



(5) Upon considering the report of the planning commission, the council may vacate the public highway in whole or in part by resolution adopted by a vote of six of its members and as a condition of its action, the council may reserve easements in favor of the public within the area vacated;

(6) If the resolution be vetoed by the mayor, it may nevertheless be adopted by a vote of seven members of the council; and

(7) A record of all vacations shall be made either in the office of the register of deeds or the registrar of titles of St. Louis County, Minnesota. The council may set forth in such ordinance such additional terms, provisions and procedures not inconsistent with this Section as it may deem appropriate;

(c) All vacation proceedings heretofore or hereafter completed pursuant to the Charter provisions and ordinances in effect at the time of the initial filing of the petition shall be valid and effective for all purposes;

(d) The council may by ordinance permit abutting owners to make use of portions of public highways not physically being used or occupied by the public upon such terms and conditions and by such procedure as the council, in each such ordinance, may provide.

Section 2. That this ordinance shall take effect 90 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to amend Section 100 of the Charter to make clear the authority of the City to vacate highways upon its own motion without a petition having been filed by adjacent property owners. The City has historically exercised this power based on its common law authority as the custodian of public easements in the City. This change would clarify that authority and prevent any confusion. The new language is identical to Minn. Stat. 412.851 (Vacation of streets) applicable to statutory cities. This proposed Ordinance was reviewed by the Charter Commission on January 13, 2020 and recommended for approval.