



**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, October 27, 2020
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Vacation of Utility Easement in Carr Subdivision I, Block One, Lots 9-10 (Vierstraete) – 1) Public Hearing on Resolution Granting Petition to Vacate Utility Easement; 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>All utility companies were contacted to ensure no utilities are currently within the proposed vacation area. All respondents indicated no facilities present.</p>
Fiscal Impact:	Property owner to reimburse the City for all costs associated with the vacation.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<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 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 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 October 27, 2020 before the City Council on such petition after due published and posted notice had been given 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 27th day of October, 2020.

Robert J. Byrnes, Mayor

ATTEST:

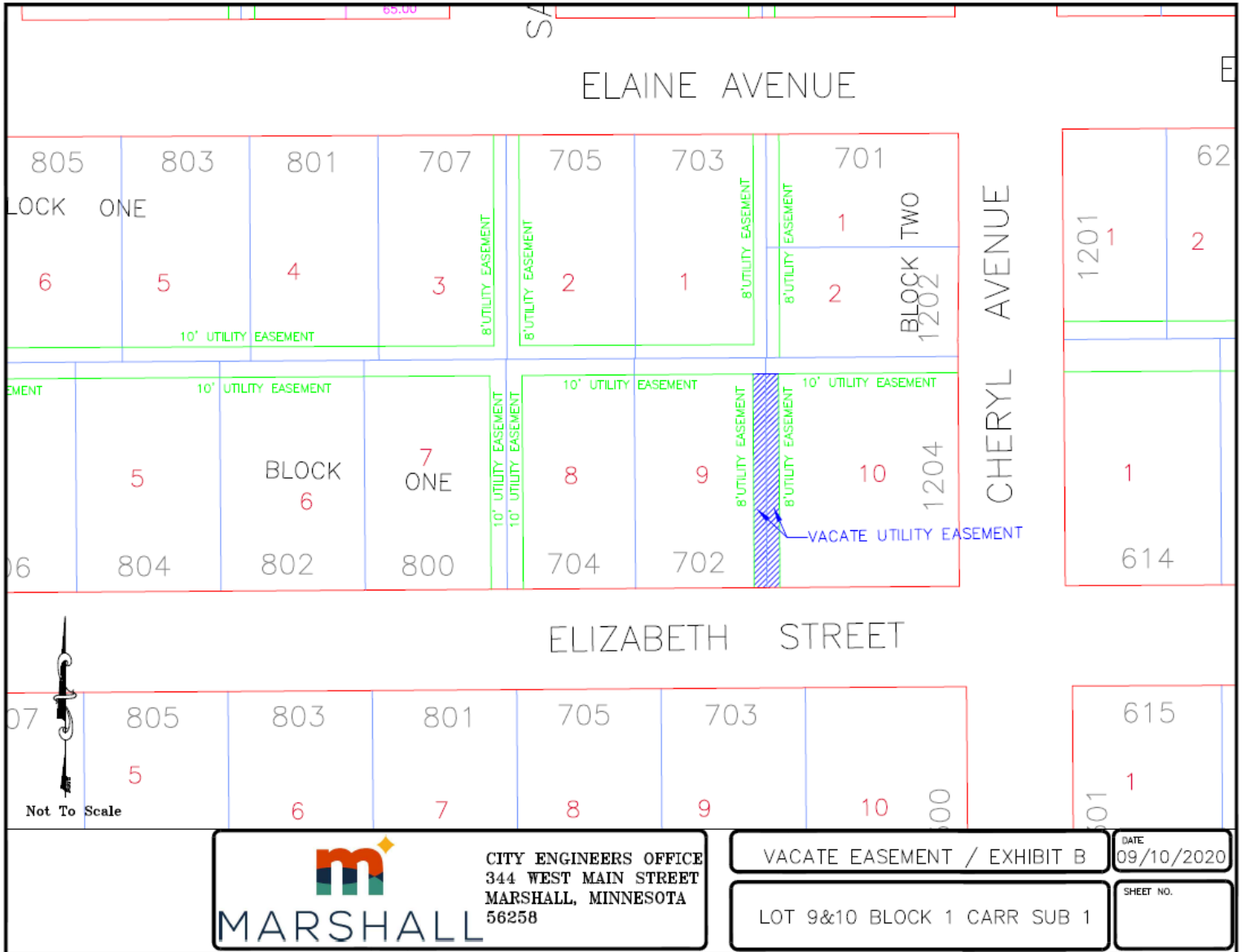
City Clerk

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

EXHIBIT A

The 8-foot utility easement along the easterly lot line of Lot 9 and the 8-foot utility easement along the westerly lot line of Lot 10, Block One, Carr Subdivision I, City of Marshall, County of Lyon, State of Minnesota, 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




MARSHALL
 CITY ENGINEERS OFFICE
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

VACATE EASEMENT / EXHIBIT B

LOT 9&10 BLOCK 1 CARR SUB 1

DATE
09/10/2020

SHEET NO.