

**ADDENDUM  
Minnetonka City Council  
Meeting of May 16, 2011**

***13A. Resolution vacating drainage easements and approving a floodplain alteration permit to construct a pool in the backyard at 5414 Byscane Lane***

Attached is a change memo from the principle planner including language regarding the requested vacation of easement, and the vacation resolution that was inadvertently not included in the staff report and associated documents.

---

**Memorandum**

**To:** City Council  
**From:** Susan Thomas, AICP, Principal Planner  
**Date:** May 16, 2011  
**Subject:** Change Memo for the May 16, 2011 City Council Agenda

---

**13A. Resolution vacating drainage easements and approving a floodplain alteration permit to construct a pool in the backyard at 5414 Byscane Lane**

Language regarding the requested vacation of easement, and the vacation resolution, was inadvertently not included in the staff report and associated documents.

Please make the following change to the staff recommendation:

~~Recommend the city council~~ Adopt the resolutions on pages A9-A12,  
approving the requested vacation of drainage easement and floodplain  
alteration.

Please include the attached vacation resolution.

**RESOLUTION NO. 2011-**

**RESOLUTION VACATING A PORTION OF AN EXISTING DRAINAGE  
EASEMENT AT 5414 BYSCANE LANE**

---

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

- 1.01 Performance Pool and Spa has petitioned the Minnetonka City Council to vacate a portion of an existing drainage easement to accommodate construction of a pool at 5414 Byscane Lane. The vacation is of the following portions of a drainage easement, described as follows, to-wit:

Commencing at the northwest corner of said East 200 feet of Tract A; thence on an assumed bearing of South 1 degree 46 minutes 53 seconds East, along the west line of said East 200 feet, a distance of 43.41 feet to the southerly line of said existing drainage and utility easement; thence South 81 degrees 51 minutes 40 seconds East, along said southerly line, a distance of 47.22 feet; thence South 55 degrees 00 minutes 26 seconds East a distance of 8.08 feet to the point of beginning of that part of said drainage and utility easement to be vacated; thence continuing South 55 degrees 00 minutes 26 seconds East a distance of 46.18 feet; thence North 84 degrees 10 minutes 26 seconds East a distance of 5.07 feet; thence North 0 degrees 12 minutes 49 seconds West a distance of 25.95 feet; thence North 89 degrees 58 minutes 10 seconds West a distance of 42.78 feet to the point of beginning.

- 1.02 As required by law, a hearing notice on said petition was published in the City of Minnetonka's official newspaper.
- 1.03 On May 16, 2011, the City Council held a hearing on such petition, at which time all persons for and against the granting of said petition were heard.

Section 2. STANDARDS

2.01 Section 12.06 of the City Charter states that "No vacation shall be made unless it appears in the interest of the public to do so..."

Section 3. FINDINGS.

3.01 The Minnetonka City Council makes the following findings:

1. The vacation would not be counter to the public interest.
2. The vacation would not negatively impact existing drainage patterns or floodplain storage.

Section 4. CITY COUNCIL ACTION.

4.01 The City Council vacates the above-described easement.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 16, 2011.

---

Terry Schneider, Mayor

ATTEST:

---

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 16, 2011.

---

David E. Maeda, City Clerk