

RESOLUTION NO. R2020-50

WHEREAS, The petitions and consent in writing of Rodney C and Barbara Schurz, owners of Lots 5 & 6, Square 8, Weavers Square Addition, Roger Klock, owner of Square 17 Except Lot 3, Weavers Square Addition, and the Mitchell School District 17-2, owner of Lot X, Square 8 of Weavers Squares Addition, All in the City of Mitchell, Davison County, South Dakota respectfully in due and proper form, are requesting the Governing Body of the City of Mitchell to vacate the street right-of-way, subject to existing utilities, described as set forth below pursuant to the statutes in such cases made, and provided, particularly SDCL 9-45-7, et. Seq. and the petitioners respectfully show and represent the following;

That portion of East Ivy Avenue Right-of-Way running east and west between the South Lawler Street Right-of-Way and South Kimball Street Right-of-Way within the corporate limits of the City of Mitchell, Davison County, South Dakota

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

WHEREAS, Notice of Hearing in relation to said Petitions was made by publication as required by law providing that such Petitions would be heard and considered by the Governing Body of the said City Council on the 3rd day of August, 2020 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 said 3rd day of August, 2020 at the time and place specified in said Notice, and that the said Petitions was duly heard and considered by this Council, the Petitioners and considerations of those objecting were heard by Council were presented in regards to said Petitions, in writing or otherwise.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mitchell, South Dakota, in a regular meeting, on the 3rd day of August, 2020 that upon proper hearing and consideration of said Petitions, this Council 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 prescribed by law in the *Mitchell Daily Republic*, a newspaper, printed and published in the City of Mitchell, South Dakota , for two (2) successive weeks, to-wit: July 15 and July 22, 2020.
2. That the Petitioners are the sole owners of all of the property abutting the street right-of-way requested to be vacated and have requested that said street right-of-way be vacated subject to existing utilities, easements and other restrictions of record, and further subject to prohibition against construction of improvements within the above described area to be vacated. Said owners having consented in writing to the vacation of said street and which consent is made part of the petition.

IT IS FURTHER RESOLVED the street right-of-way identified as:

That portion of East Ivy Avenue Right-of-Way running east and west between the South Lawler Street Right-of-Way and South Kimball Street Right-of-Way within the corporate limits of the City of Mitchell, Davison County, South Dakota

Is hereby vacated subject to existing utilities, easements, and other restrictions of record, and further subject to a prohibition against construction of improvements within the above described area hereby vacated.

Adopted by the City Council of the City of Mitchell, South Dakota in regular session this the 3rd day of August, 2020 with:

Votes cast in favor of adoption

Votes cast against adoption

Votes abstaining

Robert B. Everson, Mayor

ATTEST:

Michelle Bathke, Finance Officer