

ORDINANCE #51

AN ORDINANCE OF THE CITY OF UNDERWOOD, MINNESOTA, ORDERING VACATION OF A PART OF HIGHLAND AVENUE IN THE CITY OF UNDERWOOD, MINNESOTA

THE CITY OF UNDERWOOD DOES ORDAIN:

Section 1. Pursuant to due notice, the hearing was held on the 5th day of September, 1995, upon the changes herein described in and all parties desiring to be heard thereon were afforded such opportunity.

Section 2. The North 10 feet of Highland Avenue lying and being adjacent to the South line of Lot Ten (10), Block Six (6), Original Plat of the Village of Underwood, 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 (Lot 10, Block 6, Original Plat of the Village of Underwood, Minnesota) shall be the absolute owner or owners of such vacated street. They 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. 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 street safe from anyone who might be using same or traveling thereon. That it is the duty of the owner of said vacated street 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 street but a vacated street. That the owners of said vacated street shall be responsible for all costs incidental to the closing of the vacated street.

Section 4. 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 5. Effective Date. The effective date of this ordinance shall be the 5th day of September, 1995.

THIS ORDINANCE was introduced on September 5, 1995, and adopted by the City Council of the City of Underwood, Minnesota on the 5th day of September, 1995, by the following vote:

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

NAYS:

ABSENT: Kevin Fladhammer

APPROVED:

ATTEST:

Myrtle Trudeau, Mayor

Katy Johansen, City Clerk

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