

RESOLUTION NO. 2014-6

A RESOLUTION TO VACATE A PORTION OF A STREET

WHEREAS, petitioner, Brenda Thompson of BBJ Madison Properties East, LLC and BBJ Madison Properties Limited Partnership has filed in writing to the City Commission of the City of Madison, a petition to vacate a portion of a street:

That part of Antelope Avenue lying north of the right of way line for NE 3rd Street and south of the right of way line for NE 4th Street, between Lot One (1), Lot Two (2) and the South Half (S ½) of Lot Three (3), All in Block Eight (8) of Alton A. Bartlett's Addition to Madison, Lake County, SD and All of Lot Four (4), Lot Five (5), Lot Six (6), Lot Seven (7), Lot Eight (8), Lot Nine (9), Lot Ten (10), Lot Eleven (11), Lot Twelve (12) and the North Half (N ½) of Lot Three (3) in Block Eight (8) of Alton A. Bartlett's Addition to Madison, South Dakota on the west side and Lots One (1) through Six (6) inclusive, in Block One (1) of Alton A. Bartlett's Addition and the vacated alley adjacent thereto, described as the South Three Hundred Feet (S300') of the platted alley, Seven Feet (7') in width, City of Madison, Lake County, South Dakota, according to the recorded plat thereof and subject to restrictions and easements of record on the east side.

WHEREAS, petitioner states that reason for vacation is street has not been used or traveled in any way or manner as a street. It is not being maintained by the City of Madison as a street and appears to be a grassy drainage area. Additionally, on the north end of the described portion of Antelope Avenue there is a barricade with a "Dead End" sign attached to it so cars can't travel down said avenue; and

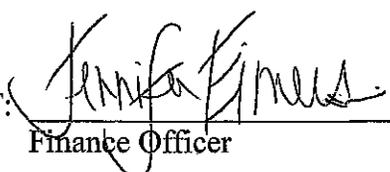
WHEREAS, the City Commission fixed the 21st day of April at 5:35pm in City Hall, Madison, South Dakota as the time and place for a hearing on said petition and due notice of said hearing was duly published according to law; and

WHEREAS, no public opposition was received at said hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That the portion of the street heretofore described and incorporated herein is hereby vacated, subject to a utility easement vested in and retained by the City of Madison over, upon and under the area estimated to be the west 52 feet of vacated property, but in no event shall said area be less than 30 feet in width centered upon each existing and in-place utility line for utility purposes. In addition, the same west 52 feet of the vacated street shall also be subject to a drainage easement vested in and retained by the City of Madison over, upon and under vacated property and said area shall remain a ditch, undisturbed from its current condition for drainage purposes, unless otherwise approved in writing by the City Engineer.

Dated this 21st day of April, 2014.

ATTEST: 
Finance Officer

CITY OF MADISON


Mayor

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