

Attachment

Resolution 16-0812 with new language underlined and deleted language struck out

..Title

RESOLUTION VACATING A UTILITY EASEMENT OVER PORTIONS OF VACATED SAINT LOUIS AVENUE AND TENTH STREET, AND A STREET EASEMENT OVER THE SOUTHEASTERLY 15 FEET OF LOTS 176 AND 175 INCLUDING ADJACENT SAINT LOUIS AVENUE, ALL IN UPPER DULUTH (LAKEHEAD HOTEL PARTNERS).

..Body

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (d) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that this portion of the street easement is not needed for public street purposes; and

(c) The city planning commission, at its Tuesday, November 15, 2016, special meeting recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted road easement, ~~maintaining a public utility easement, subject to the relocation of the private water service by the applicant,~~ as described below:

1. Description of Utility Easement to be Vacated

That portion of the platted, vacated easement for St. Louis Avenue lying between a line 15 feet northwesterly of and parallel to the southeasterly line of Lots 175 and 176 and the northwesterly line of Lots 193 and 194, extended, all in St. Louis Avenue, UPPER DULUTH; and

That portion of the platted, vacated easement for 10th Street, a/k/a Vine Street, lying between the northeasterly line of Lots 179 and 181, extended and the southwesterly line of Lots 180 and 182, extended, all in St. Louis Avenue, UPPER DULUTH.

2. Vacation Description

The southeasterly 15 feet of Lot 176, Minnesota Avenue, the southeasterly 15 feet of Lot 175, St. Louis Avenue and that portion of platted St. Louis Avenue lying between the southeasterly line of Lots 175 and 176, St. Louis Avenue, extended, and a line 15 feet to the northwest of and parallel to said line, all in UPPER DULUTH.

(e) The vacation has the following two conditions:

1. An existing private water connection that crosses the easement be relocated and an easement be dedicated for said private water connection.

2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further approval by the planning commission; however, no such administrative approval shall constitute a

variance from the provisions of Chapter 50.

(f) That the city clerk is, pursuant to Section 100 (b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution showing the platted easement to be vacated

..Statement of Purpose

STATEMENT OF PURPOSE: This resolution rescinds and replaces Resolution 16-0812 which was passed by the council on December 5, 2016. Subsection (d) of Resolution 16-0812 stated incorrectly that a public utility easement would be required or maintained, which was not the intent or request of the city utility engineer. The current resolution deletes that language and replaces it with clarifying language. This resolution vacates an undeveloped utility easement that was dedicated in 1947 when streets in the area were originally vacated. It also vacates a 15' wide easement that was also dedicated 1947 and has never been developed.

The planning commission heard this item at its meeting on November 15, 2016, and voted 5-3 to recommend approval of the vacation, subject to the condition that the applicant meet the requirements of the city utility engineer for purposes of relocating the existing private water service.

The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petition Received: October 12, 2016
Action Deadline: February 9, 2017
Petitioner: Lakehead Hotel Partners
1000 Minnesota Avenue
Duluth, MN 55802

PL 16-122