

RESOLUTION NO. - 2024

A RESOLUTION APPROVING VACATION OF A UTILITY EASEMENT
WITHIN THE STATE AND EIGHT ADDITION, CITY OF DICKINSON,
NORTH DAKOTA

WHEREAS, an application for vacation of a certain utility easement has been filed by the adjoining property owner thereof; and

WHEREAS, such application for vacation of a utility easement has been signed by all affected public utility companies reasonably expected to have use of such utility easement, indicating their consent to the vacation of such utility easement; and

WHEREAS, such application for vacation of a utility easement has been signed by the City of Dickinson Engineering Department, the City Engineer having consented to the vacation of such utility easement; and

WHEREAS, the City Engineer, finding the application to be in proper order, and pursuant to Dickinson City Code §34.120, has heretofore caused a Notice of Hearing on such application to be duly published in the official newspaper of the City, such publication occurring on March 12, 2024; and

WHEREAS, the matter came on regularly to be heard before the Board of City Commissioners on March 19, 2024, a day not less than seven days following the publication of the Notice of Hearing, at 4:30 p.m., or as soon thereafter as the parties could be heard, in accordance with the Notice of Hearing previously published; and

WHEREAS, the Board of City Commissioners duly having heard and considered the matter, and the Commissioners being fully satisfied and having determined that the vacation of the utility easement herein described is in the best interests of the City of Dickinson, and no objection to such vacation having been filed or presented;

NOW, THEREFORE, BE IT RESOLVED that the Board of City Commissioners of the City of Dickinson, North Dakota, as follows:

1. That certain public utility easement within the City of Dickinson is hereby vacated in accordance with state law and the ordinances of the City of Dickinson, such public utility easement being more particularly described as follows and located in the City of Dickinson, Stark County, North Dakota:

The east four (4) foot of Public Utility Easement Vacation of a total width of ten (10) feet on the west boundary of the property legally described as Lot 4, Block 1, State 8th Addition, Section 5, Township 139 North, Range 96 West, of the 5th Principal Meridian, City of Dickinson, Stark County, North Dakota.

2. Pursuant to Dickinson City Code 34.120(4), this resolution is passed by no less than a two-thirds majority.
3. A certified copy of this resolution shall be filed for record and duly recorded on the Office of the Stark County Recorder, Stark County, North Dakota.

Dated this ____ day of March 2024.

Scott Decker, President
Board of City Commissioners

ATTEST:

Dustin Dassinger, City Administrator

STATE OF NORTH DAKOTA)
 :SS
COUNTY OF STARK)

On this ____ day of March 2024, before me personally appeared **Scott Decker** and **Dustin Dassinger**, known to me, respectively, as the President of the Board of City Commissioners of the City of Dickinson and the City Administrator of the City of Dickinson, and who executed the within and foregoing document and acknowledged to me that the City of Dickinson executed the same.

Notary Public