

ORDINANCE NO. 612
2ND Series

AN ORDINANCE VACATING A PORTION OF OAK DRIVE NORTH OF LOT 6 OF “OAK PARK” AND ESTABLISHING A PERMANENT UTILITY EASEMENT

WHEREAS, the City has received a application to vacate the platted street known as Oak Drive contained in the plat of “Oak Park” lying north of Lot 6 of “Oak Park”; and

WHEREAS, the said platted street has never been constructed and therefore has no influence on the vehicular and/or pedestrian traffic patterns in the area, and

WHEREAS, the City has no need for the platted street for conveyance of vehicles, and

WHEREAS, there exist within the Oak Drive right of way public utility distribution lines, and

WHEREAS, the applicants for vacation have indicated a willingness to have such utility distribution lines remain in place and to grant an easement allowing such, and

WHEREAS, the City’s Home Rule Charter requires that street vacations be done by Ordinance, approved by a four-fifths vote of the Council,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALEXANDIA HEREBY ORDAINS:

SECTION I: That the street known as Oak Drive in the plat of “Oak Park” is hereby vacated north of Lot 6 of “Oak Park”.

SECTION II. That there is hereby created a permanent utility easement over, under and across the portion of Oak Drive vacated by this Ordinance for use by the owners, operators and/or their assigns of any publicly or privately owned utilities, including but not limited to water, sanitary sewer, storm water, electricity, telecommunications and natural gas and that this easement shall include the right of the utility owners, operators and/or their assigns to enter upon the property to survey, construct, operate, control, maintain, repair, replace, remove and use said easement for all utility purposes to rebuild the same, and to remove any object which, in the reasonable opinion of said utility owners, operators or assigns, will interfere with said utilities. As a condition of this easement, the owners, operators and/or their assigns shall have the obligation to restore the property subject to this easement to the approximate same condition as existed prior to the commencement of any construction, maintenance or repair hereunder, if restoration is possible.

SECTION IV: That a record of such vacation and easement is to be made in the office of the Douglas County Recorder.

SECTION V: This ordinance shall be in full force and effect from and after its passage and publication.

ADOPTED by the City Council of the City of Alexandria, Minnesota, this 10th day of December, 2007, by the following vote:

YES: BIGGER, CARLSON, WEISEL, BENSON, FRANK

NO: NONE

ABSENT: NONE

/S/ H. Dan Ness, Mayor

ATTEST: _____
/s/ Jim Taddei, City Administrator