

April 8, 2021

**To:** Planning Commission  
**From:** Community Development Department  
**RE:** Request to vacate a portion of a public alley

**Application Review:**

**Applicant:** Vesterby Real Estate Investments, LLC  
Caramel Development LLC  
Clayton & Victoria Anderson  
Rick & Debra Gnemi

**Location of Property:** West side of the 100 Block of Cedar Avenue

**Legal Description:** See Attached Survey

**Report Attachments:**

1. Location Map
2. Vacation Sketch & Description

**Proposed Development:**

- ◆ The applicants are requesting to vacate a public alley that is located on the west side of the buildings located on the 100 block of Cedar Avenue.
- ◆ The applicants wish to close this alley to public traffic and thus the request for the vacation.
- ◆ Staff has heard from Charter, CenturyLink, and Owatonna Public Utilities regarding existing utilities that they have within this alley. Due to the existing utilities a utility easement will need to be dedicated over the top of this alley.
- ◆ The easement will allow the utility companies access to maintain their facilities.
- ◆ The vacation will accommodate the property owners requests to prohibit access into this area.
- ◆ The City sees no reason for this to remain a public alleyway. A utility easement will accommodate all needs here.
- ◆ The applicants will need to dedicate a utility easement over the property.

**Staff Review:**

Staff recommends approval of this vacation of the alleyway with the condition that a utility easement be dedicated over the alley.



Vacation of Alley  
Block 3 of Original Town

1 inch = 100 feet

Date: 7/13/2021



Subject Alley Vacation

CEDARAVEN



Vacation of Alley  
Block 3 of Original Town

1 inch = 40 feet  
Date: 7/13/2021

**PETITION FOR VACATION OF ALLEY IN THE CITY OF OWATONNA,  
COUNTY OF STEELE, MINNESOTA**

TO: The City Council of Owatonna, Minnesota

The undersigned Caramel Development, LLC, owner of the premises legally described in Exhibit A; and

Vesterby Real Estate Investments, LLC, owner of the premises legally described in Exhibit B, subject to vendor's interest under the contracts for Deed dated May 5, 2013 and April 17, 2014 of Rick A. Gnemi and Debra C. Gnemi, husband and wife; and

Clayton B. Anderson and Victoria J. Anderson, husband and wife, are owners of the property legally described in Exhibit C;


Respectfully petition the City Council of the City of Owatonna to vacate a small "alley" ten feet in width which is not a dedicated alley but may be deemed an alley by custom and usage, which alley runs south to north from the rear of the premises described in Exhibit B and C and behind the buildings described in Exhibit A, thence north to the public alley running east to west north of the premises hereinabove described. A description of said undedicated alley is attached as Exhibit D.

The undersigned representing all of the property owners of the premises abutting said alleyway respectfully petition the City Council to vacate said alley.

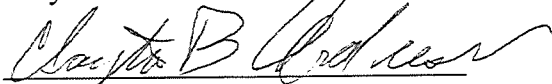

Caramel Development, LLC

By:   
Greg Schultz, its Chief Manager

Vesterby Real Estate Investments, LLC


By:   
Grant Vesterby, its Chief Manager

Clayton B. Anderson and Victoria J. Anderson, Husband and Wife

  
Clayton B. Anderson  
  
Victoria J. Anderson

Rick A. Gnemi and Debra C. Gnemi, husband and wife

  
\_\_\_\_\_  
Rick A. Gnemi

  
\_\_\_\_\_  
Debra C. Gnemi

Received on the 8<sup>th</sup> day of July, 2021

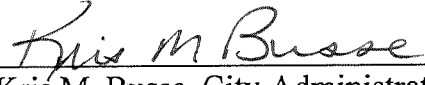
  
\_\_\_\_\_  
Kris M. Busse, City Administrator

EXHIBIT A

Commencing at the Northeast corner of Lot One (1) in Block Three (3) in the Original Town (now City), of Owatonna, Minnesota, running thence West Ninety (90) feet, thence South Twenty-two (22) feet, thence East Ninety (90) feet, thence North Twenty-two (22) feet to the place of beginning; also a right of way over a strip of land 10 feet wide on the West end of the above

AND

Commencing at a point 22 feet South of the Northeast corner of Lot 1 in Block 3, in the Original Town (now City) of Owatonna, running thence South 44 feet; thence West 55 ½ feet; thence North 2 feet and 8 inches; thence West 34 feet and 6 inches; thence North 41 feet and 4 inches; thence East 90 feet to the place of beginning (being part of Lots 1 and 2).

AND

Together with the right of way to and from the building on said lands through the alley in the rear thereof, being an alley 10 feet in width from the rear of said building to the public alley on the North.

## EXHIBIT B

Commencing at a point 22 feet East of the Northwest Corner of Lot 2, in Block 3, of the Original Town (now City) of Owatonna, thence South 22 Feet, thence East 10 feet 6 inches, thence North 22 feet, thence West to the point of commencement.

AND

Commencing at the Southwest Corner of Lot Two (2), Block Three (3), City of Owatonna, East Thirty-Two and One Half Feet (32 -1/2), North One Hundred Ten Feet (110), West Ten and One Half Feet (10-1/2), North Twenty-Two Feet (22), West Twenty-Two Feet (22), South One Hundred Thirty-Two Feet (132) to place of beginning.

AND

The South 65 feet of the West 21 1/6 feet of the East 32 1/2 feet of Lot 2 in Block 3 of the Original Town (now City) of Owatonna, Minnesota, including the benefits and burdens of that certain party wall agreement dated the 22<sup>nd</sup> day of December, 1932, which party wall agreement is recorded in the office of the Register of Deeds of Steele County, Minnesota in Book 86 of Deeds, on page 234; together with the right of access to and from said building from the alley in the rear of said building for teams, being a space at least 10 feet wide, and also the free and unobstructed use of the land in the rear of said building and for the purpose of maintaining an entrance to the rear of said building and for the rear cellar stairs and for the purpose of drainage for water from the roof of the building hereby conveyed, which easement is set forth and described in deed to Charles Schertze Crandall, recorded in Book 28 of Deeds on page 122 in the office of the Register of Deeds of Steele County, Minnesota. (also further described as commencing at point 32 1/2 feet East of the SW corner of Lot 2 in Block 3 of the Original Town (now City) of Owatonna, Minnesota, according to the plat thereof record in the office of the Register of Deeds of Steele County, Minnesota, running thence North 65 feet, thence East 21 feet and 2 inches, thence South 65 feet, West 21 feet and 2 inches to the place of beginning.

## EXHIBIT C

Commencing at a point 63 feet 4 inches South and 61 feet West of the Northeast Corner of Lot 1 of Block 3 of the original town, now City, of Owatonna. Then running due West 29 feet, thence North 63 feet 4 inches to the North line of Lot 2 in said Block 3, thence West to a point 22 feet East of the Northwest corner of said Lot 2, thence South 22 feet, thence East 10 feet and 6 inches, thence South 45 feet, thence East 21 feet and 2 inches, thence South 65 feet to the South line of said Lot 2, being along the center line of the party wall running along the East line of the land formerly belonging to the C.S. Crandall estate, thence running East along the South line of said Lots 1 and 2 a distance of 20 feet and 4 inches to the West line of the wall of the Kelly Building, thence due North along the West line of said Kelly Building to the point of beginning.

Excepting for alley purposes the following: Commencing 100 feet West of the Northeast corner of said Lot 1, thence South 67 feet, thence East 21 feet 2 inches, thence North 3 feet 8 inches, thence West 11 feet 2 inches, thence North to the North line of Lot 2, thence West to place of beginning.

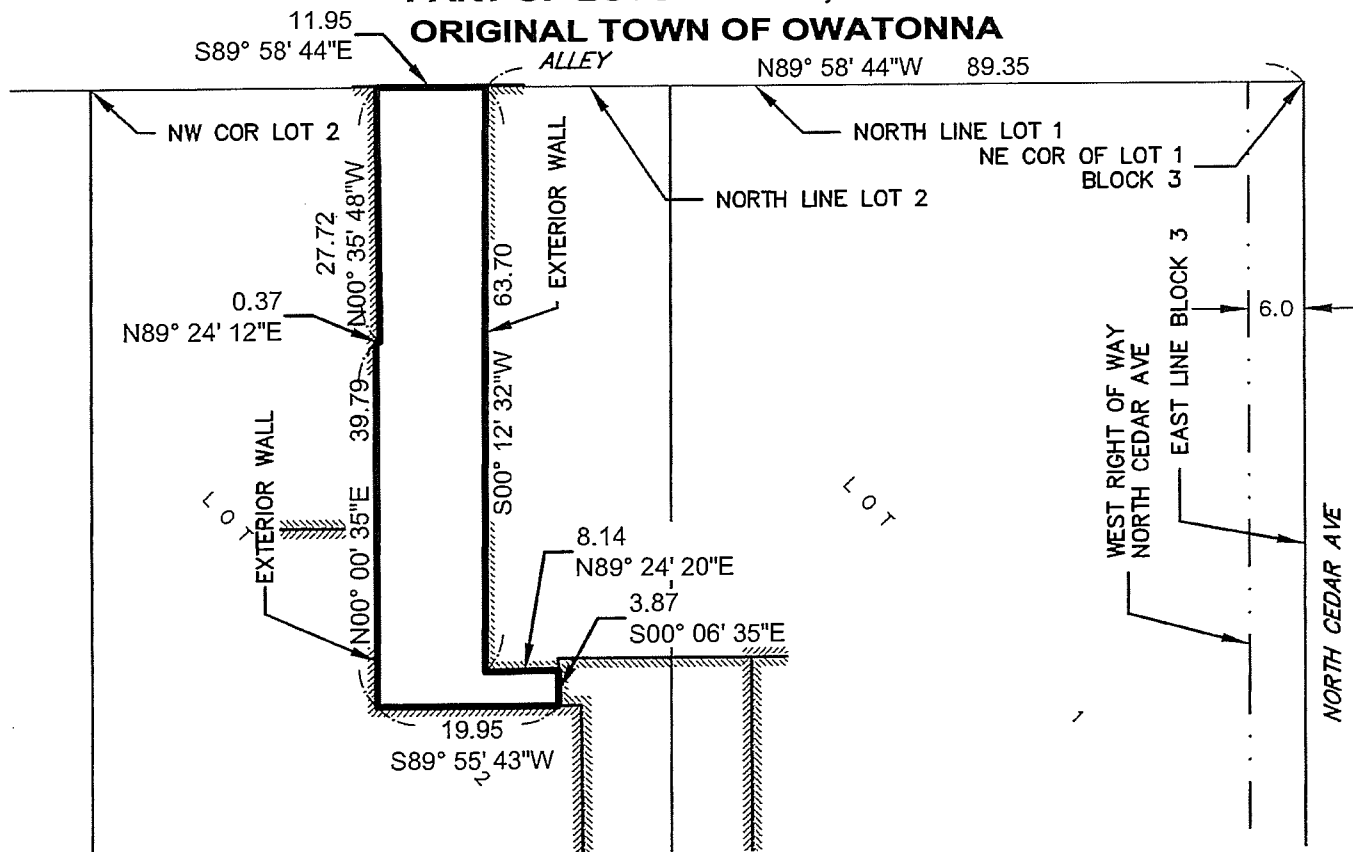
Also Except: Commencing at a point 22 feet East of the Northwest Corner of Lot 2 in Block 3 of Original Town, now City, of Owatonna, thence South 22 feet, thence East 10 feet 6 inches, thence North 22 feet, thence West to the point of commencement.



# DRAWING OF EASEMENT

PART OF LOTS 1 AND 2, BLOCK 3

ORIGINAL TOWN OF OWATONNA



### EASEMENT DESCRIPTION

An easement for ingress and egress over, under and across all that part of Lots 1 and 2, Block 3, ORIGINAL TOWN (NOW CITY) OF OWATONNA, MINNESOTA, as the same is platted and recorded in the Office of the County Recorder, Steele County, Minnesota; described as follows:

Beginning at the northeast corner of said Lot 1; thence North 89°58'44" West a distance of 89.35 feet, on an assumed bearing on the north line of said Lots 1 and 2 to the exterior edge of the existing building wall, being the point of beginning;

thence on the exterior edge of the existing building walls as follows:

South 00°12'32" West a distance of 63.70 feet, thence North 89°24'20" East a distance of 8.14 feet, thence South 00°06'35" East a distance of 3.87 feet, thence South 89°55'43" West a distance of 19.95 feet, thence North 00°00'35" East a distance of 39.79 feet, thence North 89°24'12" East a distance of 0.37 feet, thence North 00°35'48" West a distance of 27.72 feet, to the north line of said Lot 2;

thence South 89°58'44" East a distance of 11.95 feet, to the point of beginning.

**FOR: GREG SCHULTZ**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 06/22/2021 Revised date:-  
 Drawn by: SAT Survey:-  
 Field Book:- Page 1 of 1  
 Coord-System: RECORD  
 Job No: 21-1158 File: 133

*Scott A. Tuchtenhagen*  
 Scott A. Tuchtenhagen  
 Date: 6/23/21

L.S. No. 52646

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