



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Jason Anderson
<b>Meeting Date:</b>	Tuesday, February 13, 2024
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Vacation of Alley and Utility Easement in Schwan's Corp I Addition - 1) Public Hearing on Resolution Granting Petition; 2) Consider Resolution Granting Petition for Vacation
<b>Background Information:</b>	<p>A signed petition for vacation of an alley and a utility easement 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 as Exhibit A of the petition.</p> <p>The purpose of the vacation is for the construction of a new City Aquatic Center.</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, if any, have been incorporated into the vacated area. Bluepeak has identified facilities in this alley and they have a work plan in place to relocate their facilities in 2024.</p>
<b>Fiscal Impact:</b>	All costs associated with the vacation will be funded by the Aquatic Center project.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendations:</b>	<p>Recommendation No. 1: that the Council close the public hearing.</p> <p>Recommendation No. 2: that the Council adopt RESOLUTION NUMBER 24-017, which is the Resolution Granting Petition for Vacation of an Alley and a Utility Easement.</p>

**RESOLUTION NUMBER 24-017**

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

WHEREAS, a petition for vacation of an alley and a 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 February 13, 2024 before the City Council on such petition after due published and posted notice had been given on February 2, 2024, 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 13<sup>th</sup> day of February, 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 12-ft. platted alley between Lot 1 and Lot 2 and the 5-ft. utility easement on Lot 2, located in Block Three, Schwan's Corp I Addition, City of Marshall, County of Lyon, State of Minnesota

