



CITY OF MARSHALL AGENDA ITEM REPORT

| | |
|-------------------------------------|--|
| Meeting Date: | Tuesday, July 23, 2019 |
| Category: | PUBLIC HEARING |
| Type: | ACTION |
| Subject: | Vacation of Utility Easement in Westwood Acres Plat 1 – 2) Consider Resolution Granting Petition to Vacate Utility Easement. |
| Background Information: | <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>The purpose of the vacation is to construct a detached garage on the property, including a portion of the area to be vacated.</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. Comments were received from multiple utilities. Marshall Municipal Utilities has procured a new easement on the property to accommodate all existing utilities as attached.</p> |
| Fiscal Impact: | Property owner to reimburse the City for all costs associated with the vacation. |
| Alternative/ Variations: | No alternative actions recommended. |
| Recommendations: | 2) that the Council adopt RESOLUTION NUMBER XXXX, which is the Resolution Granting Petition to Vacate Utility Easement. |

RESOLUTION NUMBER _____, SECOND SERIES

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

WHEREAS, a petition for vacation of 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 July 23, 2019 before the City Council on such petition after due published and posted notice had been given on July 12, 2019, 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/Financial Director 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 23rd day of July, 2019.

Robert J. Byrnes, Mayor

ATTEST:

City Clerk

This Instrument Drafted by:
Glenn J. Olson, P.E.
Director of Public Works / City Engineer

EXHIBIT A

That portion of the 12-ft. utility easement located across Lot 15, Block One, Westwood Acres Plat 1 in the City of Marshall, County of Lyon, State of Minnesota