

SECOND AMENDMENT TO  
**RESOLUTION NUMBER 4042, SECOND SERIES**  
**RESOLUTION FOR VACATION OF ROAD RIGHT-OF-WAY  
IN THE CITY OF MARSHALL**

WHEREAS, per Section 62-4 of the City Code of Ordinance, and in compliance with Minnesota Statute §412.851, the City Council by motion, ordered a hearing on the vacation of a City Street (290<sup>th</sup> Street) located between CSAH 33 and T.H. 59 in the City of Marshall, County of Lyon, State of Minnesota; as shown on the attached map;

AND WHEREAS, a public hearing was held on August 11, 2014 before the City Council on such petition, after due published and posted notice of said hearing, had been given on July 31, 2014, as well as personal notice mailed to affected abutting property owners by the clerk on July 31, 2014, and all persons interested were given an opportunity to be heard;

AND WHEREAS, the affected utility companies have requested retention of all permanent utility easements across the entire city street to be vacated; and

WHEREAS, the public hearing allowed for the opportunity for members of the public, including the abutting landowners, to offer testimony regarding whether or not they agreed or disagreed with the proposed vacation of City Street; and

WHEREAS, no member of the public spoke in opposition to the proposed vacation of city street; and

WHEREAS the City Council of Marshall hereby concludes it is in the best interest of the public to vacate the public City Street (290<sup>th</sup> Street) located between CSAH 33 and T.H. 59, in the City of Marshall; and

WHEREAS, the City Council of Marshall further concludes that it is in the best interest of the public to retain all permanent utility easements and to establish public drainage easements over and through the existing roadway and right of way.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALL, MINNESOTA:

1. That the City Council in and for the City of Marshall, Lyon County, Minnesota hereby resolves to vacate the City Street right-of-way (290<sup>th</sup> Street) located between CSAH 33 and T.H. 59, located in the City of Marshall, County of Lyon, State of Minnesota, as shown on the attached map.
2. All permanent utility easements, and drainage easements, will remain across and through the entire right-of-way of the vacated City Street.
3. A copy of this resolution, after the same shall go into effect, duly certified by the City Clerk, shall be filed for record and duly recorded in the office of the County Recorder in and for Lyon County, Minnesota.

Second Amendment to Resolution No.4042, Second Series

Passed and adopted by the Council this \_\_\_\_ day of July 2020.

Passed and adopted by the Council this \_\_\_\_ day of July 2020.

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Robert J. Byrnes, Mayor

ATTEST:

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Kyle Box, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:

QUARNSTROM & DOERING, P.A.  
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