

## RESOLUTION NO. R2019-58

### ON PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

WHEREAS, the petition and consent in writing of Dakota Wesleyan University, a South Dakota nonprofit corporation, respectfully in due and proper form, are requesting the Governing Body of the City of Mitchell to vacate portions alley right-of-ways described as; That portion of the alley running north and south between the east sides of Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), and the west sides of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), all in Block Thirty-four (34), University Addition to the City of Mitchell, Davison County; and That portion of the ally running north and south between the east sides of Lots Six (6) and Seven (7), Eight (8), Nine (9), and Ten (10) and the west sides of Lots One (1), Two (2,) Three (3), Four (4), and Five (5), Block Thirty-nine (39), University Addition to the City of Mitchell, Davison County, South Dakota and the said alley right- of- way set forth below pursuant to statutes in such cases made, and provided, particularly SDCL 9-4-7, et. Seq. and the petitioners respectfully show and represent the following:

WHEREAS, the petition was presented to the City Council of Mitchell, South Dakota, in a regular meeting assembled on the 19th day of August 2019.

WHEREAS, This Council did thereupon consider said Petition and did find that said Petition and Consent in writing requesting and consenting to the vacation of said alley was signed by all of the owners of the property abutting the alley right-of-way sought to be vacated; and,

WHEREAS, This Council did, by proper motion, made, seconded and carried in regular meeting assembled on the 19th day of August, 2019 deem it proper and that the matter be proceeded with and did order that the said Petition be filed with the City Finance Officer and did order said Petition had been filed and that the same would be heard and considered by the Governing Body of the said City on 16<sup>th</sup> day of August 19<sup>th</sup> day of 2019 at 6:00 p.m., in the Chambers of the City Council of the City of Mitchell, South Dakota; and

WHEREAS, Said Council did meet to consider and hear said Petition on the 19<sup>th</sup> day of August, 2019 at the time and place specified in said Notice, and that the said Petition was duly heard and considered by this Council, the Petitioners and consideration of those objecting were heard by Council were presented in regards to said Petition, writing or otherwise; and,

WHEREAS, This Council having duly heard and considered said Petition finds:

1. That due notice of the hearing of said Petition was given by the City Finance Officer by publication of a Notice thereof in the form as provided by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota, for two successive weeks, to-wit: July 25 and August 1, 2019.
2. That the Petitioners are the sole owners of all the property abutting the alley right-of-way requested to be vacated and have requested that the said right-of-way be vacated. Said owners having consented in writing to the vacation of said alley and which consent is made part of the said Petition pursuant to the terms contained in the Petition.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 19<sup>th</sup> day of August, 2019, that said alley right-of-way identified; That portion of the alley running north and south between the east sides of Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), and the west sides of Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), all in Block Thirty-four (34), University Addition to the City of Mitchell, Davison County; and That portion of the ally running north and south between the east sides of Lots Six (6) and Seven (7), Eight (8), Nine (9), and Ten (10) and the west sides of Lots One (1), Two (2,) Three (3), Four (4), and Five (5), Block Thirty-nine (39), University Addition to the City of Mitchell, Davison County, South Dakota is hereby to be vacated.

Dated this 19<sup>th</sup> day of August, 2019.

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MAYOR

ATTEST:

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FINANCE OFFICER

{SEAL}