

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1359

**AN ORDINANCE VACATING A PORTION OF FORMER BROWN AVENUE
LOCATED WITHIN THE CITY OF SOUTH ST. PAUL, MINNESOTA**

The City Council of the City of South St. Paul does ordain:

SECTION 1. Pursuant to South St. Paul City Code § 54-429 and Minn. Stat. § 412.851, on its own motion, with a vote of six of its members, the City Council may vacate any street, alley, public grounds, public way or any part thereof within the City by Ordinance; and

WHEREAS, the City of South St. Paul wishes to vacate the street, situated in the City of South St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A and depicted on the attached Exhibit B; and

WHEREAS, a notice of a public hearing on said vacation was duly published and posted in accordance with applicable Minnesota Statutes and a public hearing was held on said vacation at the City of South St. Paul, 125 Third Avenue North, South St. Paul, Minnesota; and

WHEREAS, the City Council of South St. Paul then proceeded to hear all persons interested in said vacation and all persons interested were afforded an opportunity to present their views and objections to the granting of said vacation; and

WHEREAS, the City Council of South St. Paul has determined that the vacation would be in the public interest.

NOW, THEREFORE BE IT RESOLVED:

1. That the City of South St. Paul, pursuant to Minn. Stat. § 412.851, hereby vacates the public street situated in the City of South St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A and depicted on the attached Exhibit B.
2. That the City specifically reserves the right and authority of any utility company or corporation owning or controlling electric or telephone poles and lines, gas thereon or thereunder, to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.
3. That said vacation has no relationship to the City's Comprehensive Plan and therefore the South St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the South St. Paul Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of

real property pursuant to § 462.356, Subd. 2.

4. That the City Clerk shall prepare a notice to be presented to the Dakota County Auditor reflecting the completion of the proceedings herein. The certified notice shall be recorded with the Dakota County Recorder.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City wishes to vacate unbuilt right-of-way, formerly Brown Avenue, generally located between Thompson Avenue and Congress Street, west of 19th Avenue North and east of Cresthaven Drive, in South St. Paul, MN.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Passed by the City Council of the City of South St. Paul, Minnesota, this 29th day of June, 2020.

Approved: June 29th, 2020

Published: _____

Christy Wilcox, City Clerk

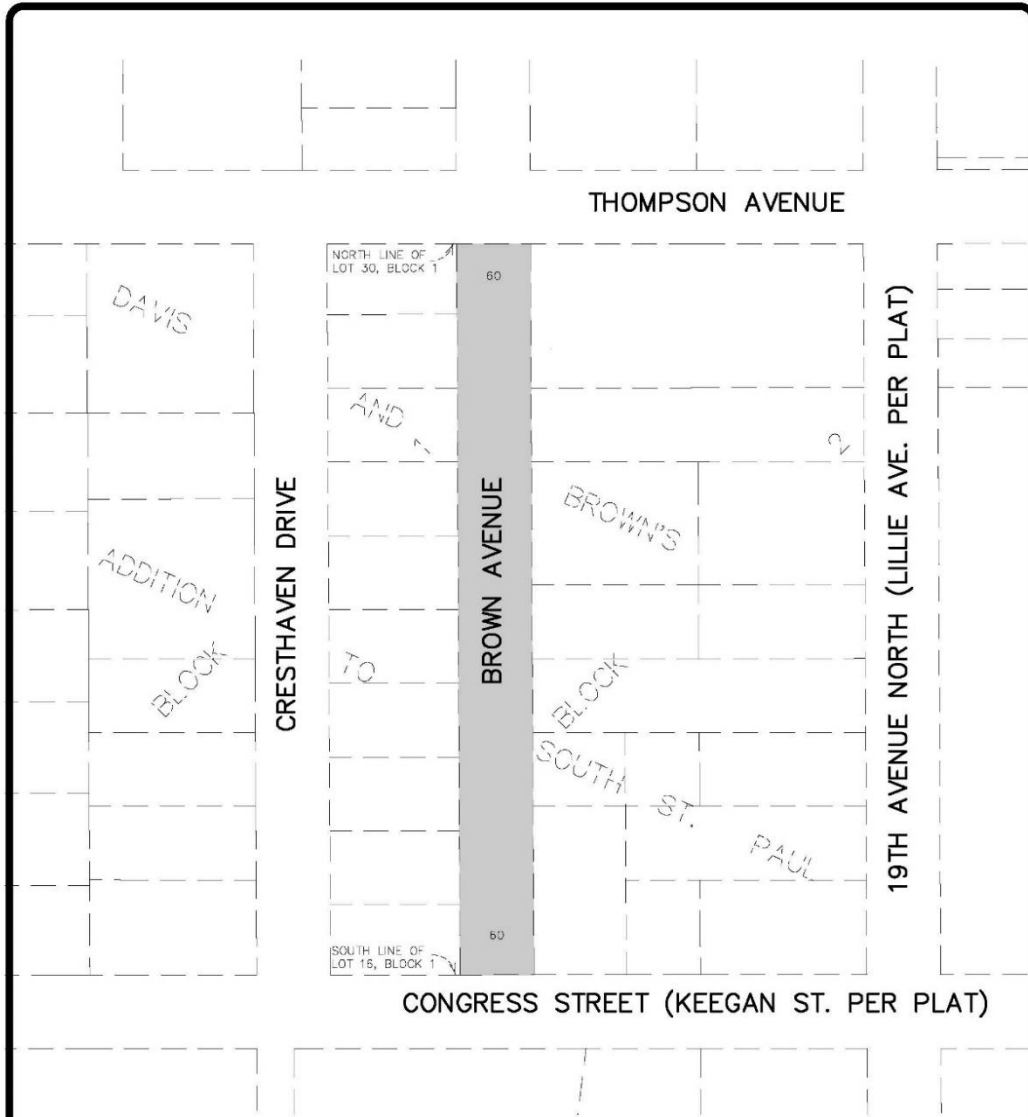
EXHIBIT A

**LEGAL DESCRIPTION OF
THE PORTION OF FORMER BROWN AVENUE TO BE VACATED**

All that part of Brown Avenue as delineated and dedicated on DAVIS AND BROWN'S ADDITION TO SOUTH ST. PAUL, according to the recorded plat thereof, Dakota County, Minnesota lying northerly of the easterly extension of the south line of Lot 16, Block 1, said DAVIS AND BROWN'S ADDITION TO SOUTH ST. PAUL and southerly of the easterly extension of the north line of Lot 30, Block 1, said DAVIS AND BROWN'S ADDITION TO SOUTH ST. PAUL.

EXHIBIT B

DEPICTION OF THE PORTION OF FORMER BROWN AVENUE TO BE VACATED



PROPOSED DESCRIPTION TO VACATE A PORTION OF BROWN AVENUE

All that part of Brown Avenue as delineated and dedicated on DAVIS AND BROWN'S ADDITION TO SOUTH ST. PAUL, according to the recorded plat thereof, Dakota County, Minnesota lying northerly of the easterly extension of the south line of Lot 16, Block 1, said DAVIS AND BROWN'S ADDITION TO SOUTH ST. PAUL and southerly of the easterly extension of the north line of Lot 30, Block 1, said DAVIS AND BROWN'S ADDITION TO SOUTH ST. PAUL.

 Denotes proposed street vacation

* This sketch does not purport to show the existence or nonexistence of any encroachments from or onto the hereon described land, easements of record or unrecorded easements which affect said land or any improvements to said land.

Not to Scale

Sheet
1
of
1

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Cad File: 120097- Brown
Avenue
Vacation.dwg
Date: 6-4-2020
Folder #:
Drawn by: KSO

Description Sketch for:
City of South Saint Paul