

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE VACATING AN UNBUILT PUBLIC RIGHT-OF-WAY  
GENERALLY LOCATED NORTH OF THOMPSON AVENUE EAST,  
SOUTH OF EMERSON AVENUE EAST AND EAST OF SOUTH ROBERT STREET,  
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 petition of a majority of abutting landowners, 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**, Augustana Lutheran Church petitioned to vacate the unbuilt public right-of-way, situated on its property at 1400 Robert Street South and 1414 Robert Street South, in the City of West St. Paul, County of Dakota, State of Minnesota, which is legally described as follows:

All of Kruse Street right-of-way lying within the West Half of the Northeast Quarter of the Northwest Quarter of Section 20, Township 28 North, Range 22 West of the 4th Principal Meridian, Dakota County, Minnesota. EXCEPT those parts therefrom lying within the existing right-of-way of State Trunk Highway No. 952 (South Robert Street), formerly known as State Trunk Highway No. 3; and County Road No. 6 (Thompson Avenue East).

**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 Avenue, 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 right-of-way situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described above.
2. 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.

3. 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.
4. 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 right-of-way, generally located north of Thompson Avenue East, south of Emerson Avenue East and east of South Robert Street, 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

\_\_\_\_\_  
Nicole Tillander, City Clerk