

RESOLUTION 25-068

RESOLUTION GRANTING PETITION VACATING A PORTION OF CERTAIN UNUSED RIGHT-OF-WAY KNOWN AS PAUL STREET

WHEREAS, the Common Council of the City of Marshall (“City Council”), pursuant to Section 62-4 of City Code and Minnesota Statutes §§ 410.33 and 412.851, desires to consider the vacation of an unused portion of right-of-way along Paul; and

WHEREAS, Paul Street was originally dedicated in the 1958 plat of Subdivision of Outlots 4 and 5 Country Club Addition, Marshall, Minnesota, located between Lots 14-17, Outlot 4, attached hereto as Exhibit A, however, Paul Street was opened and is now wholly located within the boundaries of the properties at 501 Paul Street (PID Nos. 27-156013-0, 27-156014-0) and 502 Paul Street (PID No. 27-156012-0) shown on the attached Exhibit B and legally described on the attached Exhibit C; and

WHEREAS, the City Clerk published, posted, and mailed notice of a public hearing as required by law, and a public hearing was held on the proposed vacation on the 23rd day of September, 2025; and

WHEREAS, the Common Council in its discretion has determined that the vacation will benefit the public interest because the portion of the right-of-way to be vacated is not needed for current or future right-of-way purposes; and

WHEREAS, the right-of-way terminates at or abuts upon public water; and

WHEREAS, pursuant to Minnesota Statute § 412.851, written notice of the petition or the resolution must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter; and

WHEREAS, said written notice to the commissioner of natural resources was sent via certified mail on the 21st day of July, 2025.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Marshall, that:

1. The Right-of-Way Property as shown on Exhibit A and legally described on Exhibit C is hereby vacated.
2. That the City specifically reserves the right and authority owning or controlling drainage and utility infrastructure, thereon or thereunder, and to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto. Council authorizes and directs staff to take any additional steps, if necessary, to perfect this interest.
3. That said vacation has no relationship to the City's Comprehensive Plan and therefore the City of Marshall City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the City of Marshall Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of real property pursuant to § 462.356, Subd. 2.
4. The City Clerk is hereby authorized and directed to prepare and present to the Lyon County Auditor a notice of completion of vacation proceedings pursuant to Minnesota Statutes, for entry in the transfer records and recording with the Lyon County Recorder.

Approved by the Common Council of the City of Marshall, Minnesota, this 23rd day of September 2025.

City of Marshall, Minnesota

Robert J. Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk

This Instrument Drafted by:
Pamela Whitmore
Kennedy & Graven, Chartered
150 South 5th Street, Suite 700
Minneapolis, MN 55402

EXHIBIT A

Original Plat (original and new Paul Street as marked)

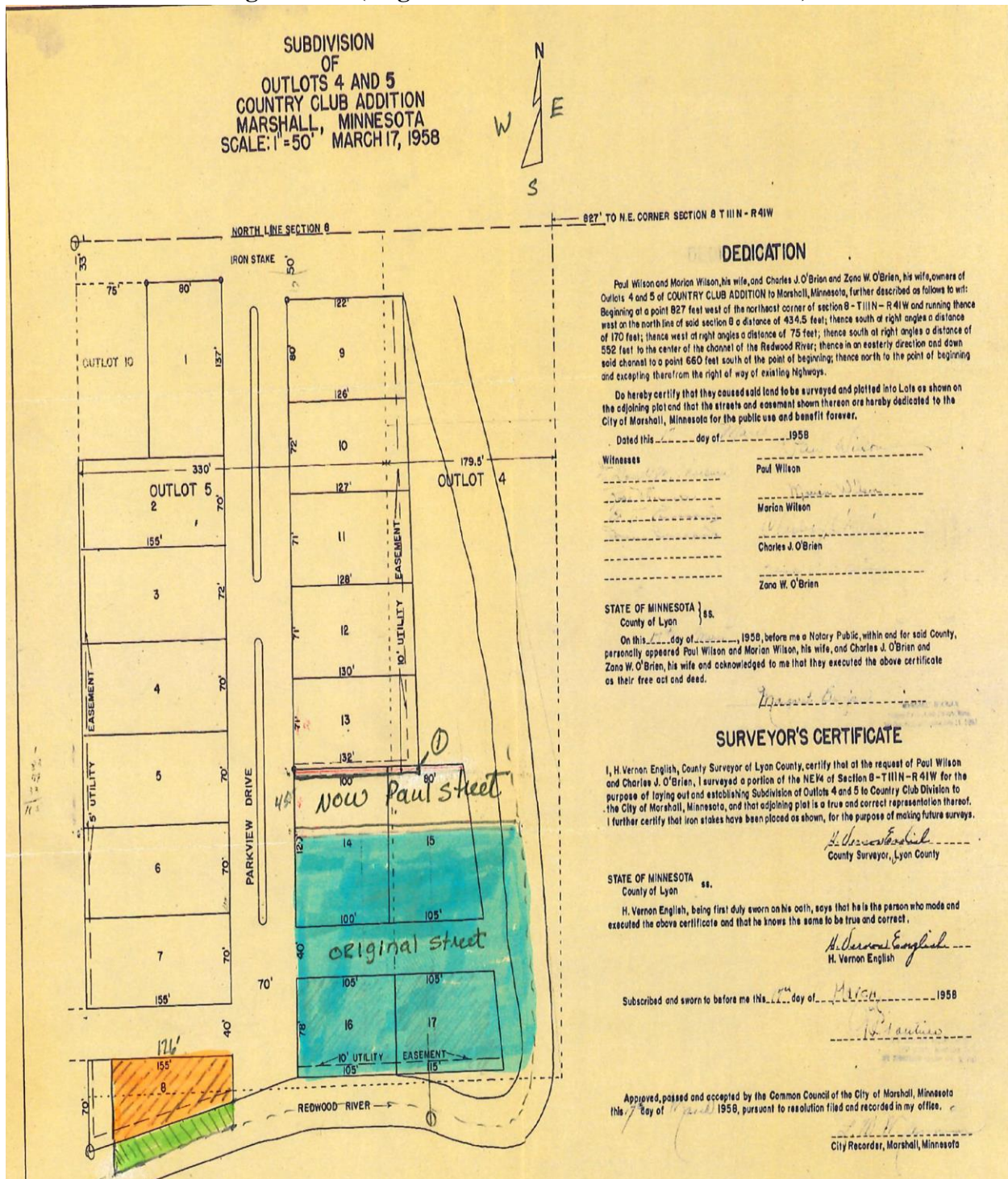
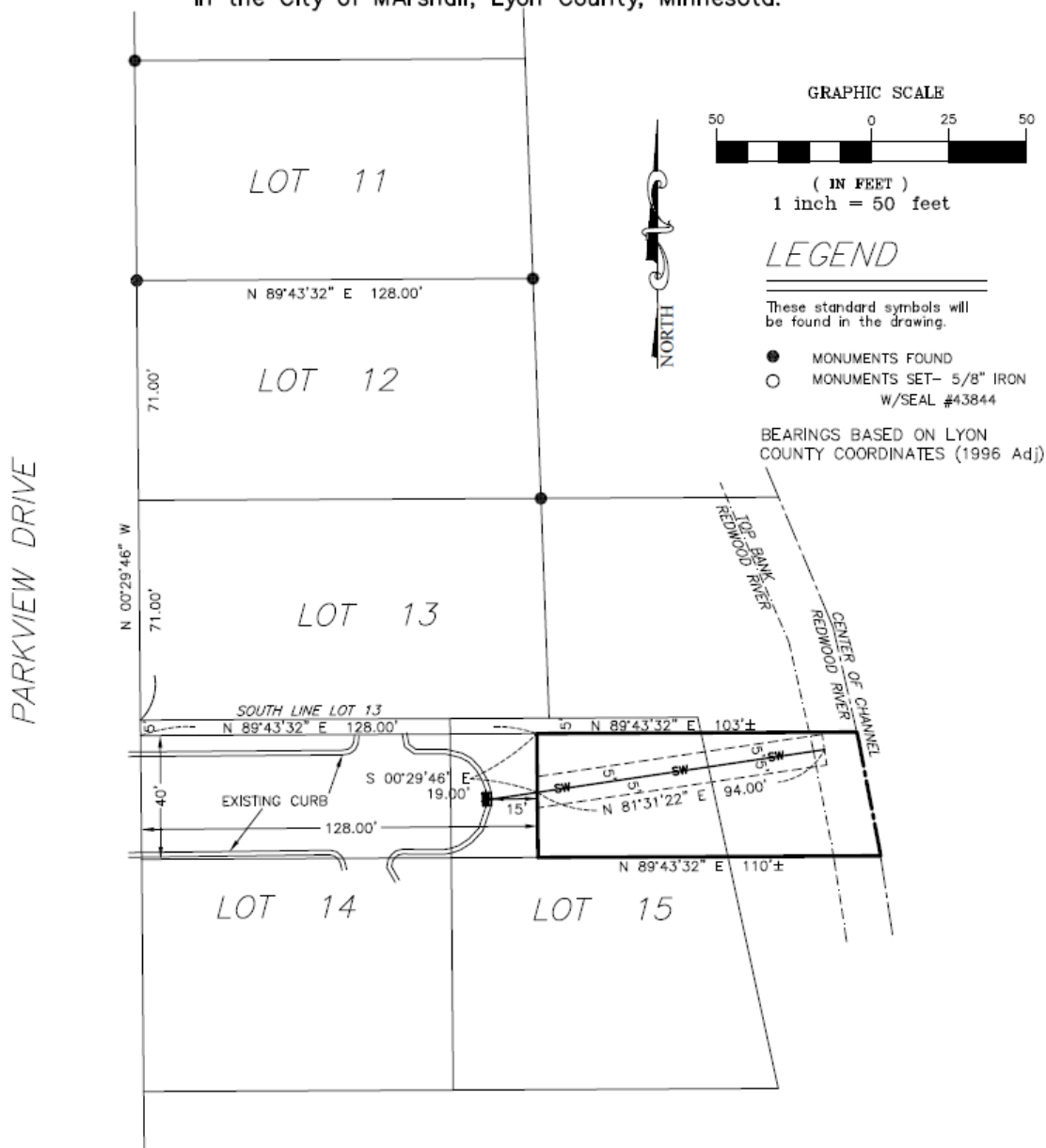


EXHIBIT B

Survey of Paul Street as Opened

Certificate of Survey

A part Lots 14 and 15 Subdivision of Oullots
Four (4) and Five (5), Country Club Addition
in the City of MARshall, Lyon County, Minnesota.



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.

DANIEL L. BUELTEL LICENSE NO: 43844

DATE: DATE

Prepared for CITY OF MARSHALL

Prepared by
Buettel-Moseng Land Surveying, Inc.
Marshall, MN 56258 Ph. 507-532-9043
PROJECT NO 25-6841

EXHIBIT C

Legal Description of Right-of-Way to be Vacated (as opened)

The south 40 feet of the north 45 feet of Lots 14 and 15 of the Subdivision of Outlots 4 and 5, Country Club Addition to the City of Marshall, as filed and recorded in the office of the County Recorder, in and for Lyon County, Minnesota, and extending in an easterly direction to the center of the channel of the Redwood River.

EXCEPTING THEREFROM the west 128 feet thereof.