

**RESOLUTION NO. 20-15**

**A RESOLUTION VACATING A PORTION OF AN ALLEY UPON PETITION OF A MAJORITY OF ABUTTING LANDOWNERS.**

WHEREAS, an application accepted as a petition signed by the majority of property owners abutting the alley between 209 Playhouse St. E. (Parcel ID: 400500440), 213 Playhouse St. E. (Parcel ID: 400500380) in the City of Cologne (the City) was received by the City on the 4th day of May, 2020; and

WHEREAS, the petition requested that the City Council pursuant to Minnesota Statute § 412.851 vacate the portion of the alley between the aforementioned properties, understood to be the alley between 209 Playhouse Street East (Parcel ID: 400500440) and 213 Playhouse Street East (Parcel ID: 400500380) in the City of Cologne, Minnesota, starting from the entrance to the alley on Playhouse Street East, and going only the distance between the two properties ending on a plane drawn parallel to Playhouse Street E. in between the two subject properties and drawn from the South West most corner of 213 Playhouse St. E. to 209 Playhouse St. E.; and

WHEREAS, the City reviewed and examined the signatures on said petition and determined that such signatures constituted a majority of the landowners abutting upon that portion of the Alley; and

WHEREAS, a public hearing to consider the vacation of such street was held on the 15<sup>th</sup> day of June, 2020, before the City Council in the City Hall located at 1211 Village Parkway, Cologne, MN at 7:00a.m. after published and posted notice had been given, as well as personal mailed notice to all affected property owners by City staff on the 22nd day of May, 2020 and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto, including but not limited to:

- Access for all official City of Cologne business and to travel to adjacent City of Cologne property for maintenance thereon.

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because the vacation is contiguous with prior right of way vacation and will continue to allow for City of Cologne maintenance access to VFW park; and

WHEREAS, The City Council recognizes that this alley vacation serves a public purpose and benefit similar to the Market Street East vacation that was contiguous with the proposed vacation.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLOGNE, MINNESOTA AS FOLLOWS:**


That such petition for vacation is hereby granted and the portion of the Alley described as follows is hereby vacated:

The alley between 209 Playhouse Street East (Parcel ID: 400500440) and 213 Playhouse Street East (Parcel ID: 400500380) in the City of Cologne, Minnesota, starting from the entrance to the alley on Playhouse Street East, and going only the distance between the two properties ending on a plane drawn parallel to Playhouse Street E. in between the two subject properties and drawn from the South West most corner of 213 Playhouse St. E. to 209 Playhouse St. E.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution and file notice of the vacation as required by law.

Passed by the City Council of Cologne, Minnesota this 15th day of June, 2020.

Approved:

  
\_\_\_\_\_  
Matt Lein  
Mayor

Attested:

  
\_\_\_\_\_  
Michelle Morrison  
City Clerk

M/ Kells

Lein yes

Szaroletta yes

Kells yes

Bruss yes

S/ Lenzen

Lenzen yes