

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

October 12, 2016

No. 16-33

A RESOLUTION VACATING EASEMENT

WHEREAS, pursuant to Minnesota Statutes Section 412.851, after two (2) weeks' published and posted notice of the hearing and after mailing written notice of the hearing at least ten (10) days before the hearing to each property owner affected by the proposed vacation, the Falcon Heights City Council has conducted a hearing to consider the vacation of the easement #1643377 for drainage and utility purposes located as legally described:

That portion of the North 94.63 feet of the South 624.88 feet of the East 492.20 Feet of the SW $\frac{1}{4}$ of Section 16 Township 29 North, Range 23 West, subject to the rights of the public in Lindig St. and Fairview Ave. which lies 5 feet on either side of the following described line: beginning at a point on the north line of said parcel 290.70 feet West of the Center line of Fairview Avenue (said point and said line also being 247.70 feet West of the North East corner of said parcel) thence South parallel to the East line of said parcel 94.63 feet to the South line of said parcel and there terminating.

WHEREAS, it appears that it is in the public interest to vacate the East 5 feet easement as described above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Falcon Heights, Minnesota:

1. The easement located at that portion of the North 94.63 feet of the South 624.88 feet of the East 492.20 Feet of the SW $\frac{1}{4}$ of Section 16 Township 29 North, Range 23 West, subject to the rights of the public in Lindig St. and Fairview Ave. which lies 5 feet on either side of the following described line: beginning at a point on the north line of said parcel 290.70 feet West of the Center line of Fairview Avenue (said point and said line also being 247.70 feet West of the North East corner of said parcel) thence South parallel to the East line of said parcel 94.63 feet to the South line of said parcel and there terminating, that the East 5 feet is hereby vacated.
2. The City Clerk is directed to file a certified copy of this Resolution with the County Auditor and County Recorder/Registrar of Titles.

FURTHER, that said vacation shall not affect the authority of any person, corporation, or municipality owning or controlling the electric or telephone poles and lines, gas lines, sanitary and storm sewer lines, water pipes, mains, hydrants, and

natural drainage areas there on or there under, to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereof.

Moved by: Gustafson

Approved by: Pete Lindstrom
Peter Lindstrom
Mayor

LINDSTROM 5 In Favor
GUSTAFSON
HARRIS 0 Against
BROWN THUNDER
FISCHER

Attested by: Sack Thongvanh
Sack Thongvanh
City Administrator