**Vacating a Street on Council Initiative, LMC Model Resolution**

*League staff thoughtfully develops models for your city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in the Information Memo “*[*Vacation of City Streets.*](https://www.lmc.org/resources/vacation-of-city-streets/)*”*

**This icon marks places where the city must customize the model. They offer additional provisions, optional language, or comments for your consideration. The icon, and language you do not wish to include, should be deleted from this model before use. Make other changes, as needed, to customize the model for your city.**

*This form should be used if the vacation procedure was commenced without a petition from abutting landowners.*

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION VACATING [A PORTION OF]** \_\_\_\_\_ **STREET.**

WHEREAS, the City Council previously passed Resolution No. \_\_\_\_\_ noting its interest in vacating pursuant to Minnesota Statute § 412.851 \_\_\_\_\_ *(a portion of)* street between \_\_\_\_\_ street and \_\_\_\_\_ street legally described as:

*Insert legal description here. The description of the street to be vacated should be complete enough to prevent any possible uncertainty or ambiguity. In some cases, particularly where only a portion of a public street or grounds will be vacated, a legal description may be necessary.*

and setting a public hearing to consider the vacation of such street; and

WHEREAS, a public hearing to consider the vacation of such street was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before the City Council in the City Hall located at \_\_\_\_\_ at \_\_\_\_\_ *(a.m./p.m.)* after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk on the \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_\_ and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

*If the property to be vacated abuts upon, terminates at or is adjacent to public waters, a statement that notice was provided to the commissioner of Natural Resources should be added to this paragraph.*

WHEREAS, any person, corporation or public body owning or controlling easements contained upon the property vacated, reserves the right to continue maintaining the same or to enter upon such way or portion thereof vacated to maintain, repair, replace or otherwise attend thereto; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because

*Insert the reasons why the council has determined that the vacation will benefit the public interest. Discuss detailed and specific findings of fact supporting the council’s decision that the vacation is in the public interest. Findings should include comments by DNR. You may choose to separate this paragraph into several separate paragraphs if the findings are substantial or long.*

WHEREAS, as a result of the vacation, damages are due to the following property owners in the amounts listed below:

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*If damages are due, the amounts and reasons should be listed. If no damages are due, such a finding should be inserted.*

And WHEREAS, four-fifths of all members of the City Council concur in this resolution;

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF \_\_\_\_\_, MINNESOTA AS FOLLOWS:

That such petition for vacation is hereby granted and the *(portion of)* street described as follows is hereby vacated:

*Insert the legal description here. The description of the street to be vacated should be complete enough to prevent any possible uncertainty or ambiguity. In some cases, particularly where only a portion of a public street or grounds will be vacated, a legal description may be necessary.*

BE IT FURTHER RESOLVED, damages shall be issued to the following property owners in the following amounts:

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*Insert any damages that may be due or a finding that no damages are required.*

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution and file a notice of this vacation as required by law.

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk