

VACATION OF A PUBLIC WAY PROCESS & SUBMITTAL REQUIREMENTS

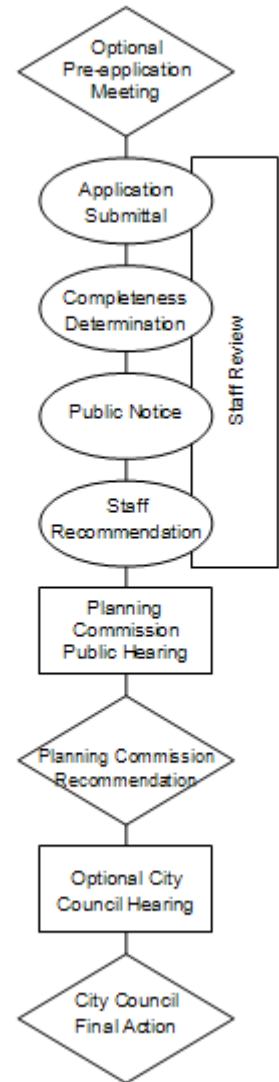
17.2.13 Discontinuance or Vacation of a Public Way.

Subd. 1 Applicability. The City Council may discontinue or vacate all or part of a city public way pursuant to the provisions of this Chapter and *Section 160.29: Vacation of Public Ways by Municipality of the Minnesota Statutes.*

Subd. 2 Review Process.

- A. Pre-Application Meeting. If a property owner or the owner’s designated agent is interested in requesting the discontinuance or vacation of a public way, the owner is encouraged to request a pre-application meeting with the Zoning Administrator and the Director of Public Works or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, A: Pre-application Meeting.*
- B. Initiation and Application Submittal. A complete application shall be submitted to the Building Inspector or other Authorized Agent pursuant to *Section 17.2.01, Subd. 4, B: Application Forms and Fees.* Initiation of an application for discontinuance or vacation of a public way shall be as follows:

- (1) Written petition. A written petition shall be submitted of the owners of all the frontage of the parcels and lands abutting upon the public way sought to be discontinued or vacated, and of the owners of one-third (1/3) of the frontage of the parcels and the lands abutting on that portion of the remainder of the public way which lies within two thousand six hundred fifty (2,650) feet of the ends of the portion to be discontinued or vacated, or lies within so much of that two thousand six hundred fifty (2,650) feet as is within the corporate limits of the city.
- (2) Written formal request. A written formal request shall be made jointly to the Zoning Administrator and the Director of Public Works or other Authorized Agent. The request shall clearly identify the subject public way and the reasons for requesting the discontinuance or vacation of the public way.
- (3) Site plan. A measured, professionally drawn site plan shall also be submitted with the written request. The site plan, at a minimum, shall show the following where applicable:
 - a. Proposed and existing uses,
 - b. Proposed and existing layout of buildings / improvements,
 - c. Existing and proposed utilities,
 - d. Adjacent land uses,



**VACATION OF A PUBLIC WAY
PROCESS & SUBMITTAL REQUIREMENTS**

- e. Topography at two (2) foot intervals, and
 - f. Dimensions and locations of all rights-of-way and easements.
- C. Initial Staff Review. Initial staff review and action regarding a request for discontinuance or vacation of a public way.
- (1) The Director of Public Works or other Authorized Agent in the Public Works Department shall review a formal application for discontinuance or vacation of a public way, document their findings, and submit their findings to the Zoning Administrator or other Authorized Agent in the Department of Planning.
 - (2) If the Director of Public Works or other Authorized Agent determines that the proposed discontinuance or vacation of a public way would not be in the best interest of the community, the request shall not move forward for further consideration by the Planning Commission and City Council. The applicant, however, may consider an alternative or modify the request.
 - (3) If the Director of Public Works or other Authorized Agent determines that the subject public way may be discontinued or vacated, the request shall move forward for review and recommendation from the Planning Commission.
- D. Set request on the Planning Commission Agenda. The Zoning Administrator or other Authorized Agent shall place the request on the Planning Commission agenda.
- E. Notification of Public Hearing. The Zoning Administrator or other Authorized Agent shall notice a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements*, except that in addition, notice of the hearing shall be served on the owners of all the frontage of the parcels and lands abutting the public way or unpaved alley sought to be discontinued or vacated in a manner provided for the service of summons in circuit court at least thirty (30) days before the hearing. When service cannot be made within the city, a copy of the notice shall be mailed to the owner's last known address at least thirty (30) days before the hearing. At the discretion of the Zoning Administrator or the Director of Public Works or other Authorized Agent, notification will also be made to other affected parties that may have concerns regarding the request or may be affected by the request.
- F. Planning Commission Recommendation. The Planning Commission shall complete the following tasks:
- (1) Conduct a public hearing pursuant to *Section 17.2.01, Subd. 6: Public Hearing and Noticing Requirements* to formally consider the request for discontinuance of a public way.
 - (2) The Planning Commission (considering the approval criteria) shall recommend such action to the City Council as the Planning Commission deems proper.

**VACATION OF A PUBLIC WAY
PROCESS & SUBMITTAL REQUIREMENTS**

H. City Council Final Action. The City Council shall review the request, the Planning Commission's recommendation, and the approval criteria and take action to approve or deny the request. Approval of a request for discontinuance of a public way shall require a four-fifths (4/5) vote of the entire City Council.

Subd. 3 Recording a Discontinuance or Vacation of a Public Way. If approved by the City Council, the resolution approving a discontinuance or vacation of a public way shall be witnessed by the Mayor, City Clerk, and City Attorney. The resolution shall then be recorded with Carlton County, Minnesota, and distributed as required by Minnesota Statutes.

Subd. 4 Approval Criteria. All relevant factors (as well as any available comments from applicable government agencies and the public) shall be considered in determining whether to approve or deny a request for discontinuance or vacation of a public way. The discontinuance or vacation of a public way shall be allowed if it is in the best interest of the community. No discontinuance or vacation of a public way shall be allowed if it results in a landlocked parcel of property or if there is written objection by a property owner that depends on the public way to provide access to their property.