

**CITY OF CENTER CITY  
CITY COUNCIL RESOLUTION 2021-11-02A**

**RESOLUTION APPROVING THE VACATION OF A PORTION OF PUBLIC RIGHT-OF-WAY  
KNOWN AS LAKE STREET**

WHEREAS, Pam Niemezycki (the "Applicant"), has submitted a request to the City of Center City (the "City"), to vacate a portion of the Lake Street right of way that was dedicated on the recorded plat of Centre City located southeasterly of 1<sup>st</sup> Street; and

WHEREAS, the adjacent property is zoned R-1 Traditional Single Family Residential District and designated Low Density Residential on the future land use map and the vacated portion of Lake Street will be zoned R-1 Traditional Single Family Residential District and designated Low Density Residential on the future land use map; and

WHEREAS, a copy of the right of way vacation application and materials were available at the City Offices for public viewing; and

WHEREAS, a notice of public hearing for the street vacation request was published and posted in accordance with the applicable Minnesota Statutes, and the hearing was held before the City Council on August 3, 2021 at 7:00 pm or as soon thereafter as possible at the Center City City Council chambers, located at 300 North Center Avenue in the City of Center City, Minnesota; and

WHEREAS, a public hearing was held for the right of way vacation at the August 3, 2021 City Council meeting where the public hearing was, held materials accepted as part of the record were accepted, the public hearing was closed and the motion was tabled until the September 7, 2021 City Council meeting at which time the motion was tabled to the October 5, 2021 City Council meeting; and

WHEREAS, the City Council has the authority to impose reasonable conditions on a public right of way vacation; and

WHEREAS, the City Council has determined that it is in the public interest to vacate said right of way as set forth herein; and

WHEREAS, the City Council makes the following findings of fact in support of granting approval of the right of way vacation:

A. The legal description of the public right of way to be vacated is:

That part of Lake Street dedicated on the recorded plat of CENTRE CITY, Chisago County, Minnesota, lying southeast of the southeast line of First Street, as dedicated on said plat.

The right-of way is not presently being used as a street.

B. The vacated portion of Lake Street shall be zoned R-1 Traditional Single Family Residential District.

C. The Planning Report dated July 29, 2021 shall be the governing document.

D. The aerial location map of proposed street vacation is attached as Exhibit A.

E. The aerial location map of property owned by the applicant is attached as Exhibit B.

F. The street vacation exhibit is attached as Exhibit C.

G. The concept sketch dated 9-27-21 is attached as Exhibit D.

- H. The certificate of survey dated 3-12-21 is attached as Exhibit E.
- I. The DNR comments dated 7-29-21 are attached as Exhibit F.
- m. The public interest will be served by the vacation provided the City retains access to the lake by a dedication of land from the affected property owners which compensates the public for any land vacated.


NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Center City, Minnesota, that it hereby approves the street vacation request to vacate a portion of Lake Street subject to the following conditions:

1. Engineer's Comments. The right of way vacation and related documents shall be reviewed by the City Engineer and the vacation shall satisfactorily address any comments and conditions as required by the City Engineer.
2. Final Plat Approval & Recording. The street vacation shall be contingent upon approval and recording of a final plat of the property owned by the applicant and the vacated portion of the Lake Street right of way at the Chisago County recorder's office.
3. 1st Street Dedication. That as part of the preliminary and final plat review that is required as a condition of the right of way vacation of a portion of Lake Street, the applicant/owner dedicates some additional land to the City as either right of way, an out lot or as an easement in favor of the City.
4. Upon the foregoing conditions being complied with, the city will prepare and file the Notice of Completion Of and vacation.

ADOPTED by the City Council of the City of Center City, Chisago County, Minnesota this 5<sup>th</sup> day of October, 2021.

  
 Jill Behnke  
 Mayor

ATTEST:

  
 Valerie Fox  
 City Clerk

Moved by: Mark Wolcott  
 Seconded by: Ryan Pease

Published:  
 Filed with Chisago County:

The following Council Members voted in favor: Jill Behnke, Lloyd Vetter, Mark Wolcott, Madonna Higgins, Ryan Pease  
 The following Council Members voted against or abstained: 0

Whereupon the motion was duly passed and executed.

Attachments:

- Exhibit A – Aerial Location Map of Proposed Street Vacation
- Exhibit B – Aerial Location Map of Property Owned by Applicant
- Exhibit C – Street Vacation Exhibit
- Exhibit D – Concept Sketch Dated 9-27-21

Exhibit A - Aerial Location Map of Proposed Street Vacation

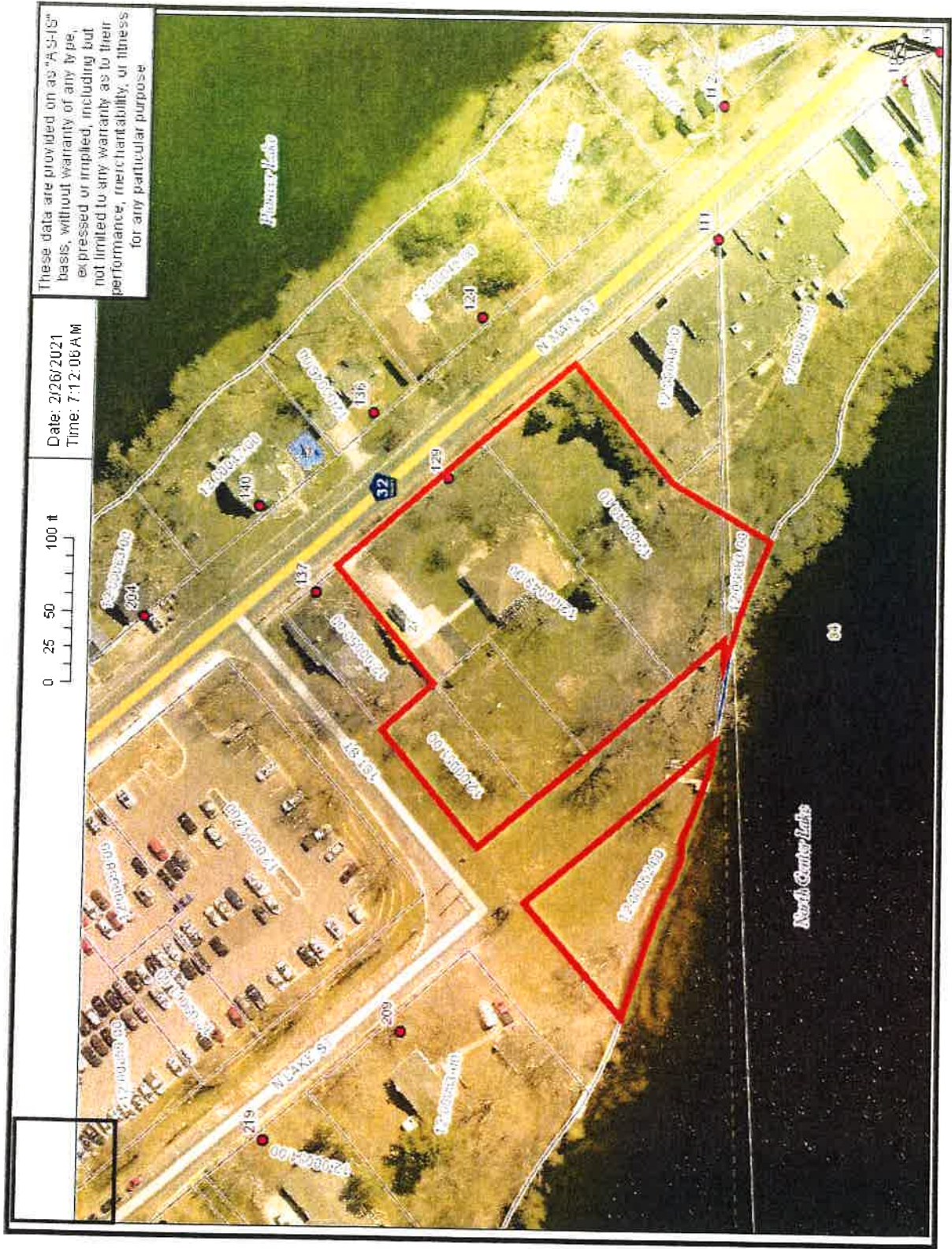


Exhibit E – Certificate of Survey Dated 3-12-21  
Exhibit F – DNR Comments Dated 7-29-21



Exhibit B - Aerial Location Map of Property Owned by Applicant



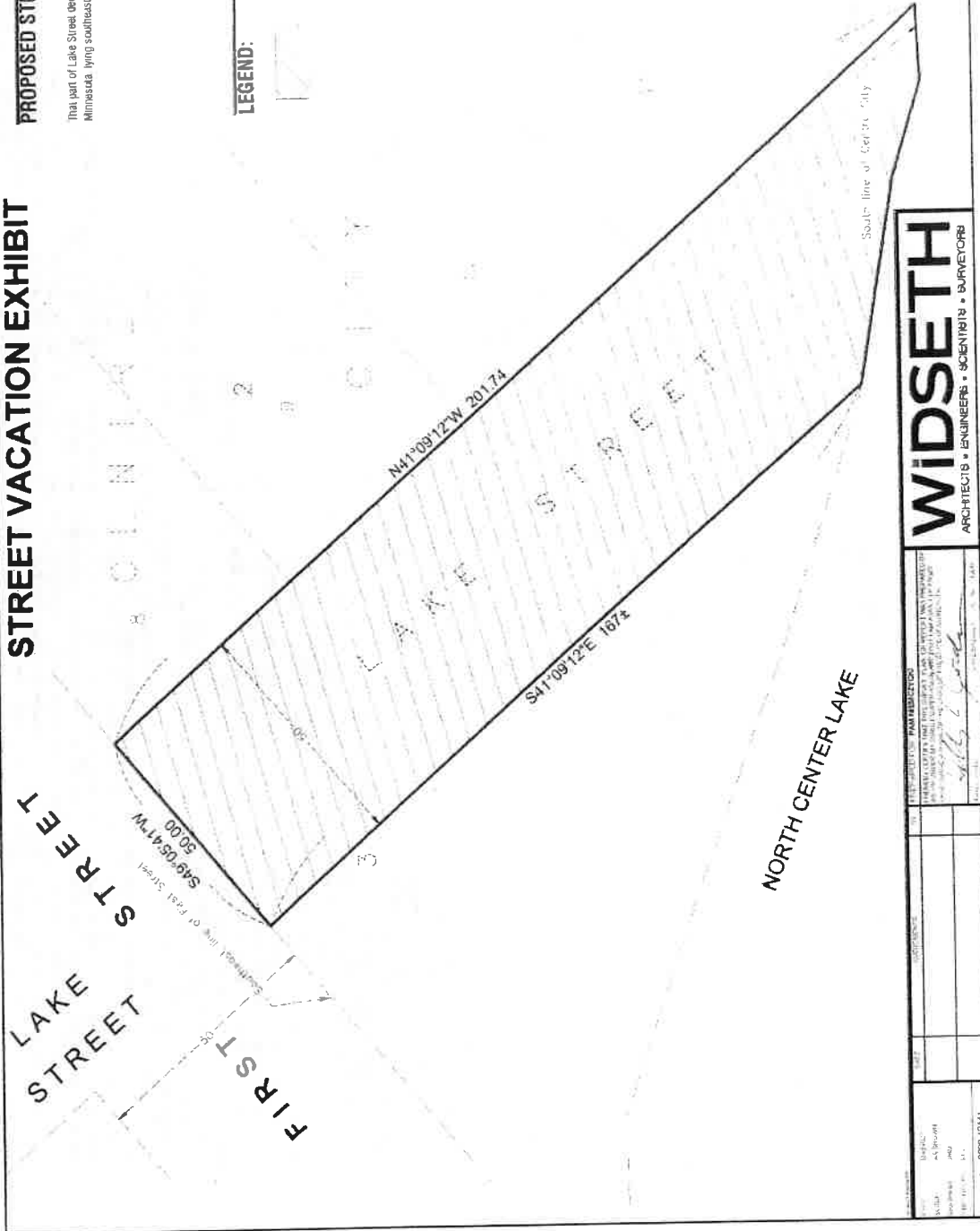
Exhibit C – Street Vacation Exhibit

**STREET VACATION EXHIBIT**

**PROPOSED STREET VACATION DESCRIPTION:**  
 That part of Lake Street, dedicated on the recorded plat of CENTRE CITY, Chicago County, Minnesota, lying southeast of the southeast line of First Street, as depicted on said plat.

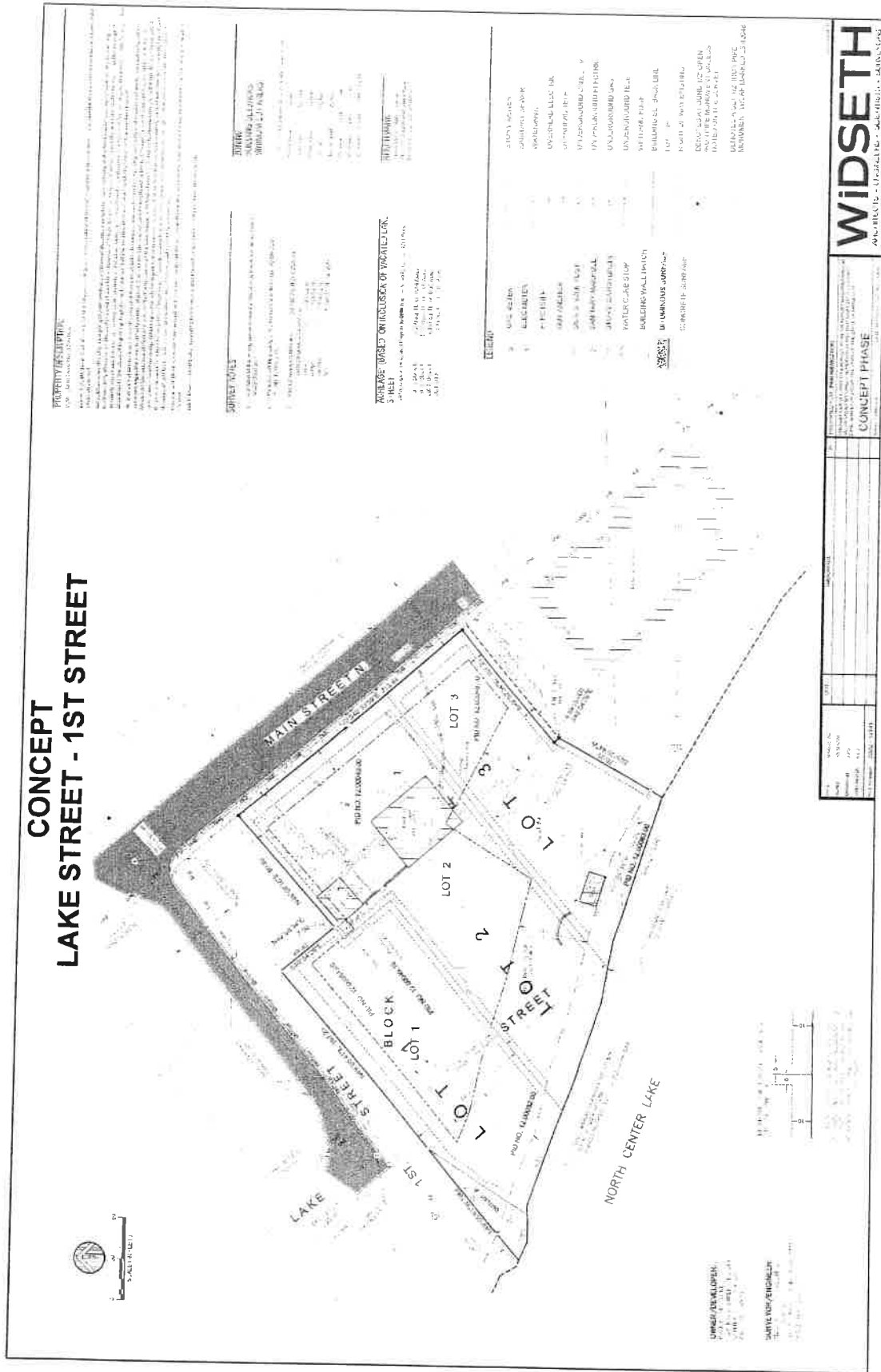
**LEGEND:**

PROPOSED STREET VACATION



<p><b>WIDSETH</b>                  ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS</p>	
<p>DATE: 10/12/2020                  DRAWN BY: AS                  CHECKED BY: JLS                  PROJECT NO: 2020-12341</p>	<p>DESCRIPTION: STREET VACATION EXHIBIT                  PREPARED FOR: [REDACTED]                  PREPARED BY: [REDACTED]</p>

Exhibit D – Concept Sketch dated 9-27-21



# CONCEPT LAKE STREET - 1ST STREET

**PROPERTY DESCRIPTION:**  
 The site is located at the intersection of Lake Street and 1st Street, north of Main Street. The site is bounded by Lake Street to the west, 1st Street to the east, Main Street to the north, and North Center Lake to the south. The site is currently vacant and is being proposed for development as a multi-story office building. The proposed building will be approximately 100 feet wide and 150 feet deep. The building will have a total floor area of approximately 15,000 square feet. The building will be constructed of brick and will have a flat roof. The building will be set back from the street by approximately 10 feet. The building will be surrounded by a landscaped area with trees and shrubs. The building will be accessible by a sidewalk and a set of stairs leading to the entrance. The building will be surrounded by a parking area with approximately 10 parking spaces. The building will be surrounded by a landscaped area with trees and shrubs. The building will be accessible by a sidewalk and a set of stairs leading to the entrance. The building will be surrounded by a parking area with approximately 10 parking spaces.

**PROJECT NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
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**OWNER:**  
 MERRILL LYNCH PIERCE FENNER SMITH  
 100 WALL STREET  
 NEW YORK, NY 10038

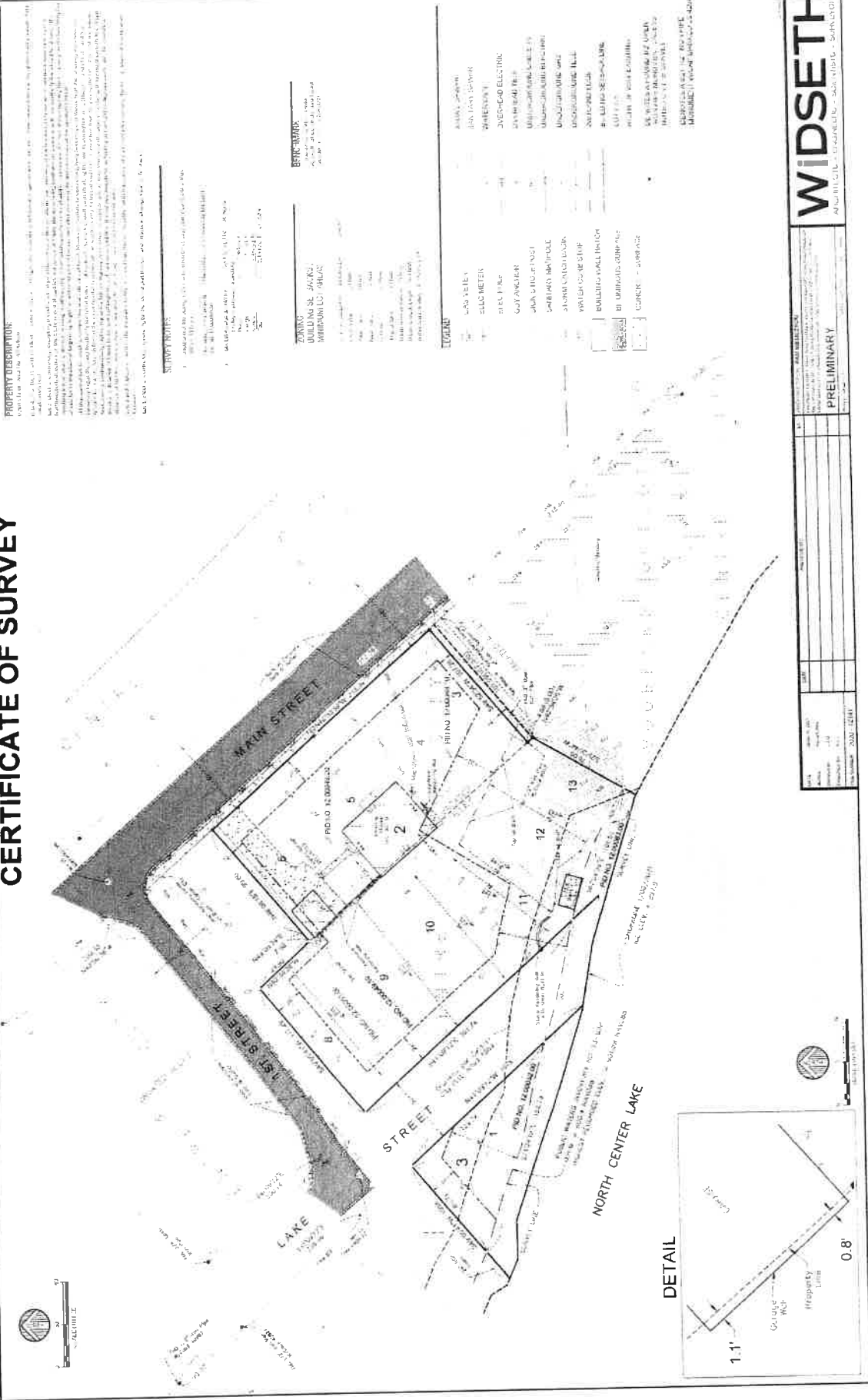
**ARCHITECT:**  
 WIDSETH ARCHITECTS  
 100 WALL STREET  
 NEW YORK, NY 10038

- LEGEND:**
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**WIDSETH**  
 ARCHITECTS  
 100 WALL STREET  
 NEW YORK, NY 10038

**CONCEPT PHASE**

# CERTIFICATE OF SURVEY







Office of the Regional Director  
DNR Central Region Headquarters  
1200 Warner Road  
St. Paul, MN 55106

July 29, 2021

City of Center City  
Valerie Fox, City Clerk  
300 North Center Avenue  
Center City, MN 55012

Re: Proposed Vacation of Lake Street right away terminating at North Center Lake, Center City, MN.

Dear Ms. Fox,

Thank you for seeking input from the Department of Natural Resources regarding the above referenced proposed vacation. Your letter was forwarded to me to review and provide comments as required by M.S. 412.851.

M.S. 412.851 indicates that *"No vacation shall be made unless it appears in the interest of the public to do so."* In response, *"The commissioner must evaluate:*

- (1) the proposed vacation and the public benefits to do so;*
- (2) the present and potential use of the land for access to public waters; and*
- (3) how the vacation would impact conservation of natural resources."*

The DNR has reviewed the proposed vacation of the right-of-way of Lake Street terminating at North Center Lake, Center City, MN, and we offer the following comments:

**The proposed vacation public benefit:** There is nothing in the application/letter or survey that indicates a benefit to the public.

**Present and potential use of the land for access to public waters:** As land use patterns change this right of way has potential for access to land and water that may be of vital importance in 50 to 100 years. Fluctuation in lake levels either seasonal or long term can be unpredictable and the city may find the right of way of the road invaluable for emergency access and property owner access during these events. We ask the city to consider this.

In summary, the Department of Natural Resources concludes that the proposed vacation does not provide public benefits or protect present and potential public use of the land to access to the public water and is opposed to the vacation.

Exhibit F – DNR Comments Dated 7-29-21 page 2

If the city chooses to vacate the right of way, we strongly recommend that the First Street right of way, which is perpendicular to Lake Street, be maintained for public access to North Center Lake.

If you have any questions or concerns about this letter, please contact Nancy Spooner-Mueller, with DNR Parks and Trails Division, at [Nancy.spooner-mueller@state.mn.us](mailto:Nancy.spooner-mueller@state.mn.us). You may contact her by phone at 651-269-1370.

Thank you for the opportunity to comment on the proposed vacation.

Sincerely,



Grant L. Wilson, Central Region Director

cc: Nancy Spooner-Mueller, Division of Parks and Trails  
Rachel Henzen, Division of Parks and trails.