

ORDINANCE #50

AN ORDINANCE ORDERING VACATION OF A PART OF A PUBLIC ALLEY IN LEIN'S ADDITION TO THE CITY OF UNDERWOOD, MINNESOTA

THE CITY OF UNDERWOOD DOES ORDAIN:

Section 1. Pursuant to due notice, the hearing was held on the 6th day of December, 1993, at 8:00 P.M., upon the changes herein described and all parties desiring to be heard thereon were afforded such opportunity.

Section 2. That the platted alley right-of-way legally described as that right-of-way adjacent to and contiguous with Lots Four (4) and Five (5), Lein's Addition to the City of Underwood, Minnesota, according to the plat on file and of record in the office of the County Recorder, Otter Tail County, Minnesota, should be and is hereby vacated.

Section 3. Duties of Abutting Property Owners. That after such vacation goes into force and effect, the abutting property owner or owners who become the absolute owner or owners of such vacated alley shall assume and be responsible for the care of said area vacated, and it is hereby made their bounden duty to fill any depression contained in said vacated area and remove any and all hazards therefrom, and in the event an action is brought against the City of Underwood for damages or injuries resulting from depressions or excavations and conditions of said vacated area, the property owner or owners shall be liable to the City of Underwood for any damages suffered by it as a result of the failure to make said vacated alley safe from anyone who might be using same or traveling thereon. That it is the duty of the owner of said vacated alley to place suitable warnings to the public of such vacation to the end that the traveling public may know that it is no longer a public alley but a vacated alley. That the owners of said vacated alley shall be responsible for all costs incidental to the closing of the vacated alley.

Section 4. Rights Reserved. That the City of Underwood retains the right to maintain, operate, repair and replace, construct by itself or by any licensee or holder of a franchise from the City any poles, wires, pipes, conduits, sewer mains, or any other facility or equipment for the maintenance or operation of any utility now located or to be located in the alley vacated by this ordinance.

That this ordinance reserves and protects the right which any private utility may have as of record or as to those rights which exist and presently are located in the alley so vacated.

That this ordinance reserves and protects the rights of the City of Underwood which exist and are presently located in the alley so vacated.

Section 5. Recording. After all of the conditions and requirements of this ordinance have been fulfilled, the City Clerk of the City of Underwood is hereby ordered to file for

record in the office of the County Recorder of Otter Tail County, Minnesota, a certified copy of the within ordinance after the same has been published according to the correct copy of the original and in addition thereto setting forth in such certificate the date and newspaper in which said ordinance was published and the above filing shall be performed by the City Clerk when the benefitted parties have paid the expenses of this proceeding.

Section 6. Effective Date. The effective date of this ordinance shall be the 6th day of December, 1993.

THIS ORDINANCE was introduced on the 6th day of December, 1993, and adopted by the City Council of the City of Underwood, Minnesota, on the 6th day of December, 1993, by the following vote:

AYES: Myrtle Trudeau, Aye
 Marvin Harthun, Aye
 Ruby Henderson, Aye
 Chester Johanson, Aye
 Kevin Fladhammer, Aye

NAYS: None

APPROVED:

ATTEST:

Myrtle Trudeau, Mayor

Katy Johansen, City Clerk

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