

CITY OF COLOGNE, COUNTY OF CARVER, STATE OF MINNESOTA
CITY COUNCIL
RESOLUTION NO. 13-14

RESOLUTIONS VACATING PORTIONS OF CONRAD STREET

RECITALS

WHEREAS, the City Council previously passed Resolution No. 13-08 noting its interest in vacating, pursuant to Minn. Stat. § 412.851, portions of Conrad Street described on **Exhibit "A"** attached hereto and incorporated herein and setting a public hearing to consider the vacation of a portion of such street; and

WHEREAS, a public hearing to consider the vacation of a portion of Conrad Street was held on July 1, 2013, at 7:00 P.M. before the City Council at the Cologne City Hall, 1211 Village Parkway, Cologne, Minnesota, after due published and posted notice had been given, as well as personal notice mailed to all affected property owners. Published notice was published in the *Waconia Patriot* on June 13th & June 20th, 2013, and mailed notice was given on June 13th, 2013. All interested and affected persons were given an opportunity to voice their concerns and be heard at such public hearing; and

WHEREAS, no notice has been given to the Commissioner of Natural Resources because no portion of the proposed vacation terminates at, abuts upon, or is adjacent to any public water; and

WHEREAS, City Council has determined that the vacation will benefit the public interest for reasons including, but not limited to:

1. Conrad Street, in the area under consideration, has not been improved, nor is there any intention that the City will improve such area with streets and utilities.

2. The portion of Conrad Street proposed to be vacated north of Market Street West is improved with a City park and ball field.
3. The portion of Conrad Street proposed to be vacated north of Market Street West is in an area proposed for redevelopment, and a vacation of Market Street West in that area will assist in the redevelopment and removal of blighted structures in that area; and

WHEREAS, as no petition has been filed, at least four-fifths of all members of the City Council concur in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City that the portions of Conrad Street shown on Exhibit "A" attached hereto and incorporated herein shall be vacated.

BE IT FURTHER RESOLVED, that the Deputy Clerk prepare and file with the Carver County Recorder a Notice of Completion of Vacation.

BE IT FURTHER RESOLVED, that the Mayor and Deputy Clerk are authorized and empowered to sign any and all documentation necessary and appropriate to effect the vacation.

Adopted and approved by the City Council of the City of Cologne on a 3 to 0 vote on the 1st day of July, 2013.

Attest: John Hendel
John Hendel
City Administrator

Matt Lein
Matt Lein, Mayor



EXHIBIT "A"

All that part of Conrad Street, as delineated and dedicated on the plat of VILLAGE OF BENTON CITY, according to the recorded plat thereof, Carver County, Minnesota lying northerly of the westerly extension of the north line of Playhouse Street, as delineated on said VILLAGE OF BENTON CITY and lying southerly of Lake Street West (said Lake Street is formerly known as Highway No. 212).

AND

All that part of Conrad Street, as delineated and dedicated on said VILLAGE OF BENTON CITY, lying northerly of the westerly extension of the north line of Market Street, as delineated on said VILLAGE OF BENTON CITY and lying southerly of the westerly extension of the south line of Playhouse Street, as delineated on said VILLAGE OF BENTON CITY.

NOTICE OF COMPLETION OF VACATION

On the 1st day of July, 2013, the City Council of the City of Cologne, after complying with all statutory prerequisites, including published, posted and mailed notice and a public hearing, adopted Resolution No. 13-14 vacating portions of Conrad Street as follows:

All that part of Conrad Street, as delineated and dedicated on the plat of VILLAGE OF BENTON CITY, according to the recorded plat thereof, Carver County, Minnesota lying northerly of the westerly extension of the north line of Playhouse Street, as delineated on said VILLAGE OF BENTON CITY and lying southerly of Lake Street West (said Lake Street is formerly known as Highway No. 212).

AND

All that part of Conrad Street, as delineated and dedicated on said VILLAGE OF BENTON CITY, lying northerly of the westerly extension of the north line of Market Street, as delineated on said VILLAGE OF BENTON CITY and lying southerly of the westerly extension of the south line of Playhouse Street, as delineated on said VILLAGE OF BENTON CITY.

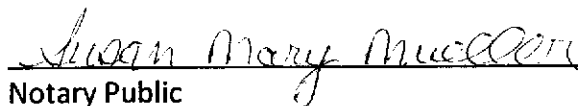
This Notice constitutes the notice anticipated by Minn. Stat. § 412.851 confirming the vacation of such portions of Conrad Street, as depicted on the survey drawing attached hereto as Exhibit "A," and is confirmation of such vacation.



John Hendel
City Administrator

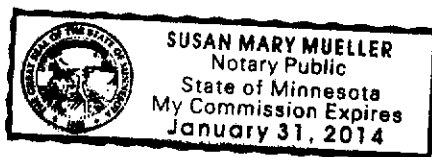
STATE OF MINNESOTA)
)SS.
COUNTY OF CARVER)

The forgoing instrument was acknowledged before me this 1 day of July, 2013, by John Hendel, City Administrator of the City of Cologne.



Notary Public

This Instrument Was Drafted By:
Melchert Hubert Sjodin PLLP
121 West Main Street
Waconia, MN 55387 RLH



[http://clients.intranet.mhslaw.com/6/36896/draft documents/notice of completion of vacation 06.10.13.docx](http://clients.intranet.mhslaw.com/6/36896/draft%20documents/notice%20of%20completion%20of%20vacation%2006.10.13.docx)

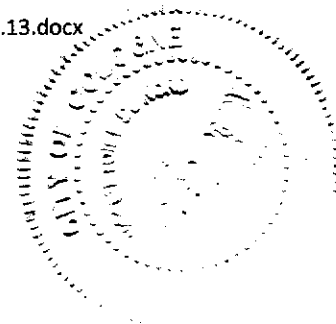
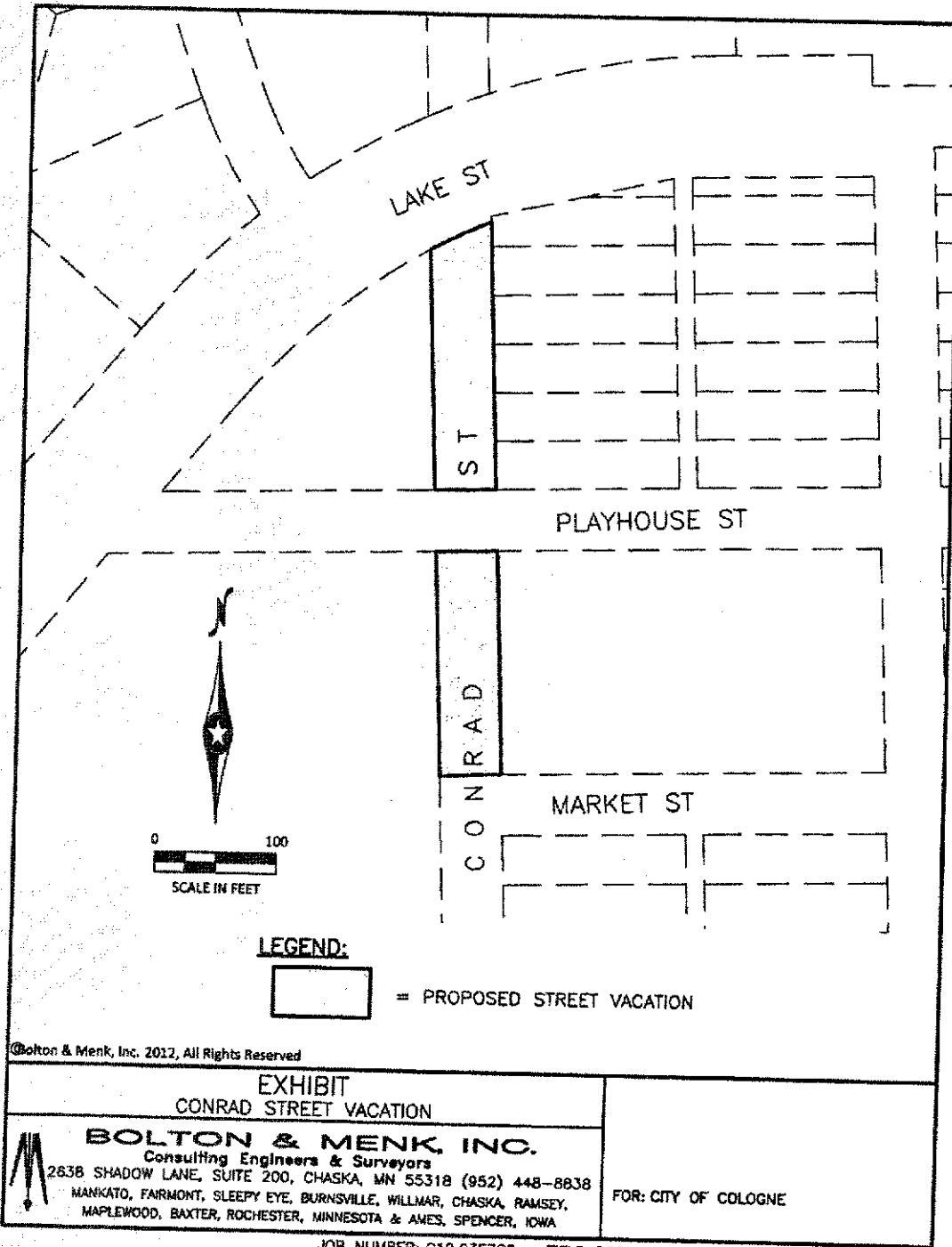


EXHIBIT "A"



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EXHIBIT
CONRAD STREET VACATION

BOLTON & MENK, INC.
Consulting Engineers & Surveyors
2638 SHADOW LANE, SUITE 200, CHASKA, MN 55318 (952) 448-8838
MANKATO, FAIRMONT, SLEEPY EYE, BURNSVILLE, WILLMAR, CHASKA, RAMSEY,
MAPLEWOOD, BAXTER, ROCHESTER, MINNESOTA & AMES, SPENCER, IOWA

FOR: CITY OF COLOGNE

JOB NUMBER: C12.035706

FIELD BOOK:

DRAWN BY: NT5