

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE VACATING AN UNBUILT ALLEY GENERALLY LOCATED
NORTH OF WINONA STREET WEST AND SOUTH OF CURTICE STREET WEST
WITHIN THE CITY OF WEST ST. PAUL, MINNESOTA**

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

SECTION 1. Pursuant to West St. Paul City Code § 95.55 and Minn. Stat. § 412.851, on its own motion, with a vote of four 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 West St. Paul wishes to vacate the alley, situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described as follows:

Alley running in a northerly and southerly direction, as delineated and dedicated, in Block 5, “Crowley’s Addition to Saint Paul”, according to the recorded plat thereof, Dakota County, Minnesota, lying northerly of the north right-of-way line of Winona Street W., and lying southerly of the south right-of-way line of Curtice Street W. (formerly known as Belmont Street).

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 West St. Paul City Hall, 1616 Humboldt Ave. West. St. Paul, Minnesota; and

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

NOW THEREFORE THE CITY OF WEST ST. PAUL DOES ORDAIN:

1. That pursuant to Minn. Stat. § 412.851 and City Code § 95.55, the City of West St. Paul hereby vacates the unbuilt public alley situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described above.
2. That the City specifically reserves itself the right and authority to continue maintaining its storm sewer and sanitary sewer and to enter upon such way or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto.

3. 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.
4. That the said vacation has no relationship to the City's Comprehensive Plan and therefore the West. St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356, subd. 2, that may require the West 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.
5. That the City Clerk shall prepare a notice to be presented to the Dakota County Auditor reflecting the completion of the proceedings herein. The notice shall be recorded with the Dakota County Recorder.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minn. Stat. § 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 an unbuilt alley, generally located north of Winona Street West and south of Curtice Street West, in West St. Paul, MN.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2021.

Attest:

David J. Napier, Mayor

Dan Nowicki, Interim City Clerk