

ORDINANCE #363

AN ORDINANCE VACATING CERTAIN RIGHT OF WAYS IN THE PLAT OF THE NEW PRAGUE OUTLOTS

WHEREAS, the New Prague City Council previously passed Resolution #CC-26-06-15-06 noting the City of New Prague's interest in vacating certain right of ways as identified in the resolution and the exhibit to the resolution, and retaining drainage and utility easements in place of the right of ways, pursuant to Section 12.06 of the New Prague City Charter, legally described as follows:

All of the public right of way lying north of Lot 19 and south of Lot 13 within the Plat of the New Prague Outlots, Scott County, Minnesota.

All of the public right of way lying north of Lot 12 and south of Lot 19 within the Plat of the New Prague Outlots, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

(with such right of ways hereinafter referred to as the "Property"); and

WHEREAS, a public hearing to consider the vacation of the Property was held on the 6th day of July, 2026, before the City Council in the City Hall located at 118 Central Avenue North, New Prague, Minnesota, after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the 16th day of June, 2026, and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation, or public body owning or controlling easements contained upon the Property proposed to be vacated, reserves the right to continue the same or to enter upon such Property, way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation of the Property will benefit the public interest because the Property will not be used for road purposes and a utility and drainage easement will suit the City's future needs of the Property; and

WHEREAS, a majority of all members of the City Council concur in this ordinance;

NOW, THEREFORE, THE CITY OF NEW PRAGUE, SCOTT AND LESUEUR COUNTIES, MINNESOTA, ORDAINS:

SECTION 1. An uncodified City ordinance is adopted pursuant to Chapter 12.06 of the New Prague City Charter to provide as follows:

Subdivision 1. The recitals set forth in this Ordinance are incorporated into and made a part of this Ordinance.

Subdivision 2. The City controls the dedicated Property located in Scott County, Minnesota, with the legal description of the Property being as follows:

All of the public right of way lying north of Lot 19 and south of Lot 23 within the Plat of the New Prague Outlots, Scott County, Minnesota.

All of the public right of way lying north of Lot 12 and south of Lot 19 within the Plat of the New Prague Outlots, Scott County, Minnesota.

And as depicted on the attached Exhibit A.

Subdivision 3. The City Council has determined that vacation of the Property will further the public interest and welfare.

Subdivision 4. As provided by Section 12.06 of the New Prague City Charter, the City Council authorizes and grants the vacation of the Property such that the Property described as follows is hereby vacated:

All of the public right of way lying north of Lot 19 and south of Lot 13 within the Plat of the New Prague Outlots, Scott County, Minnesota, with a drainage and utility easement being retained over the entire vacated area.

All of the public right of way lying north of Lot 12 and south of Lot 19 within the Plat of the New Prague Outlots, Scott County, Minnesota, with a drainage and utility easement being retained over the entire vacated area.

And as depicted on the attached Exhibit A.

Subdivision 5. The Mayor and City Administrator, staff, and consultants are hereby authorized and directed to sign all documents or take any and all additional steps and actions necessary or convenient in order to accomplish the intent of this Ordinance.

SECTION 2. This ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, the 15th day of June, 2026.

The required 10 days posted notice was completed on the City Website and City Hall Bulletin Board on or before June 16th, 2026.

Adopted by the Council this 6th day of July, 2026.

EFFECTIVE DATE: Immediately upon its publication in the July 16th, 2026 New Prague Times.

Charles L. Nickolay, Mayor

State of Minnesota)
)ss. (CORPORATE ACKNOWLEDGMENT)
County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2026.

Notary Public

ATTEST: _____
Joshua M. Tetzlaff, City Administrator

State of Minnesota)
)ss. (CORPORATE ACKNOWLEDGMENT)
County of Scott & Le Sueur)

Subscribed and sworn before me, a Notary Public this _____ day of _____, 2026.

Notary Public

THIS INSTRUMENT DRAFTED BY:

Evan C. Gariepy
City of New Prague
118 Central Ave. N.
New Prague, MN 56071
(952) 758-4401

Exhibit A

