



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 27, 2021
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Vacation of Alley between South Bruce Street and South Minnesota Street -- Receive Petition and Call for Public Hearing.
<b>Background Information:</b>	<p>A signed petition for vacation of an alley has been received from the owners of all the real property that includes the proposed area for utility easement.</p> <p>A map of the petitioned vacation area is attached.</p> <p>A copy of the procedure for vacation of streets by resolution, included in Sec. 62-4 of the Marshall Code of Ordinances, is also attached.</p> <p>Prior to the public hearing and adoption of the resolution granting a petition for vacation, all utility companies will be contacted to ensure no utilities are currently within the proposed vacated area.</p>
<b>Fiscal Impact:</b>	Property owner to reimburse the City for all costs associated with the vacation.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendation:</b>	that the Council acknowledge receipt of the attached petition to vacate an alley, order the petition to be filed for record with the City Administrator, order hearing on such petition, and set the hearing date for August 10, 2021.




## PETITION FOR VACATION OF ALLEY

Marshall, Minnesota  
July 2021

To the City Council of Marshall, Minnesota:

We, the undersigned, owners of all the real property abutting the alley as legally described on the attached Exhibit A and as shown on the attached map as Exhibit B, hereby petition that such alley be vacated.

It is also petitioned that the vacated alley be divided among the adjacent property owners equal to footage of the property adjacent to such vacation.

	PARCEL # / ADDRESS	OWNER(S)	OWNER(S) SIGNATURE(S)
1.	27-540034-0 106 So. Bruce St. 27-540035-0 104 So. Bruce St. 27-540036-0 102 So. Bruce St. 27-540037-0 100 So. Bruce St.	Avera Marshall Avera Marshall Avera Marshall Avera Marshall	
2.	27-540028-0 101 So. Minn. St. 27-540029-0 103 So. Minn. St. 27-540030-0 105 So. Minn. St. 27-540031-0 107 So. Minn. St.	Avera Marshall Avera Marshall Avera Marshall Avera Marshall	
3.	27-540032-0 601 Charles Ave. 27-540033-0 603 Charles Ave.	Avera Marshall Avera Marshall	
4.			
5.			

Purpose of Vacation: Remove City Alley

Application Fee: \$100.00 -- I hereby submit this Petition for Vacation. I agree to pay the application fee upon filing. In addition, I understand I will be billed for any direct costs related to this application, which are due and payable regardless of approval or denial by the City Council. These direct costs include, but are not limited to, postage, publication/advertising and recording fees (Per current Resolution of Fees & Rates).

  
Signature

Debbie Streier  
Printed Name

received  
07-16-2021  
Pd. Re. # 4403

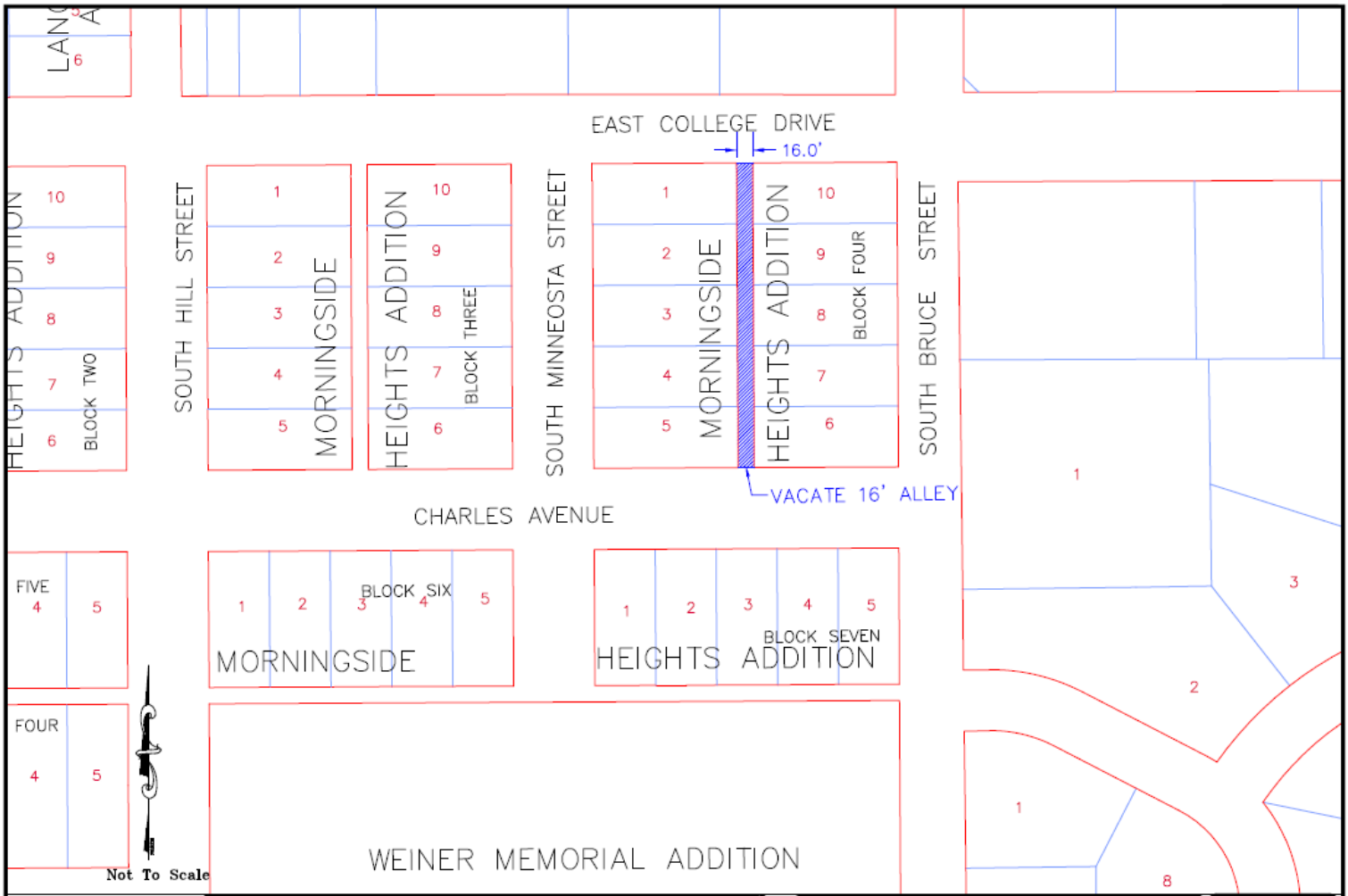
Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.

\_\_\_\_\_  
City Clerk

## **EXHIBIT A**

The 16-ft. alley located in Block Four, Morningside Heights Addition as platted in the City of Marshall, County of Lyon, State of Minnesota, as shown on Exhibit B.

**EXHIBIT B**



Not To Scale



**ENGINEERING DEPARTMENT**  
 344 WEST MAIN STREET  
 MARSHALL, MINNESOTA  
 56258

VACATE ALLEY / EXHIBIT B

DATE  
07/23/2021

BLOCK 4 MORNINGSIDE HEIGHTS  
 ADDITION

SHEET NO.

**Sec. 62-4. - Vacation of streets, alleys, thoroughfares, public grounds, easements, or any other interest in real estate, or any part.**

- (a) No public grounds or streets or other interest in real estate shall be vacated except upon the council's own motion or upon the petition directed to the council of a majority of the owners of property on the line of such property interest residing within the city, and completion of the procedure specified in this section. Such petition shall set forth the reasons for such desired vacation, accompanied by a plat of such property interest proposed to be vacated, and such petition shall be verified by the oath of a majority of the petitioners residing within the city.
- (b) If, in the discretion of the council, it is expedient that the matter be proceeded with, it may order the petition filed for record with the city administrator, order a hearing on such petition and fix the time and place of such hearing.
- (c) The city administrator shall give notice of such hearing by publication once at least ten days in advance of such hearing, and by mail to the last known address of all of the owners of property on the line of such property interest proposed to be vacated at least ten days in advance of such hearing. Such last known addresses shall be obtained from the office of the county auditor. Such notice shall in brief state the object of such hearing; the time, place and purpose of such hearing; and the fact that the council, or a board or commission designated by them shall hear the testimony and examine the evidence of the parties interested.
- (d) The council, after hearing the same, or upon the report of such board or commission designated to hold such hearings, may by resolution, passed by affirmative vote of at least five members, declare such property interest vacated, or deny such petition. The resolution, if granting the petition, shall be certified by the city administrator and shall be filed for record and duly recorded in the office of the registrar of deeds (county recorder) in and for the county.

*(Code 1976, § 7.07)*