le Sueur City Council this the 9th day of February 2026.

ATTEST

Shawn Kirby, Mayor

Lindsey Dhaene, City Clerk

VOTE: ___ HUNTINGTON ___ KIRBY ___ SCHLUETER
 ___ SULLIVAN ___ SMITH ___ NELSON ___ WILLIAMS

**EXHIBIT A
VACATION LEGAL**

Description:

Commencing at the Quarter post on the East side of Section Number Two (2), Township 111, North, Range 26 West, thence North on the East line of said section Forty-four (44) Rods and Twelve and one-half Feet ($12\frac{1}{2}'$), thence West at right angles Forty-one (41) Rods, thence South at right angles Forty-four (44) Rods and Twelve and one-half Feet ($12\frac{1}{2}'$), thence East at right angles Forty-one (41) Rods to place of beginning, excepting therefrom that certain tract heretofore conveyed to Otis Ayer described as follows, to-wit:

Commencing at the Quarter section post thence West on the line between said Northeast Quarter (NE $\frac{1}{4}$) and said Southeast Quarter (SE $\frac{1}{4}$) of Section Number 2 Seventeen (17) Rods, thence North parallel with the East line of said Section Number 2 Seventy-seven and one-half Feet ($77\frac{1}{2}'$), thence East parallel with the South line of said Northeast Quarter (NE $\frac{1}{4}$) of Section No. 2 17 Rods to the East line of said Sec. No. 2, thence South on said line Seventy-seven and one-half Ft. ($77\frac{1}{2}'$) to the place of beginning. All of said described property lying and being in the County of Le Sueur and State of Minnesota. Said description being in accordance with the recorded maps and plats thereof on file and of record in the Office of the Register of Deeds in and for Le Sueur County, Minnesota, subject to Deeds of Conveyance and Dedication for street and highway purposes heretofore made and excepting therefrom those portions hereof theretofore conveyed by Deed dated October 4, 1960, and recorded at Le Sueur County, Minnesota, in Book 124 of Deeds, Page 276.

Deed to City of Le Sueur (Deed of Dedication)

Commencing on the East One-fourth (E $\frac{1}{4}$) of Section 2, Township 111 North, Range 26 West Le Sueur County, Minnesota, proceeding thence North on the East line of said Section 2 a distance of Seven Hundred Feet (700') to a point which point is hereby designated as point of beginning, thence deflecting left $89^{\circ} 45\frac{1}{4}$ minutes a distance of 693 Feet to a point, thence deflecting to the right $90^{\circ} 14 \frac{3}{4}$ minutes $30'$ to a point; thence proceeding East parallel to the South line of the tract herein described to the East line of said Section 2; proceeding thence South along the East line of said Sec. 2 to the point of beginning. Commencing at the East One-fourth (E $\frac{1}{4}$) corner of Section 2, Township 111 North, Range 26 West, Le Sueur County, Minnesota; proceeding thence North along the East line of said Section 2 a distance of Seven Hundred and Sixteen (716) Feet to a point; thence deflecting to the left $89^{\circ} 45\frac{1}{4}$ minutes, a distance of Six Hundred and Sixty-three (663) Feet to a point which point is hereby designated as the point of beginning; continuing thence West on the same course Sixty (60) Feet to a point; proceeding thence South on a line parallel to the East line of said Sec. 2 to the South line of the Northeast Quarter (NE $\frac{1}{4}$) of Sec. 2, Township 111 North, Range 26 West, Le Sueur County, Minnesota; proceeding thence East of the South line of said Northeast (NE) corner of Sec. 2, Sixty (60) Feet to a point; proceeding thence North on a line parallel to the East line of said Section 2 a distance of Seven Hundred and Sixteen (716) Feet to the point of beginning.

**EXHIBIT B
VACATION EXHIBIT**



EASEMENT AGREEMENT

THIS INDENTURE, Made and entered into this First day of August, 1967, by and between Leon J. and Mary Shannon Frost, Husband and Wife, of the County of Le Sueur and State of Minnesota, hereinafter referred to as Grantor, and the City of Le Sueur, a Municipal Corporation duly organized and existing under and by virtue of the laws of the State of Minnesota, hereinafter referred to as Grantee.

WITNESSETH, That the Grantors in consideration of the sum of One and No/100 dollars (\$1.00) and other good and valuable consideration to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged does hereby grant, bargain, sell and convey unto the Grantee, its successors, and assigns forever a permanent right and easement, on, over and across the following described premises belonging to the said Grantor, lying and being in the City of Le Sueur and State of Minnesota, described as follows, to-wit:

(See attached Rider)

to place, construct, reconstruct, repair, relocate, replace, operate and maintain on the above-described lands and in or upon all streets, roads or highways abutting said lands, an electric distribution line or system; to cut, trim and control the growth of, by chemical means, machinery, or otherwise, trees and shrubbery that may interfere with or threaten to endanger the operation and maintenance of said line or system, including any control of the growth of other vegetation which may incidentally and necessarily result from the means of control employed, and to cut down from time to time all dead, weak, leaning or dangerous trees that are tall enough to strike the wires in falling, and to license, permit or otherwise agree to the joint use or occupancy of the line or system by any other person, association or corporation for electrification or telephone purposes.

The undersigned agrees that all poles, wires and other facilities installed on the above described lands at the Grantee's expense shall remain the property of the Grantee and be removable at the option of the Grantee.

The Grantor for himself, his heirs, executors, and administrators, does covenant with the said Grantee, its successors and assigns that he is well

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