

ORDINANCE NO. 571
2ND Series

AN ORDINANCE AMENDING ORDINANCE NO. 569, VACATING A PORTION OF FOURTH AVENUE EAST AND OAK STREET ADJACENT TO BLOCK 7 OF "HOLES' ADDITION" AND ESTABLISHING A PERMANENT UTILITY EASEMENT

WHEREAS, the City has received a application from property owners in Block Seven of "Holes' Addition to Alexandria" to vacate the platted street known as Oak Street (or "O" Street, as platted) lying between Third Avenue and Fourth Avenue and to vacate the portion of Fourth Avenue lying east of the west line of said "Holes' Addition" and west of said Oak Street, and

WHEREAS, the said platted streets have never been constructed and therefore have 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 Fourth Avenue 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 City's Home Rule Charter requires that street vacations be done by Ordinance, approved by a four-fifths vote of the Council, and

WHEREAS, the City has received a request for a revised description of the streets to be vacated,

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

Section I: That the street known as Oak Street (or "O" Street, as platted) lying east of the east line of Block 7, "Holes' Addition" and north of the north line of Fourth Avenue as platted in "Holes' Addition" and extending northerly from its intersection with said Fourth Avenue for a distance of 347.7' more or less, is hereby vacated.

Section II. That the portion of Fourth Avenue lying south of Lot 7, Block 7, "Holes' Addition" and north of Lot 1, Block 10, "Holes' Addition" is hereby vacated.

Section III. That there is hereby created a permanent utility easement over, under and across the portion of Fourth Avenue 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 Ordinance No. 569, 2nd Series, adopted on September 12, 2005 is hereby rendered null and void.

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

Section VI: 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 11th day of October, 2005, by the following vote:

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

/S/ H. Dan Ness, Mayor

ATTEST: _____
/S/ Jim Taddei, City Administrator