

# **HEYWOOD ROAD VACATION**

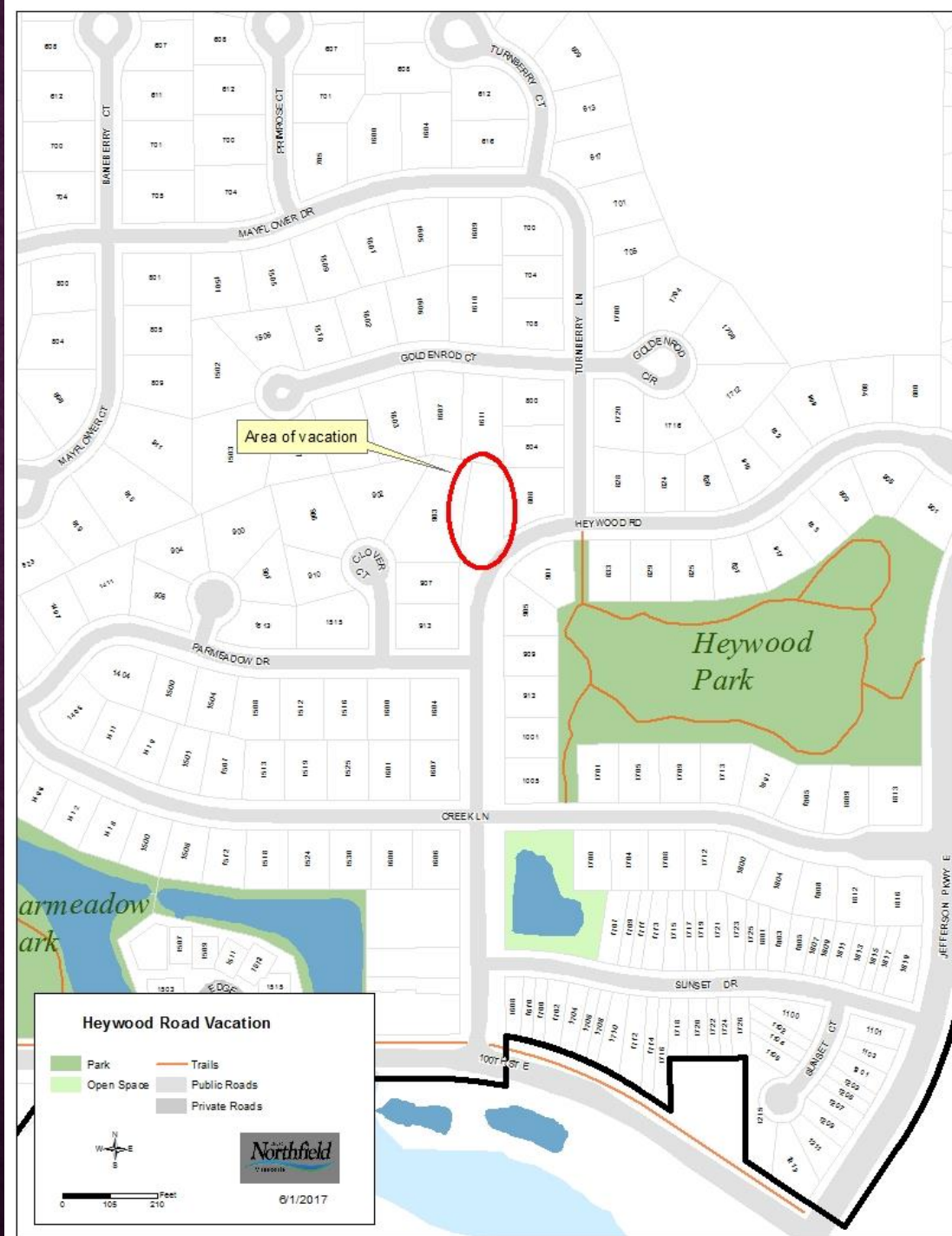
City Council

June 20, 2017

# REQUEST

- Steven and Pat Ciernia have requested the City vacate Right Of Way (ROW) adjoining their property at 903 Clover Court.





# VACATION PROCESS

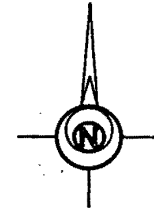
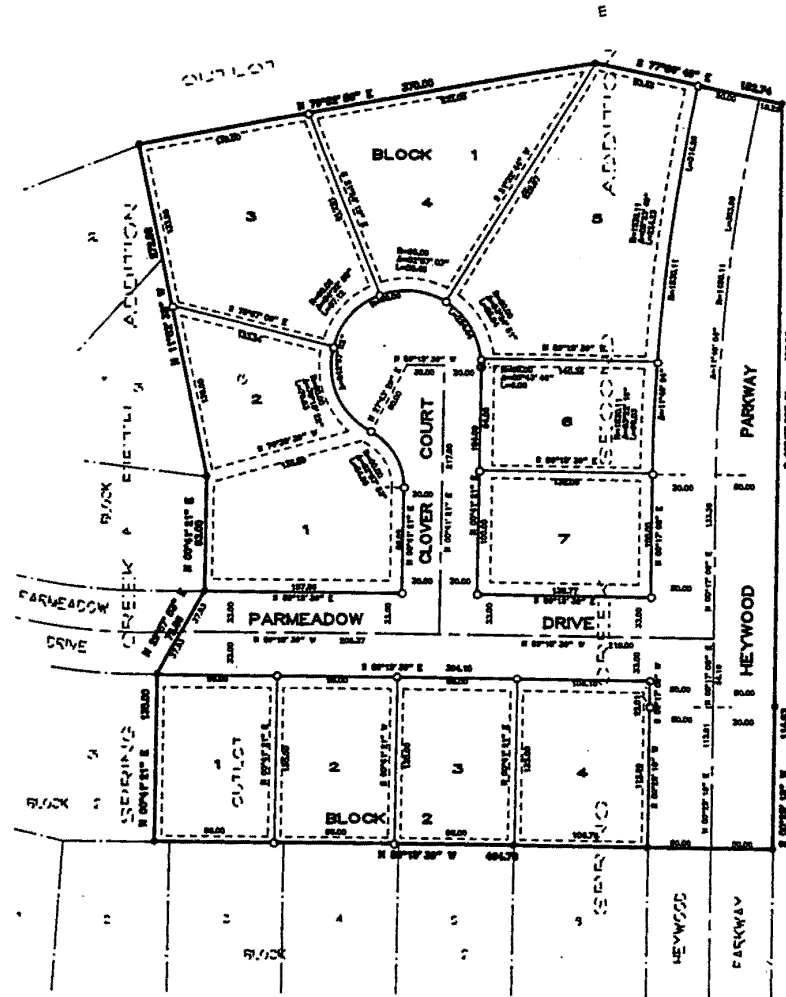
- An affirmative vote of 5 members of City Council is required to pass an ordinance vacating City owned ROW.
- A public hearing is required.
- Second reading currently scheduled for July 11, 2017.



## **PROPERTY HISTORY**

- ROW for Heywood Road platted in 1994 with the Spring Creek 6<sup>th</sup> Addition
- Rosewood Addition in 1998 turned Heywood Road to the east.
- Rosewood 4<sup>th</sup> Addition replatted northern half of ROW.

# SPRING CREEK SIXTH ADDITION



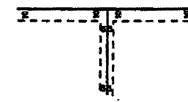
SCALE IN FEET  
0 25 50 100  
1 INCH = 50 FEET

- SHOWN 1/2 INCH BY 14 INCH BENCH MARK SET AND SURVEYED BY REGISTRATION NO. 10776, UNLESS OTHERWISE SHOWN.

- SHOWN 1/2 INCH BENCH MARK FOUND, UNLESS OTHERWISE SHOWN.

THE SOUTH LINE OF OUTLOT 2 OF SPRING CREEK SIXTH ADDITION IS ASSIGNED TO HAVE A BEARING OF N 89°17' 30" W.

IRREGULAR AND UTILITY EASEMENTS ARE SHOWN AS SHOWN.



ROAD 10 FEET IN WIDTH AND ADJOINING STREET LINES AND 5 FEET IN WIDTH AND ADJOINING LOT LINES UNLESS OTHERWISE SPECIFIED.



# DISTRIBUTION OF PROPERTY

- According to Minnesota case law, when a street is lawfully vacated, the easement granting the public the right to travel the street ceases to exist, and the title to the land under the street reverts to the underlying fee owners of the property for their exclusive use and enjoyment. The reversion occurs by operation of law, and the city is not able to direct or convey ownership of the fee title upon vacation. The law presumes property owners along the vacated street each hold a grant of soil to the center of the street where their property abuts the street. As a result, upon vacation, title to half of the street usually reverts to each abutting property owner.

# DISTRIBUTION OF PROPERTY

- The one-half ownership rule is based on the presumption that adjoining landowners equally furnished land for the roadway use. However, this rule does not apply where evidence shows the street was laid out wholly on one of the abutting owner's land. In this instance, where one owner furnished all of the land for the street, that landowner (or the landowner's successor in interest) will receive all of the land back upon vacation.







# SUBDIVISION PROCESS

- If the vacation is approved, the ROW becomes part of the original platted lot.
- Separation into two lots requires subdivision.
- Minor subdivision process – plat approved by City Council.



# NEW LOT

- Meets 50' minimum lot width of LDC (no minimum depth)
- Water and sewer stubbed in from street.
- New home must meet N1 development standards.

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