

**CITY OF DULUTH**  
**CITY CLERK'S OFFICE**  
330 City Hall ● 411 West First Street  
Duluth, Minnesota 55802-1189  
URL: [www.duluthmn.gov](http://www.duluthmn.gov)  
Phone (218) 730-5500

JEFFREY J. COX  
City Clerk

September 10, 2009

John Hovland  
White Pine Development  
101 Chase Avenue  
Duluth, Minnesota 55804

Re: Certified copy of Resolution 08-0463.

Dear Mr. Hovland:

Enclosed is a certified copy of Resolution 08-0463 which was adopted by the Duluth City Council at their , July 21, 2008, meeting entitled:

**RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO VACATE STREET AND ALLEY RIGHTS-OF-WAY NORTH OF HIGHWAY 61 EXPRESSWAY FOR NEW EASTRIDGE DIVISION PLAT (JOHN E. HOVLAND).**

The above vacation has been filed and is a matter of record with the Registrar of Titles of St. Louis County, Minnesota, as Document No. 858300, affecting Certificate(s) of Title No. 315037; and with the Recorder of St. Louis County, Minnesota, as Document No. 109316.

Sincerely,

MARTHA A. OSWALD  
Assistant City Clerk

MAO:kj  
enc1

cc: City Assessor  
City Building Official  
City Engineer

City Physical Planning  
St. Louis County Auditor  
MIS/GIS

The city council finds as follows:

(a) A sufficient petition was filed with the city clerk requesting the vacation of certain street, avenue and alley rights-of-way, located north of Highway 61 Expressway and about 1-1/2 miles from the Lester River. Since the new Eastridge Plat to be developed will include other streets to accommodate the new development, the rights-of-way requested to be vacated by the applicant are as follows:

72nd Avenue East, 73rd Avenue East, 74th Avenue East, 75th Avenue East, Oakley Street, Avondale Street, and all alleys in Lakeview Manor Division and Chase Avenue (north of Highway 61), Hoover Street and Hollister Street (east of 72nd Avenue East) in Brighten Gardens First Division; and

(b) Pursuant to Section 100 of the City Charter and Article IV of Chapter 45 of the Duluth City Code, 1959, 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 during a public hearing; and

(c) The planning commission, at its July 8, 2008, regular meeting, unanimously recommended that except for Chase Avenue, the requested vacations be approved with conditions; and

(d) The city planning department realized after the planning commission considered this matter that the vacation of Hollister Street east of 72nd Avenue East would serve no use to the applicant as it is not in the new Eastridge Division Plat, the applicant will gain no land rights by its vacation and the Hollister Street right-of-way may be needed in the future to support future land use. Therefore, the planning department recommends that Hollister Street east of 72nd Avenue West not be vacated; and

(e) There will be no continuing public need for the rights-of-way requested to be vacated except for Chase Avenue between the Chase Avenue/Mn/DOT Highway 61 Expressway intersection and Hoover Street, and Hollister Street east of Chase Avenue since the new Eastridge Division Plat will include new street rights-of-way.

CERTIFIED COPY OF RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DULUTH, MINNESOTA

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to vacate street and alley public rights-of-way, as are legally described below:

72nd Avenue East, 73rd Avenue East, 74th Avenue East, 75th Avenue East, 76th Avenue East, Avondale Street, Oakley Street and all alleys all in Lakeview Manor Division; and Hoover Street east of Chase Avenue in Brighton Gardens First Division.

BE IT FURTHER RESOLVED, that the city clerk shall not file the vacation until final approval of the Eastridge Division Plat.

Resolution 08-0463 was unanimously adopted.

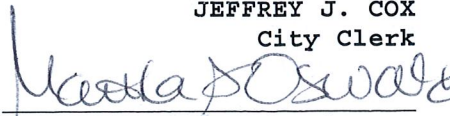
Approved July 21, 2008

DON NESS, Mayor

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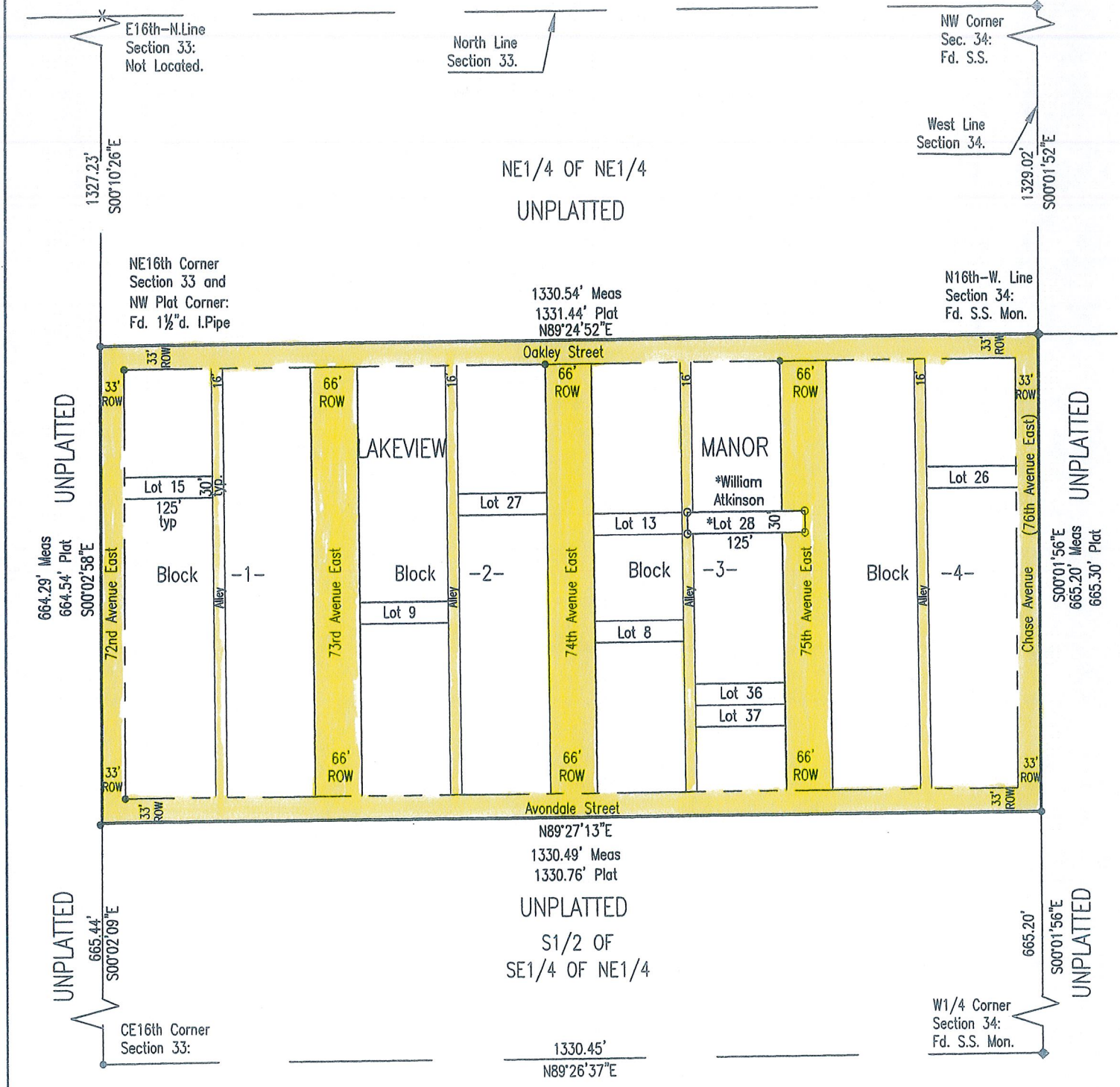
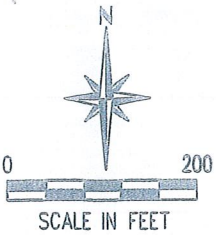
I, JEFFREY J. COX, city clerk of the city of Duluth, Minnesota, do hereby certify that I have compared the foregoing resolution passed by the city council on the 21st day of July, 2008, with the original in my custody as city clerk of said city, and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Duluth, this ninth day of November, 2010.

JEFFREY J. COX  
City Clerk  
by   
Assistant  
CITY OF DULUTH, MINNESOTA

City of Duluth  
 Resolution 08-0463R  
 Vacation of all Streets, Avenues,  
 and Alleyways in the Plat of  
**LAKEVIEW MANOR**

Vacations  
 colored  
 yellow.



**KRECH OJARD** Engineers & Architects  
 & ASSOCIATES, P.A.

MAIN OFFICE: 227 WEST FIRST STREET, SUITE 200, DULUTH, MINNESOTA 55802  
 Ph: 218.727.3282, Fx: 218.727.1216, www.krechojard.com

REGIONAL OFFICE

VACATION OF STREETS, AVENUES,  
 AND ALLEYWAYS IN THE PLAT OF  
 LAKEVIEW MANOR-CITY OF DULUTH

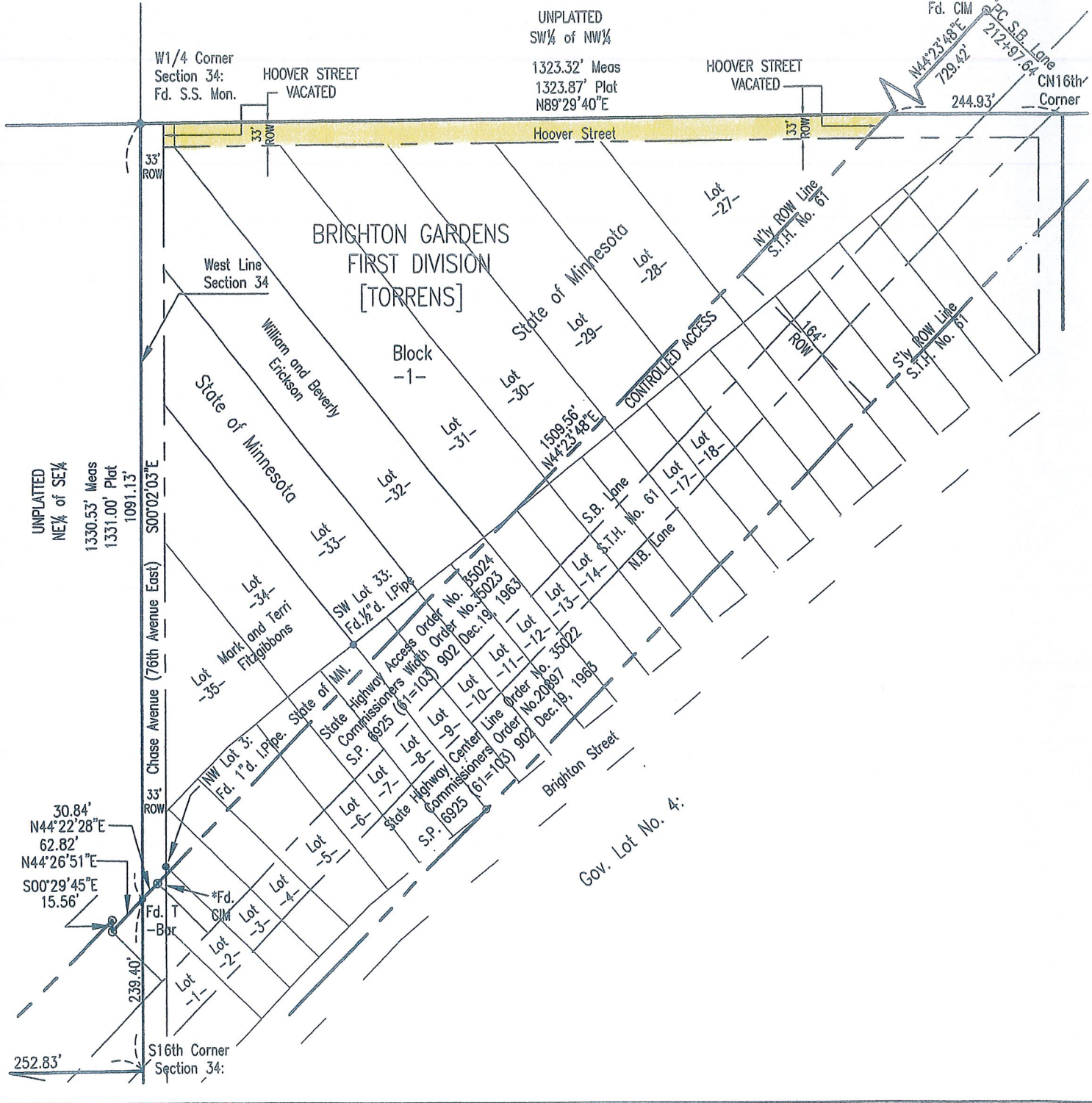
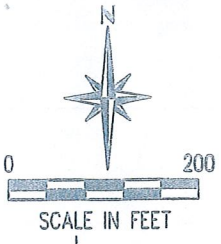
CITY RESOLUTION 08-0463R  
 FILED 8/11/2008 EASTRIDGE ESTATES

JOB No: 071201  
 DATE: 9/9/08  
 DRAWN BY: A.L.

SHEET:  
**EX. A**  
 1 OF 2

City of Duluth  
 Resolution 08-0463R  
 Vacation of part of Hoover Street  
 in the Plat of  
**BRIGHTON GARDENS FIRST DIVISION**

Vacation  
 colored  
 yellow.



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REGIONAL OFFICE

VACATION OF PART OF HOOVER STREET  
 IN THE PLAT OF BRIGHTON GARDENS  
 FIRST DIVISION-CITY OF DULUTH

CITY RESOLUTION 08-0463R  
 FILED 8/11/2008 EASTRIDGE ESTATES

JOB No: 071201  
 DATE: 9/9/08  
 DRAWN BY: A.L.

SHEET:  
**EX. B**  
 2 of 2