

TAXES PAID, TRANSFER ENTERED  
AND DEED TAX OF \$ 0  
PAID TO DOUGLAS COUNTY  
THIS 31 DAY OF March 2020  
Julio Thiel  
DEPUTY AUDITOR/TREAS.

DOC# 416802  
RECORDED  
March 31, 2020 12:10 PM  
MARY SKILLINGS  
COUNTY RECORDER  
DOUGLAS COUNTY, MINNESOTA  
FEE: \$46.00

ORDINANCE NO. 823  
2<sup>ND</sup> Series

**AN ORDINANCE VACATING A PORTION OF SECOND AVENUE EAST AND  
A PORTION OF OAK STREET, BOTH AS ARE ADJACENT TO BLOCKS 25  
AND 26 OF "LAKESIDE ADDITION TO THE TOWN OF ALEXANDRIA"  
AND ESTABLISHING A PERMANENT UTILITY EASEMENT**

*City of  
Alex*

**WHEREAS**, the City has received a application from property owners in "Ostendorf Addition" to vacate the platted street known as Oak Street (or "O" Street, as platted) lying between Second Avenue and Third Avenue and to vacate the portion of Second Avenue lying east of the west line of TH 29, and

**WHEREAS**, the said platted streets are landlocked by TH 29, by the railroad right of way, and by the Central Lakes Trail, 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 streets for conveyance of vehicles, and

**WHEREAS**, there exist within the Second Avenue right of way either public and/or private utility lines, and

**WHEREAS**, the applicants for vacation have indicated a willingness to have such utility lines remain in place or to be removed and replaced, 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 Street (or "O" Street, as platted) lying between Block 25 and Block 26 of "Lakeside Addition to the Town of Alexandria" is hereby vacated.

Section II. That the portion of Second Avenue lying east of the west line of Document 174892 as recorded in the office of the Douglas County Recorder is hereby vacated.

Section III. That there is hereby created a permanent utility easement over, under and across the portion of Second Avenue vacated by this Ordinance, said easement location as described in the Exhibit A attached hereto, 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 23rd day of March, 2020, by the following vote:

YES: Franzen, Thalman, Osterberg, Jensen

NO: None

ABSENT: Benson

  
Sara Carlson, Mayor

ATTEST:   
Marty Schultz, City Administrator

An easement for utility purposes over, under and across that part of Lots 1 and 5, OSTENDORF ADDITION, according to the recorded plat thereof and that part of vacated second avenue in the dedicated plat of LAKE SIDE ADDITION TO THE TOWN OF ALEXANDRIA, described as follows:

Commencing at the southeast corner of said Lot 5;

thence on an assumed bearing of North 89 degrees 55 minutes 07 seconds West along the south line of said Lot 5 a distance of 132.46 feet to the point of beginning of the easement to be described;

thence North 07 degrees 27 minutes 27 seconds East 42.54 feet;

thence North 05 degrees 18 minutes 00 seconds East 78.70 feet;

thence North 08 degrees 45 minutes 36 seconds East 26.66 feet;

thence North 19 degrees 44 minutes 52 seconds East 48.54 feet;

thence North 02 degrees 56 minutes 13 seconds West 157.27 feet to the south line of the State of Minnesota Railbank;

thence South 89 degrees 55 minutes 27 seconds West 148.57 feet;

thence South 71 degrees 16 minutes 38 seconds West 39.36 feet to the west line of that land as described in Document No. 174892 and of record in the office of the Douglas County Recorder;

thence South 00 degrees 01 minutes 07 seconds East along said west line 21.12 feet;

thence North 71 degrees 16 minutes 38 seconds East 66.91 feet;

thence North 88 degrees 29 minutes 01 seconds East 91.67 feet;

thence North 89 degrees 55 minutes 27 seconds East 11.32 feet;

thence South 02 degrees 56 minutes 13 seconds East 144.24 feet;

thence South 19 degrees 44 minutes 52 seconds West 11.89 feet to the east line of said Lot 1;

thence South 00 degrees 01 minutes 16 seconds East along said east line 17.98 feet;

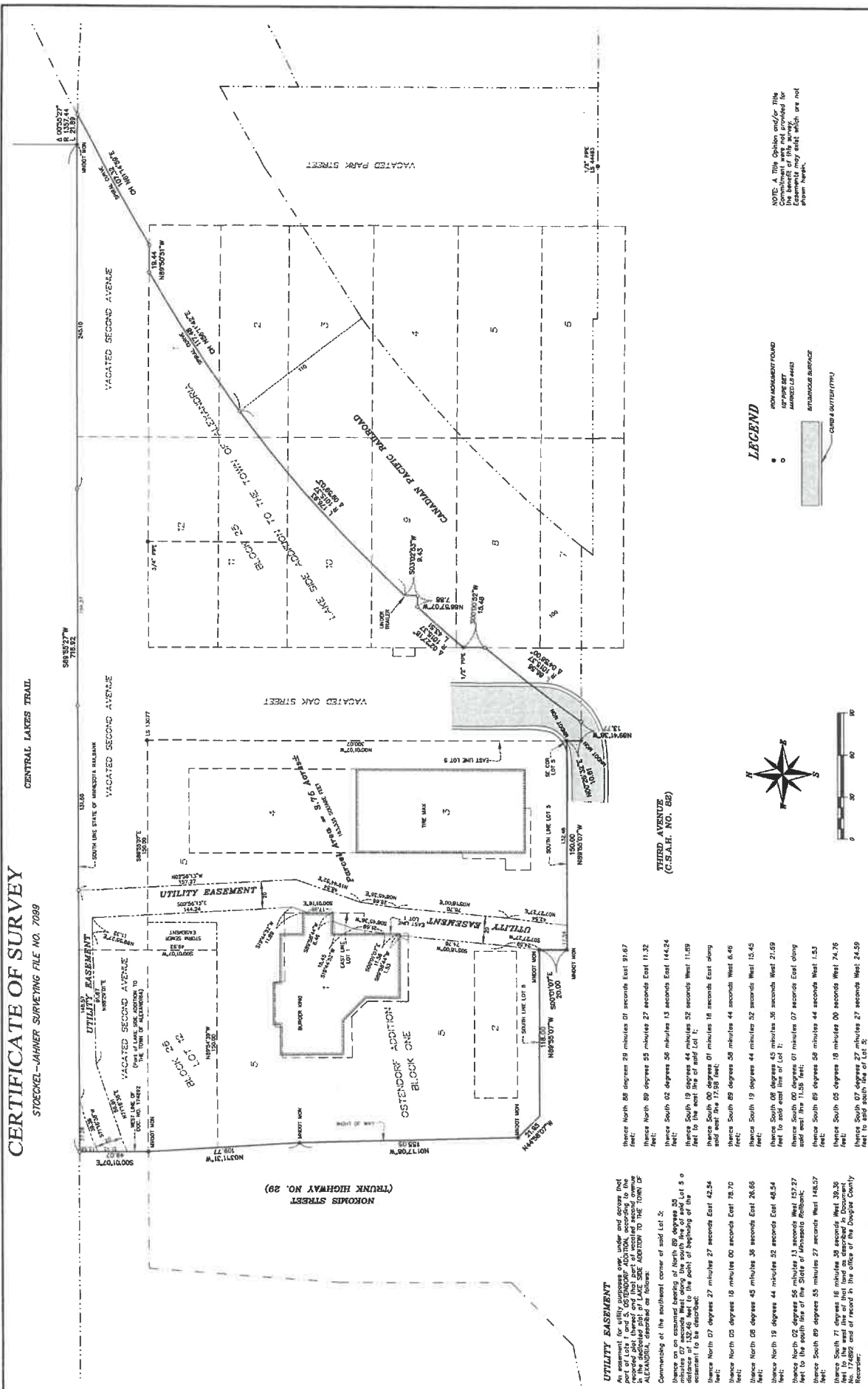
thence South 89 degrees 58 minutes 44 seconds West 6.46 feet;

thence South 19 degrees 44 minutes 52 seconds West 15.45 feet;  
thence South 08 degrees 45 minutes 36 seconds West 21.69 feet to said east line of Lot 1;  
thence South 00 degrees 01 minutes 07 seconds East along said east line 11.56 feet;  
thence South 89 degrees 58 minutes 44 seconds West 1.53 feet;  
thence South 05 degrees 18 minutes 00 seconds West 74.76 feet;  
thence South 07 degrees 27 minutes 27 seconds West 24.59 feet to said south line of Lot 5;  
thence South 00 degrees 01 minutes 07 seconds East along said south line 20.00 feet;  
thence South 89 degrees 55 minutes 07 seconds East along said south line 17.54 feet to the point of beginning.

**CERTIFICATE OF SURVEY**

STOECKEL-JAHNER SURVEYING FILE NO. 7099

CENTRAL LAKES TRAIL



**LEGEND**

- IRON MONUMENT FOUND
- IRON PIPE SET
- METEORIC MARK
- ▭ BITUMINOUS SURFACE
- ▭ CURB CUTTER (TYP.)



NOTE: A T.M. Station and/or T.M. Monument were not provided for this plat. Stationing and monument locations may differ from those shown herein.

**UTILITY EASEMENT**  
 An easement for utility purposes over, under and across that part of the lots shown on this plat, as shown by the lines and bearings thereon, and that part of second and third sections in the detached plat of LAKE SIDE ADDITION TO THE TOWN OF NOKOMIS, Chapter 44, Ordinance No. 143,244, is hereby established as follows:  
 Commencing at the southwest corner of said Lot 2;  
 thence on an assumed bearing of North 87 degrees 27 minutes 27 seconds East 42.54 feet to the south line of the State of Michigan Railroad;  
 thence North 07 degrees 18 minutes 00 seconds East 78.70 feet;  
 thence North 05 degrees 45 minutes 36 seconds East 26.65 feet;  
 thence North 19 degrees 44 minutes 52 seconds East 48.54 feet;  
 thence North 02 degrees 55 minutes 13 seconds West 152.27 feet to the south line of the State of Michigan Railroad;  
 thence South 89 degrees 25 minutes 27 seconds West 143.37 feet;  
 thence South 71 degrees 16 minutes 35 seconds West 39.36 feet to the west line of lot (and as depicted in Document No. 2025 and of record in the office of the Douglas County Recorder);  
 thence South 09 degrees 01 minutes 07 seconds East along said west line 21.12 feet;  
 thence North 71 degrees 16 minutes 36 seconds East 66.91 feet;

thence North 88 degrees 29 minutes 01 seconds East 31.67 feet;  
 thence North 89 degrees 55 minutes 27 seconds East 11.32 feet;  
 thence South 02 degrees 56 minutes 13 seconds East 144.24 feet;  
 thence South 18 degrees 44 minutes 50 seconds West 11.89 feet to the east line of said Lot 1;  
 thence South 01 minutes 16 seconds East along said east line 72.00 feet;  
 thence South 89 degrees 58 minutes 44 seconds West 6.46 feet;  
 thence South 19 degrees 44 minutes 52 seconds West 12.45 feet;  
 thence South 06 degrees 45 minutes 36 seconds West 21.69 feet to said east line of Lot 1;  
 thence South 09 degrees 01 minutes 07 seconds East along said east line 11.32 feet;  
 thence South 89 degrees 56 minutes 44 seconds West 1.53 feet;  
 thence South 05 degrees 18 minutes 00 seconds West 74.76 feet;  
 thence South 07 degrees 27 minutes 27 seconds West 24.59 feet to said south line of Lot 3;  
 thence South 09 degrees 01 minutes 07 seconds East along said south line 30.00 feet;  
 thence South 89 degrees 56 minutes 44 seconds East along said south line 7.25 feet to the point of beginning.

I hereby certify that this survey was made in accordance with the laws of the State of Wisconsin and that I am a duly Licensed Land Surveyor under the laws of the State of Wisconsin.

4443 05-13-19  
 LEE OSTENDORF

SEC. 174, P. 17-126-37  
 DATE: 05-13-19  
 COUNTY: JN  
 PREPARED BY: LEE OSTENDORF  
 CHECKED BY: MEJ  
 FILE NUMBER: 7099

PREPARED FOR: LEE OSTENDORF  
 MARY T. JAHNER, LICENSE NO. 4433  
 1907 34 Street East, P.O. Box 38, Nokomis, WI 53051  
 www.stoeckeljahner.com  
**STOECKEL JAHNER SURVEYING INC.**

Affidavit of Publication  
/STATE OF MINNESOTA )  
County of Douglas ) ss.

Diann Drew, being first duly sworn, on oath states as follows:

1. I am the publisher of the Echo Press, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

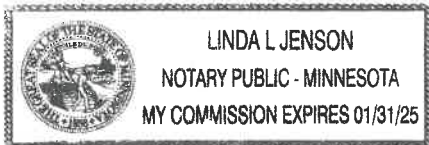
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the Ordinance 823 attached/copied below was published in the newspaper are as follows: Friday, the 3<sup>rd</sup> day of April, 2020

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$28.38.

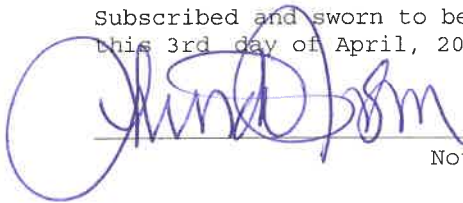
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Douglas County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.



  
[Signature]

Subscribed and sworn to before me on  
this 3rd day of April, 2020, By Diann Drew

  
Notary Public

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**ADOPTED** by the City Council of the City of Alexandria, Minnesota, this 23rd day of March, 2020, by the following vote:

YES: Franzen, Thalman, Osterberg, Jensen

NO: None

ABSENT: Benson

/s/Sara Carlson

Mayor

ATTEST: /s/Marty Schultz

City Administrator

**Exhibit A, Pg 1/2**

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2832682

**Ordinance 823**

Publish April 3, 2020

**ORDINANCE NO. 823**

2nd Series

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