

ORDINANCE NO. 599
2ND Series

**AN ORDINANCE VACATING THE PLATTED BUT UNBUILT ALLEYWAY LOCATED IN
BLOCK 82, "ORIGINAL ALEXANDRIA"
AND ESTABLISHING A PERMANENT UTILITY AND PUBLIC
ACCESS EASEMENT IN ITS PLACE**

WHEREAS, the City has received a application from property owners in Block 82, "Original Alexandria" to vacate the platted alleyway lying within said Block, and

WHEREAS, the said platted alleyway 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 alleyway for conveyance of vehicles, and

WHEREAS, there exist within the alley right of way major public and private 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 properties lying east and west of the subject alleyway take access from Third Avenue via a curb access located at the south end of said alleyway, and

WHEREAS, the applicants for vacation have indicated a willingness to grant a public access easement for the continued use of the public, 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 alleyway lying within Block 82, "Original Alexandria" is hereby vacated.

Section II. That there is hereby created a permanent utility easement over, under and across the alleyway 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 III. That there is hereby created a permanent public access easement over, under and across the alleyway vacated by this Ordinance.

Section IV. That a record of such vacation and easements 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 26th day of March, 2007, by the following vote:

YES: CARLSON, WEISEL, BENSON, FRANK
NO: NONE
ABSENT: NONE

/S/ H. Dan Ness, Mayor

ATTEST: _____
/S/ Jim Taddei, City Administrator