

(First Publication Date: May 9, 2020)

ORDINANCE NO. 2, EIGHTH SERIES

**AN ORDINANCE AMENDING CITY CODE TABLE OF
SPECIAL ORDINANCES VI VACATIONS, BY ORDERING
VACATION OF JOANNA DRIVE AND LAUREN DRIVE, AS
DEDICATED IN THE PLAT OF ASPEN, AND ORDERING
VACATION OF DRAINAGE AND UTILITY EASEMENTS OVER CERTAIN
LOTS LOCATED WITHIN BLOCK 4, BLOCK 5 AND BLOCK 6, PLAT OF ASPEN,
ALL LOCATED IN THE CITY OF FERGUS FALLS, MINNESOTA.**

THE CITY OF FERGUS FALLS DOES ORDAIN:

Section 1. Pursuant to due notice, the hearing was held on April 29, 2020, upon the changes herein described and all parties desiring to be heard thereon were afforded such opportunity.

Section 2. That the following tracts of streets, easements and public right-of-way should be and are hereby vacated:

All of Joanna Drive and Lauren Drive, as dedicated in ASPEN, said plat is on file in the office of the Recorder, Otter Tail County, Minnesota.

Together With

All the Drainage and Utility Easements in Lots 1-7, Block 4, all of Block 5 and Lots 1-10, Block 6, as dedicated in ASPEN, said plat is on file in the office of the Recorder, Otter Tail County, Minnesota.

Section 3. Duties of Abutting Property Owners. That after such vacation goes into force and effect, the abutting property owner shall assume and be responsible for the care of said area vacated consistent herein, 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 Fergus Falls 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 Fergus Falls for any damages suffered by it as a result of the failure to make said vacated street right-of-way safe from anyone who might be using same or traveling thereon. That it is the duty of the owner of said vacated street right-of-way 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 right-of-way but a vacated street right-of-way. That the owner of said vacated street right-of-way shall be responsible for all costs incidental to the closing of the vacated street right-of-way.

Section 4. Recording. After all of the conditions and requirements of this ordinance have been fulfilled, the City Administrator of the City of Fergus Falls 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 Administrator when the benefited parties have paid the expenses of this proceeding.

Section 5. Effective date. The effective date of this ordinance shall be the 23rd day of May, 2020. THIS ORDINANCE was introduced on April 20, 2020, and adopted by the City Council of the City of Fergus Falls, Minnesota, on the 4th day of May, 2020, by the following vote:
AYES: Thompson, Arneson, Gustafson, Hicks, Fish, Hagberg, Kvamme, Rufer

NAYS: None

ATTEST:
Andrew Bremseth
City Administrator

APPROVED:
Ben Schierer
Mayor

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