



**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, September 8, 2020
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	ACTION
<b>Subject:</b>	Vacation of Utility Easement in Carr Subdivision I – 1) Public Hearing on Resolution Granting Petition to Vacate Utility Easement; 2) Consider Resolution Granting Petition to Vacate Utility Easement.
<b>Background Information:</b>	<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>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. MMU currently has a street light wire on this easement that serves a street light on Andrew Street. If the vacation of easement would be approved, a new easement would need to be established and MMU would need to be compensated to install a new street light circuit and relocate the existing street light.</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>Recommendations:</b>	<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, contingent upon James Carr granting new utility easements to MMU.</p>

**RESOLUTION NUMBER \_\_\_\_\_, SECOND SERIES**

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

WHEREAS, 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 in the City of Marshall, County of Lyon, State of Minnesota; legally described and shown on the maps, 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 September 8, 2020 before the City Council on such petition after due published and posted notice had been given on August 28, 2020, as well as personal notice mailed to affected property owners by the clerk on August 28, 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 8<sup>th</sup> day of September, 2020.

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

ATTEST:

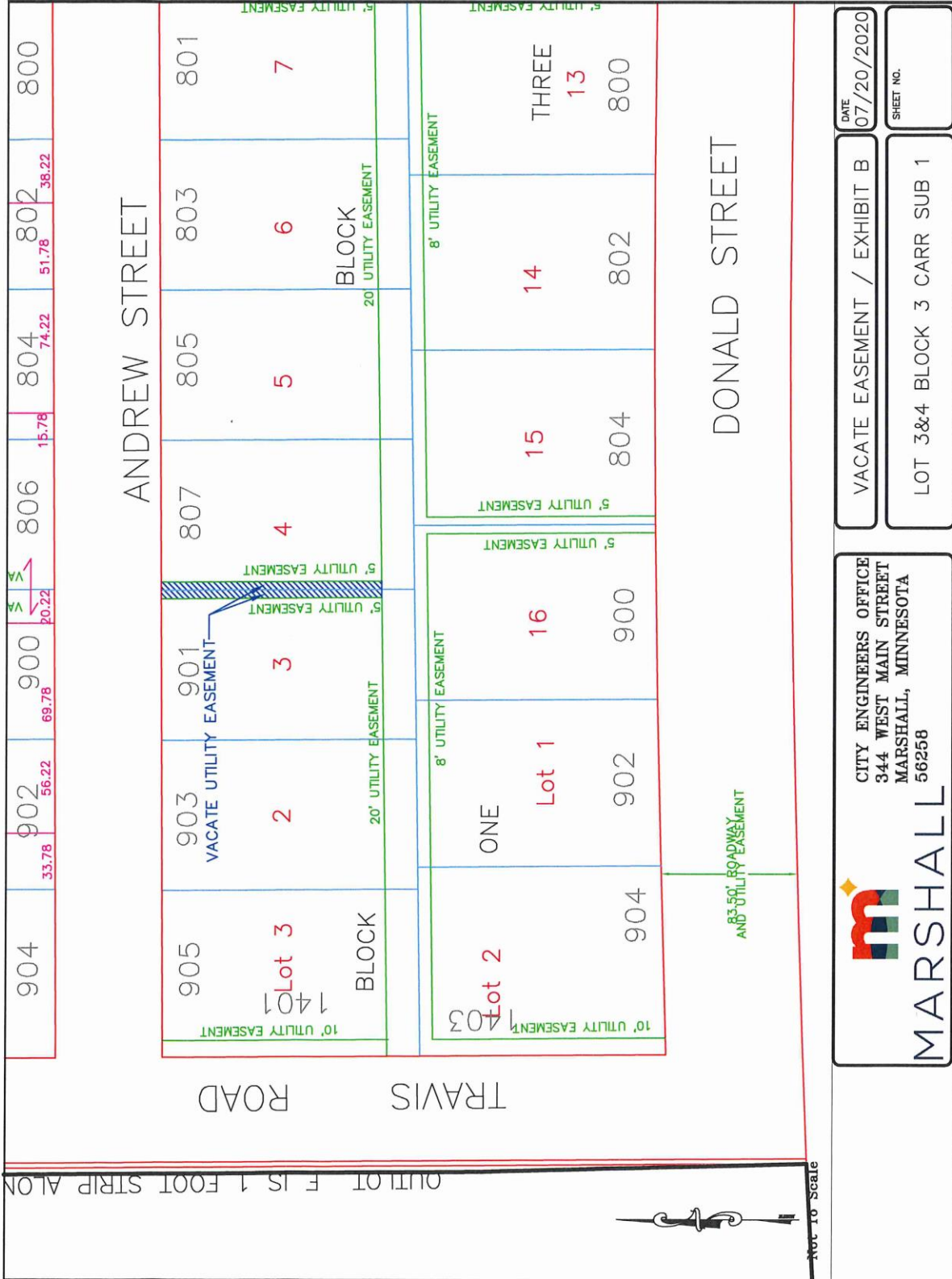
\_\_\_\_\_  
City Clerk

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

## **EXHIBIT A**

The 5-foot utility easement along the easterly lot line of Lot 3 and the 5-foot utility easement along the westerly lot line of Lot 4, Block Three, 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



DATE 07/20/2020  
SHEET NO.

VACATE EASEMENT / EXHIBIT B  
LOT 3&4 BLOCK 3 CARR SUB 1

CITY ENGINEERS OFFICE  
344 WEST MAIN STREET  
MARSHALL, MINNESOTA  
56258

MARSHALL