

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: IZZY CARLSON, LICENSE AND PERMIT TECHNICIAN
SUBJECT: AMENDMENT TO RESOLUTION 2779 – JAMES HERNKE VACATION
DATE: OCTOBER 21, 2025

BACKGROUND:

On September 3rd, 2024, a resolution was approved to vacate a City right-of-way located and described on the attached **Exhibit A** (the “Vacation”). The goal was to vacate the 16-foot alley between Ohio Street West and Washington Street West, but upon my review of the adopted resolution, the vacation was approved in error and was never recorded with Goodhue County.

A resolution for a vacation must be accompanied with a survey that indicates the legal description of the alley that was vacated. Resolution 2779 lacked a survey and legal description and it was approved without a land survey produced by a licensed land surveyor. In order for the vacation to be properly reordered, the legal description of the vacated alley must be on both the resolution and the survey.

It is in the City’s and James Hernke’s best interest to rectify this issue so that the vacation can be properly recorded with Goodhue County; thus, the purpose of amending Resolution 2779.

The following exhibits are attached to further describe the proposal:

1. Exhibit A, revised vacation survey to be recorded with amended resolution
2. Resolution

STAFF RECOMMENDATION

Staff recommends the approval Resolution 2834 to properly approve and record the Hernke Vacation.

REQUESTED CITY COUNCIL ACTION

Motion to approve Resolution 2834 to properly approve and record the Hernke Vacation.

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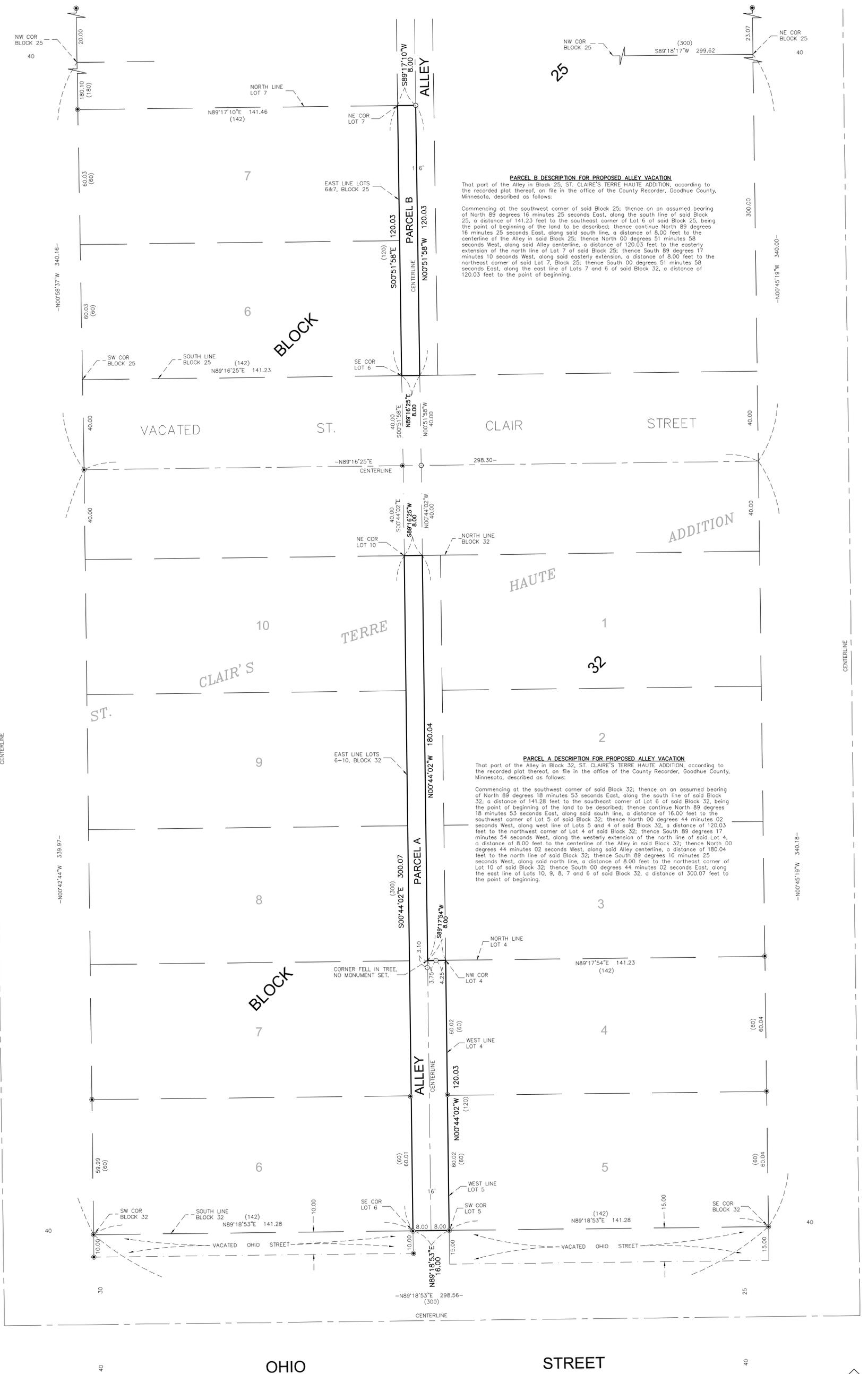
FIFTH STREET

STREET

NORTH

STREET

4TH



PARCEL B DESCRIPTION FOR PROPOSED ALLEY VACATION
 That part of the Alley in Block 25, ST. CLAIRE'S TERRE HAUTE ADDITION, according to the recorded plot thereof, on file in the office of the County Recorder, Goodhue County, Minnesota, described as follows:

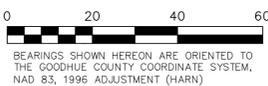
Commencing at the southwest corner of said Block 25; thence on an assumed bearing of North 89 degrees 16 minutes 25 seconds East, along the south line of said Block 25, a distance of 141.23 feet to the southeast corner of Lot 6 of said Block 25, being the point of beginning of the land to be described; thence continue North 89 degrees 16 minutes 25 seconds East, along said south line, a distance of 8.00 feet to the centerline of the Alley in said Block 25; thence North 00 degrees 51 minutes 58 seconds West, along said Alley centerline, a distance of 120.03 feet to the easterly extension of the north line of Lot 7 of said Block 25; thence South 89 degrees 17 minutes 10 seconds West, along said easterly extension, a distance of 8.00 feet to the northeast corner of said Lot 7, Block 25; thence South 00 degrees 51 minutes 58 seconds East, along the east line of Lots 7 and 6 of said Block 32, a distance of 120.03 feet to the point of beginning.

PARCEL A DESCRIPTION FOR PROPOSED ALLEY VACATION
 That part of the Alley in Block 32, ST. CLAIRE'S TERRE HAUTE ADDITION, according to the recorded plot thereof, on file in the office of the County Recorder, Goodhue County, Minnesota, described as follows:

Commencing at the southwest corner of said Block 32; thence on an assumed bearing of North 89 degrees 18 minutes 53 seconds East, along the south line of said Block 32, a distance of 141.28 feet to the southeast corner of Lot 6 of said Block 32, being the point of beginning of the land to be described; thence continue North 89 degrees 18 minutes 53 seconds East, along said south line, a distance of 16.00 feet to the southwest corner of Lot 5 of said Block 32; thence North 00 degrees 44 minutes 02 seconds West, along west line of Lots 5 and 4 of said Block 32, a distance of 120.03 feet to the northwest corner of Lot 4 of said Block 32; thence South 89 degrees 17 minutes 54 seconds West, along the westerly extension of the north line of said Lot 4, a distance of 8.00 feet to the centerline of the Alley in said Block 32; thence North 00 degrees 44 minutes 02 seconds West, along said Alley centerline, a distance of 180.04 feet to the north line of said Block 32; thence South 89 degrees 16 minutes 25 seconds West, along said north line, a distance of 8.00 feet to the northeast corner of Lot 10 of said Block 32; thence South 00 degrees 44 minutes 02 seconds East, along the east line of Lots 10, 9, 8, 7 and 6 of said Block 32, a distance of 300.07 feet to the point of beginning.

PROPERTY LOCATION
 Blocks 25 and 32, ST. CLAIRE'S TERRE HAUTE ADDITION, Goodhue County, Minnesota.

path: S:\Share\PLATS\ST CLAIRE'S TERRE HAUTE ADDITION\CITY OF CANNON FALLS-HERNKE\HERNKE LEGAL.dwg



- LEGEND**
- DENOTES A PLACED 1" BY 18" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
 - DENOTES FOUND IRON MONUMENT.
 - (142) DENOTES BEARING AND/OR DISTANCE OF RECORD.

SURVEYOR'S NOTES

The purpose of this survey is to illustrate that portion of the alley which was vacated in the City of Cannon Falls by Resolution Number 2779, as illustrated by Exhibit "A".

The boundaries for blocks 25 & 32 were derived from Richard Samuelson surveys.

CERTIFICATE OF SURVEY FOR:
 CITY OF CANNON FALLS C/O IZZY CARLSON

JOHNSON & SCOFIELD INC.
 SURVEYING AND ENGINEERING
 1203 MAIN STREET, RED WING, MN 55066
 (651) 388-1558

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.

Revised Date: **October 2, 2025**

Marcus S. Johnson
 Minnesota License No. 47460
 Date: September 10, 2025

BK. NA PG. NA W.O.# DRAWING NUMBER
 SHEET 1 OF 1 SHEETS 25-845 S-12194

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2834

JAMES HERNKE-VACATION AMENDMENT

WHEREAS, James Hernke (“Applicant”) is the applicant for a Vacation of City right-of-way located in the City of Cannon Falls and described on the attached **Exhibit A** and **Exhibit B** (the “Vacation”); and,

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council; and,

WHEREAS, on August 19th, 2024 the Planning Commission held public hearings and considered the Applicant’s Vacation application, recommending approval;

WHEREAS, the Planning Commission found that: the allowance of the requested Vacation reasonable; and,

WHEREAS, the City of Cannon Falls will retain a 16-foot drainage easement throughout the alley; and,

WHEREAS, the City of Cannon Falls is amending the previous vacation survey from Resolution 2779, **Exhibit C**, to include the legal description of the vacated alley to allow for proper recording of the vacation.

NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that based on the findings of the Planning Commission which are hereby adopted by the City Council that the application for a Vacation by a James Hernke to Vacate that portion of the north-south alley in Blocks 25 and 32 of St. Claire’s Terre Haute Addition more particularly described in attached **Exhibit B** be approved subject to compliance with all remaining requirements of the City of Cannon Falls Zoning Code Chapter 152 and State of Minnesota Building Code requirements.

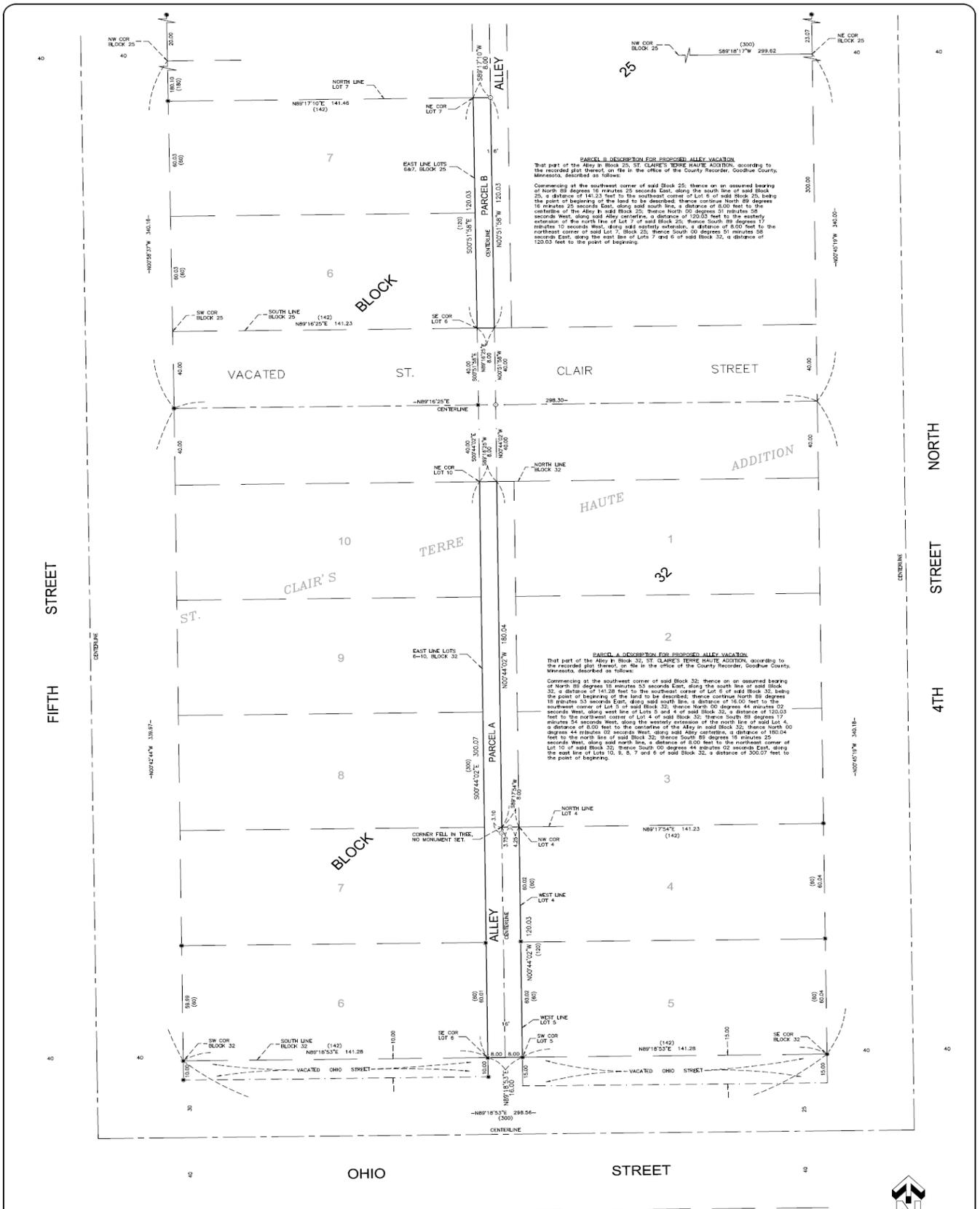
ADOPTED by the City Council of Cannon Falls this 21st day of October, 2025.

CITY OF CANNON FALLS

Matt Montgomery, Mayor

ATTEST: _____
Jon Radermacher, City Administrator

EXHIBIT A



PARCEL B DESCRIPTION FOR PROPOSED ALLEY VACATION
 That part of the Alley in Block 25, ST. CLAIR'S TERRE HAUTE ADDITION, according to the recorded plat thereof, on file in the office of the County Recorder, Goodhue County, Minnesota, described as follows:
 Commencing at the southwest corner of said Block 25, thence on an assumed bearing of North 89 degrees 10 minutes 25 seconds East, along the south line of said Block 25, a distance of 141.23 feet to the southeast corner of Lot 6 of said Block 25, being the point of beginning of the land to be described, thence continue North 89 degrees 10 minutes 25 seconds East, along said south line, a distance of 8.00 feet to the centerline of the Alley in said Block 25, thence North 00 degrees 00 minutes 00 seconds West, along said Alley centerline, a distance of 120.03 feet to the westerly extension of the north line of Lot 7 of said Block 25, thence South 89 degrees 17 minutes 10 seconds West, along said westerly extension, a distance of 8.00 feet to the northeast corner of said Lot 7 of Block 25, thence South 00 degrees 00 minutes 00 seconds East, along the east line of Lots 7 and 6 of said Block 25, a distance of 120.03 feet to the point of beginning.

PARCEL A DESCRIPTION FOR PROPOSED ALLEY VACATION
 That part of the Alley in Block 32, ST. CLAIR'S TERRE HAUTE ADDITION, according to the recorded plat thereof, on file in the office of the County Recorder, Goodhue County, Minnesota, described as follows:
 Commencing at the southwest corner of said Block 32, thence on an assumed bearing of North 89 degrees 10 minutes 02 seconds East, along the south line of said Block 32, a distance of 141.28 feet to the southeast corner of Lot 6 of said Block 32, being the point of beginning of the land to be described, thence continue North 89 degrees 10 minutes 02 seconds East, along said south line, a distance of 16.00 feet to the southwest corner of Lot 7 of said Block 32, thence North 00 degrees 00 minutes 00 seconds West, along west line of Lots 6 and 4 of said Block 32, a distance of 120.03 feet to the northwest corner of Lot 4 of said Block 32, thence South 89 degrees 17 minutes 02 seconds West, along the westerly extension of the north line of said Lot 4, a distance of 8.00 feet to the centerline of the Alley in said Block 32, thence North 00 degrees 00 minutes 00 seconds West, along said Alley centerline, a distance of 102.04 feet to the north line of said Block 32, thence South 89 degrees 10 minutes 25 seconds West, along said north line, a distance of 8.00 feet to the northeast corner of Lot 10 of said Block 32, thence South 00 degrees 00 minutes 00 seconds East, along the east line of Lots 10, 8, 6, 7 and 6 of said Block 32, a distance of 300.07 feet to the point of beginning.

PROPERTY LOCATION
 Block 25 and 32, ST. CLAIR'S TERRE HAUTE ADDITION, Goodhue County, Minnesota.



- LEGEND**
- DENOTES A PLACED 1" BY 16" IRON PIPE HAVING A PLASTIC CAP BEARING LAND SURVEYOR LICENSE NO. 47460.
 - DENOTES FOUND IRON MONUMENT.
 - (142) DENOTES BEARING AND/OR DISTANCE OF RECORD.

SURVEYOR'S NOTES
 The purpose of this survey is to illustrate that portion of the day which was vacated in the City of Cannon Falls by Resolution Number 2779, as illustrated by Exhibit "A".
 The boundaries for Blocks 25 & 32 were derived from Richard Simonsen Surveys.

CERTIFICATE OF SURVEY FOR:
CITY OF CANNON FALLS C/O IZZY CARLSON
JOHNSON & SCOFIELD INC.
 SURVEYING AND ENGINEERING
 1203 MAIN STREET, RED WING, MN 55066
 (601) 388-1068

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.
 Revised Date: **October 2, 2025**
 Marcus S. Johnson
 Minnesota License No. 47460
 Date September 15, 2025

Sheet 1 of 1 SHEETS 25-645
 S-2194



EXHIBIT B

PARCEL A DESCRIPTION FOR PROPOSED ALLEY VACATION

That part of the Alley in Block 32, ST. CLAIRE'S TERRE HAUTE ADDITION, according to the recorded plat thereof, on file in the office of the County Recorder, Goodhue County, Minnesota, described as follows:

Commencing at the southwest corner of said Block 32; thence on an assumed bearing of North 89 degrees 18 minutes 53 seconds East, along the south line of said Block 32, a distance of 141.28 feet to the southeast corner of Lot 6 of said Block 32, being the point of beginning of the land to be described; thence continue North 89 degrees 18 minutes 53 seconds East, along said south line, a distance of 16.00 feet to the southwest corner of Lot 5 of said Block 32; thence North 00 degrees 44 minutes 02 seconds West, along west line of Lots 5 and 4 of said Block 32, a distance of 120.03 feet to the northwest corner of Lot 4 of said Block 32; thence South 89 degrees 17 minutes 54 seconds West, along the westerly extension of the north line of said Lot 4, a distance of 8.00 feet to the centerline of the Alley in said Block 32; thence North 00 degrees 44 minutes 02 seconds West, along said Alley centerline, a distance of 180.04 feet to the north line of said Block 32; thence South 89 degrees 16 minutes 25 seconds West, along said north line, a distance of 8.00 feet to the northeast corner of Lot 10 of said Block 32; thence South 00 degrees 44 minutes 02 seconds East, along the east line of Lots 10, 9, 8, 7 and 6 of said Block 32, a distance of 300.07 feet to the point of beginning.

PARCEL B DESCRIPTION FOR PROPOSED ALLEY VACATION

That part of the Alley in Block 25, ST. CLAIRE'S TERRE HAUTE ADDITION, according to the recorded plat thereof, on file in the office of the County Recorder, Goodhue County, Minnesota, described as follows:

Commencing at the southwest corner of said Block 25; thence on an assumed bearing of North 89 degrees 16 minutes 25 seconds East, along the south line of said Block 25, a distance of 141.23 feet to the southeast corner of Lot 6 of said Block 25, being the point of beginning of the land to be described; thence continue North 89 degrees 16 minutes 25 seconds East, along said south line, a distance of 8.00 feet to the centerline of the Alley in said Block 25; thence North 00 degrees 51 minutes 58 seconds West, along said Alley centerline, a distance of 120.03 feet to the easterly extension of the north line of Lot 7 of said Block 25; thence South 89 degrees 17 minutes 10 seconds West, along said easterly extension, a distance of 8.00 feet to the northeast corner of said Lot 7, Block 25; thence South 00 degrees 51 minutes 58 seconds East, along the east line of Lots 7 and 6 of said Block 32, a distance of 120.03 feet to the point of beginning.

EXHIBIT C

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

RESOLUTION NUMBER 2779

JAMES HERNKE-VACATION

WHEREAS, James Hernke (“Applicant”) is the applicant for a Vacation of City right-of-way located in the City of Cannon Falls and described on the attached Exhibit A (the “Vacation”);

WHEREAS, City staff studied the matter, made a report, and provided other information to the Planning Commission and City Council;

WHEREAS, on August 19th, 2024 the Planning Commission held public hearings and considered the Applicant’s Vacation application, recommending approval;

WHEREAS, the Planning Commission finds that: the allowance of the requested Vacation reasonable; and

WHEREAS, the City of Cannon Falls will retain a 16-foot drainage easement throughout the alley; and

WHEREAS, the Planning Commission finds that: the allowance of the requested Vacation reasonable.

NOW THEREFORE LET IT BE RESOLVED BY THE CITY COUNCIL OF CANNON FALLS, GOODHUE COUNTY, MINNESOTA, that based on the findings of the Planning Commission which are hereby adopted by the City Council that the application for a Vacation by a James Hernke to Vacate the portion of land between Ohio and Washington Street to the north and south as well as 5th and 4th street to the east and west (Exhibit A) be approved subject to compliance with all remaining requirements of the City of Cannon Falls Zoning Code Chapter 152 and State of Minnesota Building Code requirements.

ADOPTED by the City Council of Cannon Falls this 3rd day of September, 2024.

CITY OF CANNON FALLS



Matt Montgomery, Mayor

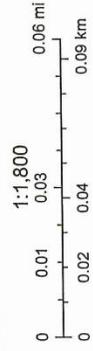
ATTEST: 

Neil L. Jensen, City Administrator

ArcGIS WebMap



Exhibit A.



August 14, 2024

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

CSAHP; CRP

Full Name

Parcels

SHWY

House Number

PIN