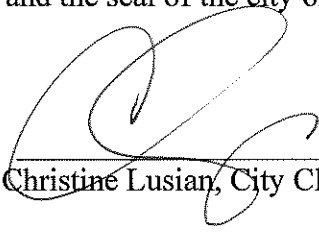


Electronically recorded on 4/30/24 as Doc. # 11280629.

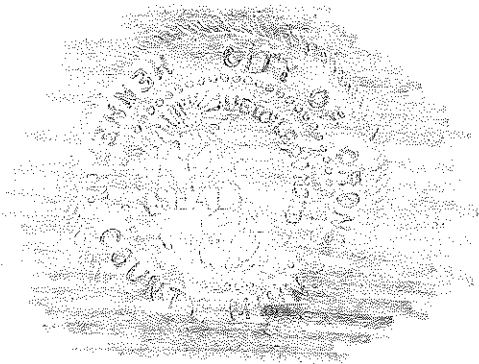
STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN) ss
)
CITY OF ORONO)

I certify the foregoing is the original resolution adopted by the City Council on April 22, 2024.

Officially signed as City Clerk of Orono, Minnesota and the seal of the city on April 22, 2024.



Christine Lusian, City Clerk





CITY OF ORONO
RESOLUTION OF THE CITY COUNCIL

NO. 7474

**A RESOLUTION APPROVING
ACCEPTANCE OF AN EASEMENT FOR PUBLIC ROAD PURPOSES (FOX STREET)
AND
AN EASEMENT FOR PUBLIC ROAD PURPOSES (ORONO ORCHARD ROAD SOUTH)
AND
APPROVING AN ASSENT TO REGISTRATION OF THE TITLE TO CERTAIN LAND
IN THE CITY OF ORONO**

WHEREAS, the City of Orono ("City") is a municipal corporation organized and existing under the laws of the State of Minnesota; and

WHEREAS, Edward H. Hamm, Jr., as Trustee of the Amendment and Restatement of Trust of Edward H. Hamm dated October 10, 1995 ("Owner"), is the owner of certain real property located at 485 Orono Orchard Road South in the City, which property is legally described as set forth in Exhibit A, attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Owner has applied to register the title to the Land, Hennepin County Court File No. 27-ET-CV-22-66; and

WHEREAS, because a portion of the Property is bisected by Fox Street and bordered on the east by Orono Orchard Road South, and because the City has recorded documents against the title to the Property (as identified below), the Owner named the City as a defendant in the registration matter; and

WHEREAS, during the registration process, the Hennepin County Examiner of Titles identified that no document of record established right of way for the southerly 33 feet for what is improved by the City as Fox Street, as is legally described and depicted on Exhibit B, attached hereto and incorporated herein; and

WHEREAS, the Hennepin County Examiner of Titles also identified that no document of record established right of way for the east 33 feet, north of Fox Street, for what is improved by the City as Orono Orchard Road South, as is legally described and depicted on Exhibit C, attached hereto and incorporated herein; and

WHEREAS, to resolve these discrepancies, and in light of the long use of these areas by the City for public street purposes, the Owner offered to grant permanent easements to the City in these locations for public street purposes; and

WHEREAS, the easements granted by the Owner will be recorded against the Property by the Owner as part of the registration of the Property; and

WHEREAS, the Hennepin County Examiner of Titles further identified that sections of fence have been erected on the Property, extending north to south along Orono Orchard Road South, and lies within and encroaches upon the easement area that is legally described and depicted on Exhibit C; and



CITY OF ORONO
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WHEREAS, the sections of fence do not interfere with safe passage of vehicles or pedestrians on Orono Orchard Road South, and the City is willing to allow the encroachment to remain within the easement areas as provided herein; and

WHEREAS, the other City documents recorded against the title to the Property are the following (collectively, the "City Approvals"):

- A. **Declaration of Subdivision Covenants**, dated July 9, 1999, recorded April 14, 2000 (Doc. No. A7285795);
- B. **Conditional Use Permit**, granted by Resolution dated July 28, 2003, recorded February 5, 2004 (Doc. No. A8287776);
- C. **Variance**, granted by Resolution dated April 14, 2003, recorded April 7, 2004 (Doc. No. A8327496);
- D. **Conditional Use Permit**, granted by Resolution dated May 12, 2003, recorded April 7, 2004 (Doc. No. A8327497); and
- E. **Sewer Connection**, granted by Resolution dated May 12, 2003, recorded April 7, 2004 (Doc. No. A8327498)

WHEREAS, the Owner has requested that the City assent to the Owner's registration of the Property, subject to the City Approvals, which will remain in full force and effect; and

NOW, THEREFORE, BE IT RESOLVED, by the Orono City Council and the City of Orono that, based on the foregoing:

- 1) The Easement for Public Street Purposes (Orono Orchard Road South) is accepted; and
- 2) The Easement for Public Street Purposes (Fox Street) is accepted; and
- 3) The City assents to the encroachment of the fences within the easement area legally described and depicted on **Exhibit C**, and pursuant to the terms set forth in the Easement for Public Street Purposes (Orono Orchard Road South); and
- 4) The City assents to the Owner's registration of the Property; and
- 5) The Mayor and City Manager are authorized to execute the Assent Registration of Land as requested by the Owner.

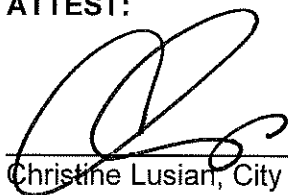


CITY OF ORONO
RESOLUTION OF THE CITY COUNCIL

NO. 7474

ADOPTED by the Orono City Council on this 22nd day of April, 2024.

ATTEST:



Christine Lusian, City Clerk

CITY OF ORONO:



Dennis Walsh, Mayor



CITY OF ORONO
RESOLUTION OF THE CITY COUNCIL

NO. 7474

EXHIBIT A
TO
RESOLUTION NO. _____

Legal Description of the Property Being Registered by Owner

That part of Government Lot 4 and the Southwest Quarter of Section 2, Township 117, Range 23, Hennepin County Minnesota, described as follows: Beginning at a point on the East line of Government Lot 4, distant 434.3 feet South of the Northeast corner thereof, designated as Point A; thence Northwesterly deflecting to the right from said East line 101 degrees 43 minutes, a distance of 182 feet; thence Northwesterly 60 feet along a curve to the right with a radius of 4687.5 feet; thence Northwesterly 200 feet along a curve to the right with a radius of 222.45 feet; thence Northerly 175 feet along a curve to the right with a radius of 237.56 feet; thence Northerly 50 feet along a curve to the right with a radius of 527.42 feet; thence Northeasterly to a point on the North line of Government Lot 4, distant 360 feet West of the Northeast corner thereof designated as Point B; thence northeasterly 55.51 feet along a line which forms an angle of 68 degrees 40 minutes 08 seconds with said North line of Government Lot 4; thence northerly 100.00 feet along a tangential curve concave to the west having a radius of 181.40 feet and a central angle of 31 degrees 35 minutes 07 seconds; thence northwesterly 125.00 feet along a compound curve concave to the west having a radius of 283.70 feet and a central angle of 25 degrees 14 minutes 42 seconds; thence northwesterly on a line tangent to last described curve 267.40 feet; thence northwesterly deflecting 02 degrees 23 minutes 00 seconds to the left from last described course 123.34 feet; thence northwesterly 104.40 feet along a tangential curve concave to the southwest having a radius of 164.00 feet and a central angle of 36 degrees 28 minutes 30 seconds, to a point on the west line of the East One-Half of the Northwest Quarter of the Southwest Quarter of said Section 2, exclusive of the highway (33 feet wide) upon the easterly side thereof, said East One-Half being ascertained after taking from the Northwest Quarter of the Southwest Quarter of said section said highway upon the easterly side, and which is 636.66 feet north from the Southwest corner of said East One-Half so ascertained; thence north along said west line of the East One-Half so ascertained 679.66 feet to the northwest corner thereof; thence east along the north line of the Southwest Quarter of said Section 2 to the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 2; thence south along the east line of said Northwest Quarter of the Southwest Quarter of Section 2 and Government Lot 4 to the point of beginning.

Also that part of said West One-Half of the Northwest Quarter of the Southwest Quarter of Section 2 exclusive of highway (33 feet wide) on the easterly side thereof, said West One-Half being ascertained after taking from said Northwest Quarter of the Southwest Quarter of Section 2 said highway upon the easterly side; lying easterly of Macmillan Addition, according to the recorded plat thereof and northerly of a line and its westerly extension described as commencing at the northeast corner of said West One-Half so ascertained; thence on an assumed bearing of South 00 degrees 17 minutes 01 second East, along the east line of said West One-Half so ascertained 679.85 feet, more or less to a point 636.66 feet north of the southeast corner of said West One-Half, said point being the point of beginning of the line to be described; thence deflecting right at an angle of 83 degrees 53 minutes 00 seconds on a line bearing South 83 degrees 35 minutes 59 seconds West 33.68 feet; thence South 82 degrees 23 minutes 59 seconds West 66.32 feet to the most southerly southeast corner of Outlot C, said Macmillan Addition and said line there terminating.

Together with a non-exclusive easement for driveway purposes over, under and across part of Outlot C and Lot 2, Block 1, MacMillan Addition and the Northwest Quarter of the Southwest Quarter of Section 2, Township 17, Range 23, as described in the Private Road Agreement recorded January 14, 1930 as Document No. A1579568 and amended in the Agreement Regarding Correction of Easement Legal Description recorded June 19, 2018 as Document Nos. A10563491 and T5538418.



CITY OF ORONO
RESOLUTION OF THE CITY COUNCIL

NO. 7474

EXHIBIT B
TO
RESOLUTION NO. _____

*Legal Description and Depiction of the Permanent Easement for Public Street
(Fox Street)*

The portion of the north 33.00 feet of Government Lot 4, Section 2, Township 117, Range 23, Hennepin County, Minnesota, lying within the herein described Parcel A.
(Contains 12,145 Sq. Ft. or 0.279 Acres)

PARCEL A

That part of Government Lot 4 and the Southwest Quarter of Section 2, Township 117 North, Range 23 West of the Fifth Principal Meridian, Hennepin County Minnesota, described as follows: Beginning at a point on the East line of Government Lot 4, distant 434.3 feet South of the Northeast corner thereof, designated as Point A; thence Northwesterly deflecting to the right from said East line 101 degrees 43 minutes, a distance of 182 feet; thence Northwesterly 60 feet along a curve to the right with a radius of 4687.5 feet; thence Northwesterly 200 feet along a curve to the right with a radius of 222.45 feet; thence Northerly 175 feet along a curve to the right with a radius of 237.56 feet; thence Northerly 50 feet along a curve to the right with a radius of 527.42 feet; thence Northeasterly to a point on the North line of Government Lot 4, distant 360 feet West of the Northeast corner thereof designated as Point B; thence northeasterly 55.51 feet along a line which forms an angle of 68 degrees 40 minutes 08 seconds with said North line of Government Lot 4; thence northerly 100.00 feet along a tangential concave to the west having a radius of 181.40 feet and a central angle of 31 degrees 35 minutes 07 seconds; thence northwesterly 125.00 feet along a compound curve concave to the west having a radius of 283.70 feet and a central angle of 25 degrees 14 minutes 42 seconds; thence northwesterly on a line tangent to last described curve 267.40 feet; thence northwesterly deflecting 02 degrees 23 minutes 00 seconds to the left from last described course 123.34 feet; thence northwesterly 104.40 feet along a tangential curve concave to the southwest having a radius of 164.00 feet and a central angle of 36 degrees 28 minutes 30 seconds, to a point on the west line of the East One-Half of the Northwest Quarter of the Southwest Quarter of said Section 2, exclusive of the highway (33 feet wide) upon the easterly side thereof, said East One-Half being ascertained after taking from the Northwest Quarter of the Southwest Quarter of said section said highway upon the easterly side, and which is 636.66 feet north from the Southwest corner of said East One-Half so ascertained; thence north along said west line of the East One-Half so ascertained 679.66 feet to the northwest corner thereof; thence east along the north line of the Southwest Quarter of said Section 2 to the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 2; thence south along the east line of said Northwest Quarter of the Southwest Quarter of Section 2 and Government Lot 4 to the point of beginning.



CITY OF ORONO
RESOLUTION OF THE CITY COUNCIL

NO. 7474

EXHIBIT C
TO
RESOLUTION NO. _____

*Legal Description and Depiction of the Permanent Easement for Public Street Purposes
(Orono Orchard Road South)*

The east 33.00 feet the East Half of the Northwest Quarter of the Southwest Quarter of Section 2,
Township 117, Range 23, Hennepin County, Minnesota.
(Contains 57,941 Sq. Ft. or 1.33 Acres)

AND

That part of the east 33.00 feet of the herein described Parcel A lying south of the north 33.00 feet of
Government Lot 4, Section 2, Township 117, Range 23, Hennepin County, Minnesota.
(Contains 13,112 Sq. Ft. OR 0.301 Acres)

PARCEL A

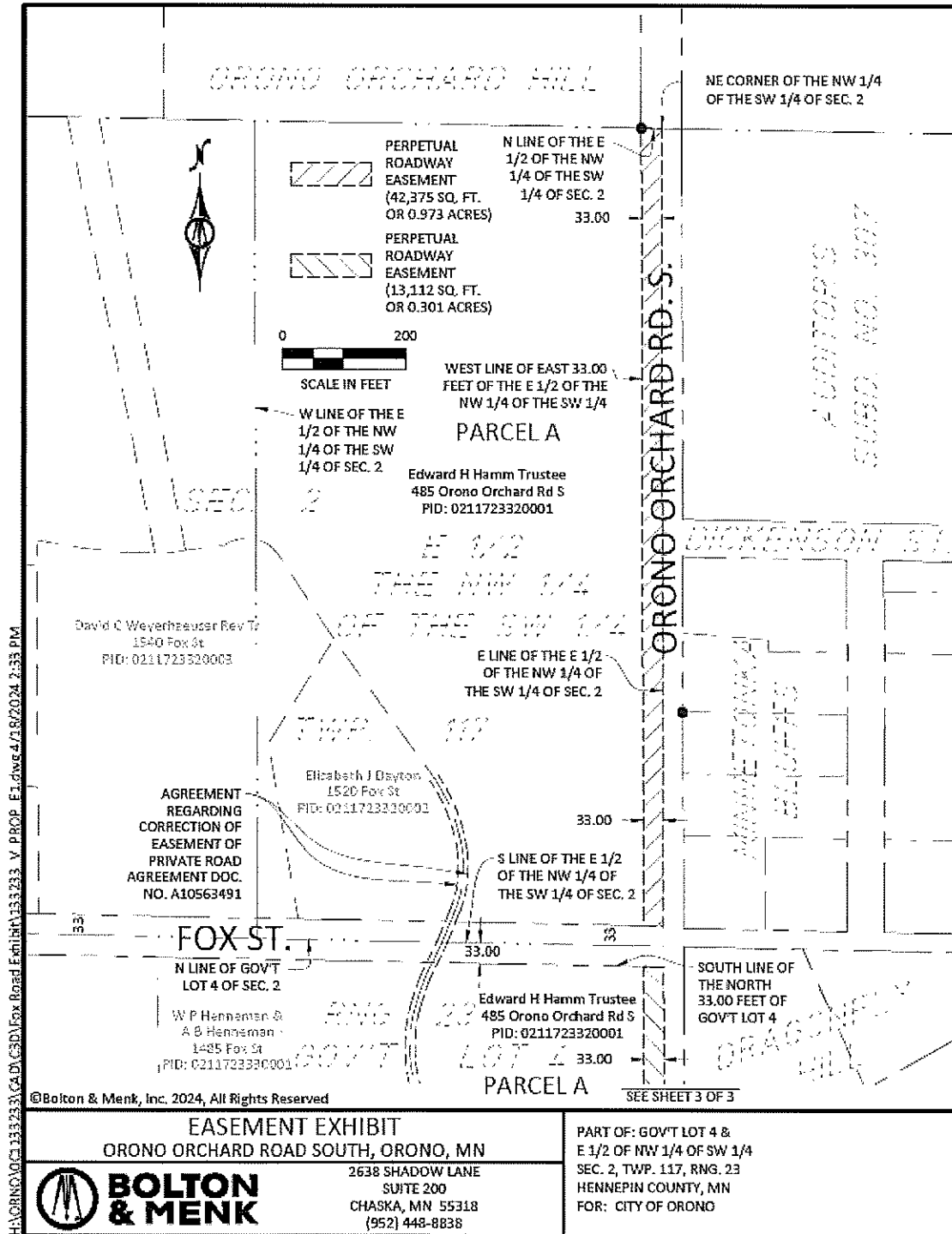
That part of Government Lot 4 and the Southwest Quarter of Section 2, Township 117 North, Range 23 West of the Fifth Principal Meridian, Hennepin County Minnesota, described as follows: Beginning at a point on the East line of Government Lot 4, distant 434.3 feet South of the Northeast corner thereof, designated as Point A; thence Northwesterly deflecting to the right from said East line 101 degrees 43 minutes, a distance of 182 feet; thence Northwesterly 60 feet along a curve to the right with a radius of 4687.5 feet; thence Northwesterly 200 feet along a curve to the right with a radius of 222.45 feet; thence Northerly 175 feet along a curve to the right with a radius of 237.56 feet; thence Northerly 50 feet along a curve to the right with a radius of 527.42 feet; thence Northeasterly to a point on the North line of Government Lot 4, distant 360 feet West of the Northeast corner thereof designated as Point B; thence northeasterly 55.51 feet along a line which forms an angle of 68 degrees 40 minutes 08 seconds with said North line of Government Lot 4; thence northerly 100.00 feet along a tangential concave to the west having a radius of 181.40 feet and a central angle of 31 degrees 35 minutes 07 seconds; thence northwesterly 125.00 feet along a compound curve concave to the west having a radius of 283.70 feet and a central angle of 25 degrees 14 minutes 42 seconds; thence northwesterly on a line tangent to last described curve 267.40 feet; thence northwesterly deflecting 02 degrees 23 minutes 00 seconds to the left from last described course 123.34 feet; thence northwesterly 104.40 feet along a tangential curve concave to the southwest having a radius of 164.00 feet and a central angle of 36 degrees 28 minutes 30 seconds, to a point on the west line of the East One-Half of the Northwest Quarter of the Southwest Quarter of said Section 2, exclusive of the highway (33 feet wide) upon the easterly side thereof, said East One-Half being ascertained after taking from the Northwest Quarter of the Southwest Quarter of said section said highway upon the easterly side, and which is 636.66 feet north from the Southwest corner of said East One-Half so ascertained; thence north along said west line of the East One-Half so ascertained 679.66 feet to the northwest corner thereof; thence east along the north line of the Southwest Quarter of said Section 2 to the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 2; thence south along the east line of said Northwest Quarter of the Southwest Quarter of Section 2 and Government Lot 4 to the point of beginning.



CITY OF ORONO

RESOLUTION OF THE CITY COUNCIL

NO. 7474





CITY OF ORONO
RESOLUTION OF THE CITY COUNCIL

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