



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Vacation of Utility Easements in Proposed Lockwood Second Addition – 1) Public Hearing on Resolution Granting Petition to Vacate; 2) Consider Resolution Granting Petition to Vacate Easements
Background Information:	<p>A signed petition for vacation of utility easements has been received from the owners of all the real property that includes the proposed vacated area.</p> <p>A map of the petitioned vacation area is attached.</p> <p>The purpose of the vacation is to for a building addition in proposed Lockwood Second Addition.</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 notified of the vacation of easements petition and have been directed to coordinate with the property owner and land surveyor regarding the individual requirements, if any, of each utility company.</p>
Fiscal Impact:	The applicant has paid the \$200 escrow for direct costs relating to the petition for vacation, and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1: that the Council close the public hearing.</p> <p>Recommendation No. 2: 2) that the Council adopt RESOLUTION 24-058, which is the Resolution Granting a Petition for Vacation of Utility Easements.</p>

RESOLUTION 24-058

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

WHEREAS, a petition for vacation of utility easements 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 May 28, 2024, 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/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 28th day of May, 2024.

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 north 10 feet and the east 10 feet of Lot 1, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the west 10 feet and the south 10 feet of said Lot 1.

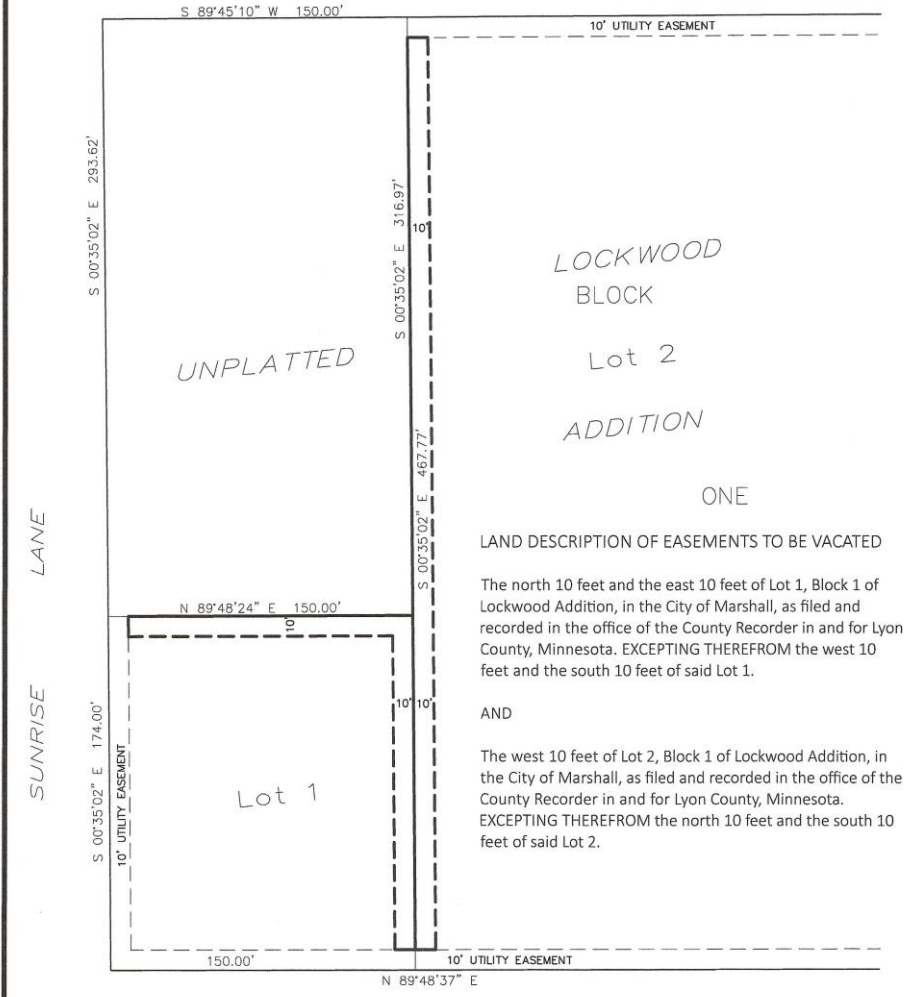
AND

The west 10 feet of Lot 2, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the north 10 feet and the south 10 feet of said Lot 2.

EXHIBIT B

Certificate of Survey

EAST COLLEGE DRIVE/MN T.H. NO. 19 & 68



LAND DESCRIPTION OF EASEMENTS TO BE VACATED

The north 10 feet and the east 10 feet of Lot 1, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the west 10 feet and the south 10 feet of said Lot 1.

AND

The west 10 feet of Lot 2, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the north 10 feet and the south 10 feet of said Lot 2.

PETERSON STREET



SURVEYOR'S CERTIFICATION
 I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

[Signature]
 DANIEL L. BUELTEL LICENSE NO: 43844
 DATE: MAY 27, 2024



Prepared for LOCK PROP LLC

Prepared by
Buettel-Moseng Land Surveying, Inc.
 Marshall, MN 56258 Ph. 507-532-9043
 PROJECT NO. 24-4348E