



City of Medford Planning & Zoning Board Public Hearing

December 7, 2020 – 4:30 p.m.

- A. Public Hearing – Vacation of Street/Right of Way – Amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.
- B. Adjourn

Due to the COVID-19 outbreak, the hearing location will be closed to the public. However, the City has modified the hearing process to ensure that the public is able to monitor the hearing and submit public comment. Directions to monitor the hearing virtually or by phone:

Monitor the public hearing from your computer, tablet or smartphone:

<https://global.gotomeeting.com/join/844887381>

You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (872) 240-3212
- One-touch: tel:+18722403212,,844887381#

Access Code: 844-887-381

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/844887381>

Public comment may be submitted to the city via the following methods:

- 1) Written comments/questions may be submitted in writing prior to the public hearing by any of the following methods:
 - a) By Email. Submit your comments/questions to medford@medfordminnesota.com no later than 4:00 pm on December 4, 2020.
 - b) By Mail. Submit your comments/questions by mailing to 408 2nd Ave SE, Medford, MN 55049. Questions/Comments must be received no later than 4:00 pm on December 4, 2020.
 - c) By Physical Delivery. Deliver your comments/question by delivering them to the Drop Box at City Hall at 408 2nd Ave SE, Medford, MN, no later than 4:00 pm on December 4, 2020.
- 2) Live Comment During the Public Hearing Via Telephone. Residents desiring to make public comments by telephone during the public hearing must request to be placed on the public hearing agenda. You may do so by calling City Hall (507) 455-2866 or emailing medford@medfordminnesota.com. You must provide your name and telephone number and request to be placed on the agenda no later than 4:00 pm on December 4, 2020. During the public hearing you will be contacted at the telephone number you have provided. Each resident will be given 3 minutes to make his/her comment.

Written questions submitted prior to the public hearing will be read during the meeting. Written comments submitted prior to the public hearing will be posted online following the meeting.

Planning & Zoning Board
City of Medford

Vacation of Street/Right of Way – Amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004

December 7, 2020 – 4:30 PM

Chairman Quiring opened the Hearing at _____ p.m.

Members present: _____

Members absent: _____

Others attending: See sign in sheet in the back.

Introduction: (Read this paragraph.)

The purpose of this public hearing is for the citizens of Medford to address any questions or concerns regarding the vacation of street/right of way – amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.

The procedure for this public hearing will be:

1. *Staff presentation* – City staff will present information on the subject, the application, the zoning and planning issues, and explain the action needed.
2. *Applicant's presentation* – (City of Medford)
3. *Statements from the public* – the chairperson should ask for statements from the public in support of the request. Then ask for statements in opposition of the request. Encourage to present factual evidence for public consideration.
4. *Concluding the public hearing* – After all evidence has been received and everyone has been given an opportunity to be heard, the public hearing should be concluded.

Motion by _____, seconded by _____ to conclude the public hearing.

Discuss the proposal, remember, a meeting is still being held and the discussions must be open to the public.

5. *Action* – Make a recommendation to the City Council either approving or denying the vacation of street/right of way – amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.

A. Motion by _____, seconded by _____ to make a recommendation to City Council to approve the street/right of way vacation request as presented/amended.

B. Motion by _____, seconded by _____ to make a recommendation to City Council to deny the street/right of way vacation request as presented/amended.

Thank everyone for coming and explain that all the comments and questions will be given to the Council for their review.

MEMORANDUM

TO: Planning & Zoning

FROM: Andy Welti
City Administrator

DATE: December 2020

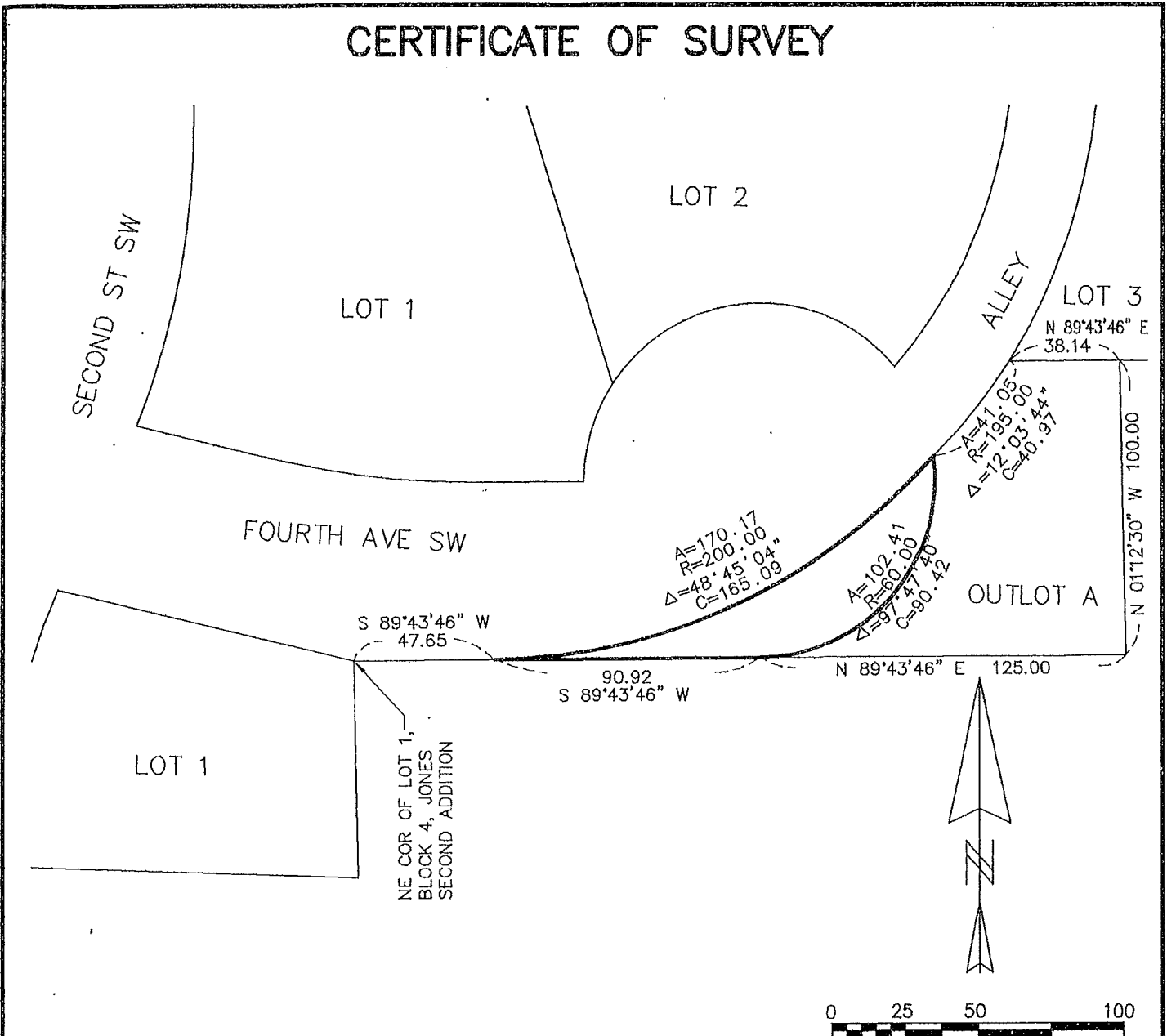
RE: Vacation of street/right of way – amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.

The City Attorney was contacted by a title company requesting the City correct the legal description on a street vacation performed in 2004. The street vacation was for a crescent-shaped portion of a cul-de-sac on Fourth Avenue SW.

According to the City Attorney, the legal description for the portion of the street to be vacated was based upon a survey provided by Hosfield and Associates. It has been determined that Hosfield's legal description had an error in it. The title company is requesting that the City adopt an amended resolution that contains the corrected legal description.

The City Attorney and I recommend Planning & Zoning recommend to Council vacation of street/right of way – amend the legal description for a vacation of a portion of Fourth Avenue SW that occurred on April 26, 2004.

CERTIFICATE OF SURVEY



LEGAL DESCRIPTION Jones

All that part of Fourth Avenue SW lying southeasterly of the following described line:

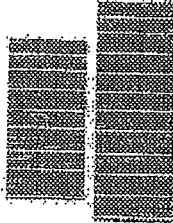
Commencing at the northeast corner of Lot 1, Block 4, Jones Second Addition; thence S 89°43'46" W assumed bearing, 47.65 feet along the south line of said Addition to the True Point of Beginning; thence northeasterly along a tangential curve concave to the northwest, central angle 48°45'04", radius 200.00 feet, arc length 170.17 feet to a corner of Outlot A in said Addition; and there terminating.

Containing 2406 square feet, more or less

<p>I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.</p> <p style="text-align: center;"><i>John C. Hosfield</i></p> <p style="text-align: center;">John C. Hosfield</p> <p>Date <u>3/15/04</u> Reg. No. 15231</p>	<p>HOSFIELD & ASSOCIATES PROFESSIONAL LAND SURVEYORS</p> <p>415 WEST NORTH STREET OWATONNA, MINNESOTA 55060 PHONE (507) 451-4598 FAX (507) 451-1396</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>SCALE</td> <td>1"=60'</td> </tr> <tr> <td>DRAWN BY</td> <td>BLK</td> </tr> <tr> <td>DATE</td> <td>3-15-04</td> </tr> <tr> <td>REVISED</td> <td></td> </tr> <tr> <td>JOB NO.</td> <td>1392</td> </tr> </table>	SCALE	1"=60'	DRAWN BY	BLK	DATE	3-15-04	REVISED		JOB NO.	1392
SCALE	1"=60'											
DRAWN BY	BLK											
DATE	3-15-04											
REVISED												
JOB NO.	1392											

A 323426

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COUNTY RECORDER
STEELE COUNTY, MN

Certified, filed and/or recorded: Fee:
on 07/01/2004 at 11:25 am 19.50

Well Certificate: Avis E. Lewison
 Received Steele County Recorder
 Not required by MLW Deputy

Resolution of Vacation of Street and Notice of
Completion of Proceedings

Grantor _____

Grantee _____

Date of Document _____

Recorded 7-1-04 as Document No. 323426

RESOLUTION OF VACATION OF STREET
AND NOTICE OF COMPLETION OF PROCEEDINGS

WHEREAS, a Petition was filed with the Medford City Council for the vacation of a portion of Fourth Avenue SW, as hereinafter more particularly described; and

WHEREAS, a public hearing was held on April 26, 2004 after published, posted, and mailed notice was given pursuant to Minnesota Statute Sec 412.851; and

WHEREAS, the Medford City Council finds the vacation of said street to be in the public interest;

NOW, THEREFORE, the Medford City Council resolves:

SECTION 1. That the following described street being in the City of Medford, County of Steele, is hereby vacated:

All that part of Fourth Avenue SW lying southeasterly of the following described line:

Commencing at the northeast corner of Lot 1, Block 4, Jones Second Addition; thence S 89° 43' 46" W assumed bearing, 47.65 feet along the south line of said Addition to the True Point of Beginning; thence northeasterly along a tangential curve-concave to the northwest, central angle 48° 45' 04", radius 200.00 feet, arc length 170.17 feet to a corner of Outlot A in said Addition; and there terminating

Containing 2406 square feet, more or less.

SECTION 2. The City of Medford reserves any and all existing utility easements it may have in its favor running over, across and through that portion of Fourth Avenue SW hereby vacated.

SECTION 3. The City Clerk shall cause a certified copy hereof to be filed for record in the Offices of Steele County Auditor and Steele County Recorder.


Passed and adopted this 26th day of April, 2004, with the following votes:

Ayes	<u>5</u>
Nays	<u>0</u>
Abstain	<u>0</u>

Approved this 26th day of April, 2004.

ATTEST:


KAREN J. SANBORN
City Clerk/Treasurer


DANIEL A. KAISER
Mayor
323426

transfer entered; Certificate of
Real Estate Value: () filed () not required
Certificate of Real Estate Value No. 2004
Karen Stinke
County Auditor
By _____
Deputy

323426

**CITY OF MEDFORD
COUNTY OF STEELE
STATE OF MINNESOTA**

RESOLUTION NO. 2020-32

**A RESOLUTION AMENDING THE VACATION OF A PORTION
OF FOURTH AVENUE SW**

THE CITY COUNCIL OF THE CITY OF MEDFORD, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:

WHEREAS, A Resolution of Vacation of Street and Notice of Completion of Proceedings (the "Original Resolution") was adopted by the Medford City Council on April 26, 2004 and was recorded in the Office of the Steele County Recorder on July 1, 2004 as Document No. A323426; and

WHEREAS, the Original Resolution vacated a portion of Fourth Avenue SW; and

WHEREAS, the legal description in the Original Resolution for that portion of Fourth Avenue SW to be vacated contained an error; and

WHEREAS, the City Council desires to correct the legal description for that portion of Fourth Avenue SW that was vacated; and

WHEREAS, the Planning & Zoning Board held a public hearing on December 7, 2020 to consider an amendment to the Original Resolution to correct the legal description for that portion of Fourth Avenue SW that was vacated, after due published and posted notice had been given, as well as personal mailed notice to all affected property owners by the City Clerk and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation benefits the public interest because the vacation facilitated the approval of a plat and the development of property that is of benefit to the City; and

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

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
MEDFORD, COUNTY OF STEELE, STATE OF MINNESOTA:**

1. The Original Resolution is hereby amended to provide that the following described street in the City of Medford, County of Steele, State of Minnesota, is hereby vacated:

All that part of Fourth Avenue SW lying southeasterly of the following described line:

Commencing at the northeast corner of Lot 1, Block 4, Jones Second Addition; thence N 89°43'46" E assumed bearing, 47.65 feet along the south line of said Addition to the True Point of Beginning; thence northeasterly along a tangential curve concave to the northwest, central angle 48°45'04", radius 200.00 feet, arc length 170.17 feet to a corner of Outlot A in said Addition; and there terminating.

Containing 2406 square feet, more or less.

2. Except as specifically amended herein, the Original Resolution shall remain in full force and effect.

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.

Adopted by the Council this 28th day of December, 2020.

Mayor Lois M. Nelson	Aye____	Nay____
Council Member Marie Sexton	Aye____	Nay____
Council Member Matt Dempsey	Aye____	Nay____
Council Member Chad Langeslag	Aye____	Nay____
Council Member Grace Bartlett	Aye____	Nay____

Mayor Lois M. Nelson

Attested by:

City Clerk Elizabeth Jackson