



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, August 10, 2021
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Alley between South Bruce Street and South Minnesota Street - 1) Public Hearing on Resolution Granting Petition to Vacate Alley; 2) Consider Resolution Granting Petition to Vacate Alley; 3) Grant of Utility Easement.
<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 vacation.</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 were contacted.</p> <p>Attached for Council review and consideration is a Grant of Permanent Utility Easement over said vacated alley. MMU and Charter have permanent facilities located in this area where easement is proposed to be established.</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>	<p>Recommendation No. 1 that the Council close the public hearing.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER 21-051, which is the Resolution Granting Petition to Vacate Alley.</p> <p>Recommendation No. 3 that the Council authorize execution of the attached Grant of Permanent Utility Easement over the eastern 7.5-ft of the vacated 16-ft. alley.</p>

**RESOLUTION NUMBER 21-051**

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

WHEREAS, 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 in the City of Marshall, County of Lyon, State of Minnesota; legally described in Exhibit A and shown on the map in Exhibit B, 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 August 10, 2021 before the City Council on such petition after due published and posted notice had been given on July 30, 2021, as well as personal notice mailed to affected property owners on July 30, 2021, 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 10<sup>th</sup> day of August, 2021.

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

ATTEST:

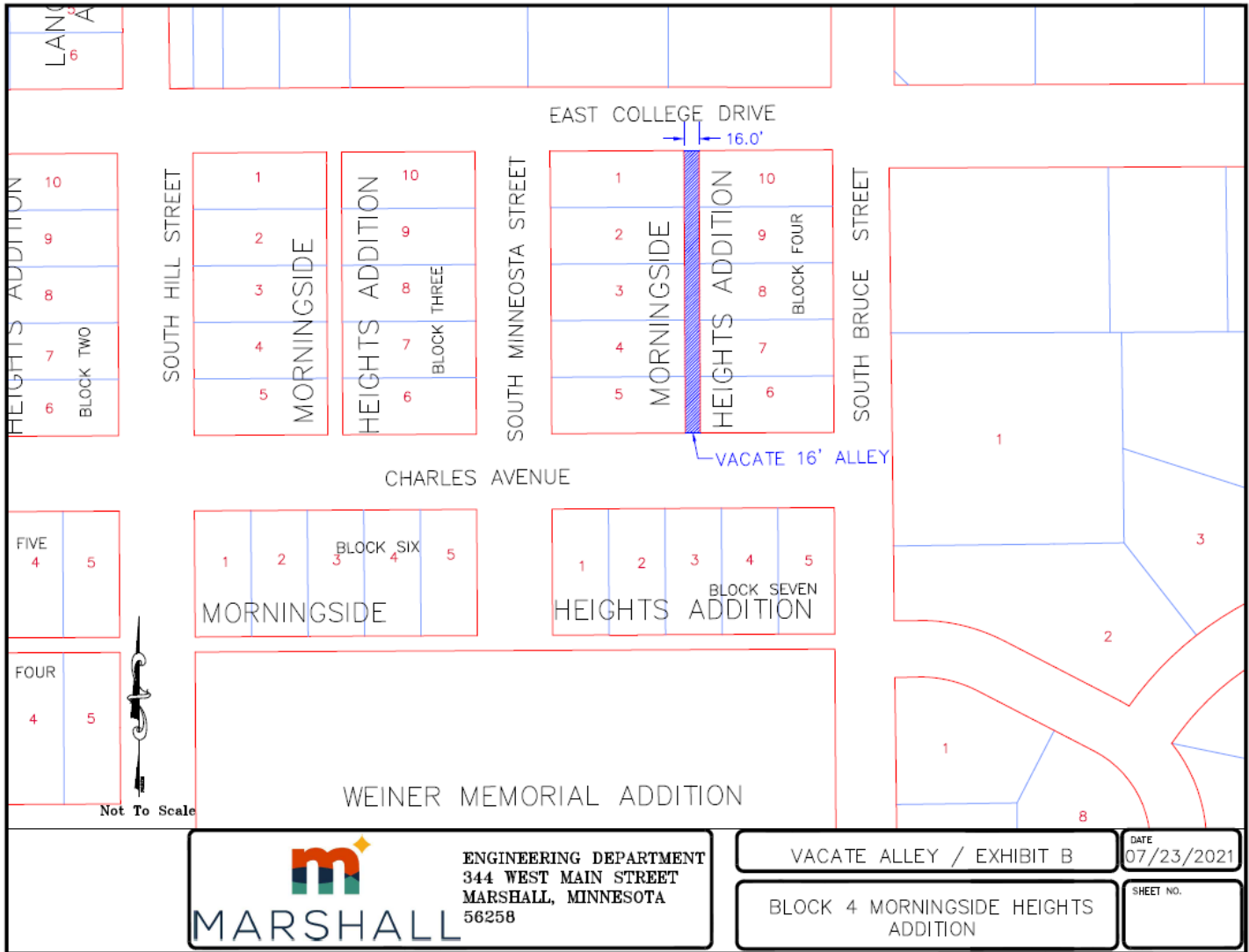
\_\_\_\_\_  
City Clerk

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

## **EXHIBIT A**

The 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



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

VACATE ALLEY / EXHIBIT B

DATE  
07/23/2021

BLOCK 4 MORNINGSIDE HEIGHTS ADDITION

SHEET NO.