



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, June 23, 2020
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Vacation of Utility Easement in Wilke-Miller-Buesing 7th Addition – 1) Public Hearing on Resolution Granting Petition to Vacate Utility Easement; 2) Consider Resolution Granting Petition to Vacate Utility Easement.
<b>Background Information:</b>	<p>A signed petition for vacation of a utility easement 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>At one point in time, a property line was centered on the diagonal easement area that is proposed to be vacated. Once the diagonal property line was relocated with the most recent platting, utility easements were established around the perimeter of the new identified lot.</p> <p>The diagonal easement area is not being used and is no longer necessary. We do not believe any utilities are located in this area.</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 were contacted for notification of the vacation and receipt of requirements they may have.</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>Recommendations:</b>	<p>Recommendation No. 1 that the Council close the public hearing.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER XXXX, which is the Resolution Granting Petition to Vacate Utility Easement.</p>

**RESOLUTION NUMBER \_\_\_\_\_, SECOND SERIES**

**RESOLUTION GRANTING A PETITION FOR VACATION OF UTILITY EASEMENT  
IN THE CITY OF MARSHALL**

WHEREAS, a signed petition for vacation of a utility easement has been received from the owners of all the real property that includes the proposed area for utility easement in the City of Marshall, County of Lyon, State of Minnesota; legally described and shown on the maps, as per attached Exhibit A, to-wit;

AND WHEREAS, such petition was ordered to be filed for record with the City Administrator and a hearing ordered on such petition;

AND WHEREAS, a public hearing was held on June 23, 2020 before the City Council on such petition after due published and posted notice had been given on June 12, 2020, and all persons interested were given an opportunity to be heard.

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

1. The Mayor and City Clerk hereby resolve the granting of the petition for vacation of the utility easements located in the City of Marshall, County of Lyon, State of Minnesota, as legally described above.
2. A copy of this resolution, after the same shall go into effect, duly certified by the City Administrator, shall be filed for record and duly recorded in the office of the Registrar of Deeds in and for Lyon County, Minnesota.

Passed and adopted by the Council this 23<sup>rd</sup> day of June, 2020.

\_\_\_\_\_  
Robert J. Byrnes, Mayor

ATTEST:

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

This Instrument Drafted by:  
Jason R. Anderson, P.E.; Director of Public Works / City Engineer

## **EXHIBIT A**

The 15-foot-wide utility easement running diagonally on the easterly portion of Lot 1, Block One, Wilke-Miller-Buesing 7<sup>th</sup> Addition, located between the existing 7.5-ft. perimeter utility easements as shown on Exhibit B, in the City of Marshall, as filed and recorded in the Office of the County Recorder in and for Lyon County, Minnesota.

EXHIBIT B

