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RESOLUTION OF VACATION NO. 2020-10

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANISTOTA, SOUTH DAKOTA, ORDERING THE VACATION THAT PORTION OF WAREHOUSE STREET LOCATED BETWEEN EAST AVENUE AND LOT A OF HOLIDIA'S ADDITION, CITY OF CANISTOTA, SOUTH DAKOTA**

**WHEREAS**, the City Council for the City of Canistota, South Dakota has received a Verified Petition for the Vacation of "Warehouse Street", located within the city limits of Canistota, South Dakota, which Petition specifically asks for the vacation of:

**That portion of Warehouse Street located between East Avenue and Lot A of Holida's Addition, City of Canistota, South Dakota, and**

**WHEREAS**, the subject Verified Petition meets with the form requirements set forth in SDCL 9-45-7, and

**WHEREAS**, pursuant to SDCL 9-45-8, the City Council, having deemed it expedient that the matter should be proceeded with, ordered the petition to be filed with the city clerk (finance officer), who gave notice by publication once each week for at least two successive weeks, to the effect that the petition has been filed, and stating its object and that the petition will be heard and considered by the governing body on a day specified not less than ten days from the last date of publication of the notice, specifically, the dates of publication of the notice were:

8/13/2020 First publication;

8/20/2020 Second publicaion;

Following publication, the matter was heard and considered by the governing body on:

September 3, 2020 (Date of public hearing). At the time of said

hearing the Council considered the matter and heard the evidence and testimony of the parties interested. And

**WHEREAS**, the City is satisfied that the vacation of the subject street will have no impact upon traffic in the area, and will not hamper reasonable development in the area; that the street has not been used as a public way for many years (if ever); that vacation is appropriate under all of the circumstances. And

**WHEREAS**, the City is authorized by law to vacate all or part of a public street within the City pursuant to SDCL 9-45-7 et. seq.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CANISTOTA, SOUTH DAKOTA DOES HEREBY DECLARE BY RESOLUTION, PASSED BY A TWO-THIRDS VOTE OF ALL THE MEMBERS OF THE COUNCIL, AS FOLLOWS:**

1. The City Council finds, based on all the evidence submitted, that the street described in the legal description and vacation map attached hereto, as **Exhibit 1**, is not necessary for present or prospective transportation needs (or for development purposes), and is hereby vacated.

2. This Resolution of Vacation shall be published (pursuant to SDCL 9-45-12), and shall be subject to referendum as other resolutions, and upon taking effect, a transcript of such resolution, duly certified by the clerk (finance officer) shall be filed for record and duly recorded in the office of the register of deeds for McCook County, South Dakota. **Petitioner shall pay all costs of publication related to the proceedings and the cost (if any) of public recording.**

**PASSED AND APPROVED** this 3 day of September, 2020, by the City Council of the City of Canistota, South Dakota by the following vote:

Ayes: 4  
Nays: 0  
Absent: 0

City of Canistota

By: *Jason de Souza*  
Its Mayor

ATTEST:

*Phil Townsend*  
City Finance Officer

(Seal)

