



CITY OF MARSHALL AGENDA ITEM REPORT

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| Meeting Date: | Tuesday, January 14, 2020 |
| Category: | PUBLIC HEARING |
| Type: | INFO/ACTION |
| Subject: | Vacation of Utility Easements in Carr Subdivision I -- 2) Consider Resolution Granting Petition to Vacate Utility Easements. |
| Background Information: | <p>A signed petition has been received from the owners of all the real property abutting the property line between Lots 17 and 18 of Block 2, Carr Subdivision I petitioning vacation of a portion of the 5' utility easement on each side said lot line, excepting the north 8 feet of said easements.</p> <p>A map of the petitioned vacation area is attached.</p> <p>The purpose of the vacation is for a condominium being constructed over the easement.</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>All utility companies have been contacted regarding the vacation of the easement. MMU is in the process of obtaining a new easement. MMU requests that the vacation of easement be contingent upon James Carr granting a new utility easement to MMU as shown on the attached map.</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 Easements, contingent upon James Carr granting new utility easements to MMU as shown on the attached map. |

RESOLUTION NUMBER _____, SECOND SERIES

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

WHEREAS, a petition has been received from the owners of all the real property abutting the property line between Lots 17 and 18 of Block 2, Carr Subdivision I petitioning vacation of a portion of the 5' utility easement on each side of said lot line, excepting the north 8 feet of said easements in the City of Marshall, County of Lyon, State of Minnesota; legally described and shown on the map, 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 January 14, 2020 before the City Council on such petition after due published and posted notice had been given on January 3, 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 14th day of January, 2020.

Robert J. Byrnes, Mayor

ATTEST:

City Clerk

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

EXHIBIT A

A portion of the 5' utility easement on each side of the lot line between Lots 17 and 18 of Block 2, Carr Subdivision I, excepting the north 8 feet of said easement.

