



## Legislation Details (With Text)

**File #:** 23-0733R      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/14/2023      **In control:** Planning and Economic Development  
**On agenda:** 9/25/2023      **Final action:** 9/25/2023  
**Title:** RESOLUTION VACATING A PLATTED ALLEY ADJACENT TO LOTS 17 THROUGH 19, BLOCK 5, AND LOTS 17 THROUGH 19, BLOCK 6, RIVER SIDE PARK SECOND ADDITION.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Exhibit B

Date	Ver.	Action By	Action	Result
9/25/2023	1	City Council	adopted	

RESOLUTION VACATING A PLATTED ALLEY ADJACENT TO LOTS 17 THROUGH 19, BLOCK 5, AND LOTS 17 THROUGH 19, BLOCK 6, RIVER SIDE PARK SECOND ADDITION.

**CITY PROPOSAL:**

RESOLVED, that:

- (a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (e) 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 the petitioned alley is not needed; and
- (c) The city planning commission, at its Tuesday, September 12, 2023, regular meeting, recommended approval of the vacation petition (PL 23-147); and
- (d) The city council finds that the alley proposed to be vacated:
  - 1. is not and will not be needed for vehicular, pedestrian, or utility purposes; and
  - 2. is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- (e) The city council of the city of Duluth approves the vacation of the petitioned alley as shown in Exhibit A; and
- (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 easements to be vacated; and
- (g) That the vacation shall lapse if this resolution is not recorded within 90 days of city council approval.

**STATEMENT OF PURPOSE:** This resolution vacates a platted alley adjacent to 4102 99<sup>th</sup> Avenue West. The property owner owns property on both sides of the alley; a larger contiguous property is needed for installation of a septic system. The alley was platted but never utilized for its intended purpose. The alley is not needed for street, pedestrian, or utility use.

On September 12, 2023, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit B, and voted 8 yeas, 0 nays, and 0 abstentions to recommend the city council approve the vacation petition.