



## Legislation Details (With Text)

**File #:** 20-0016R      **Name:**  
**Type:** Resolution      **Status:** Passed  
**File created:** 1/2/2020      **In control:** Planning and Economic Development  
**On agenda:** 1/13/2020      **Final action:** 1/13/2020  
**Title:** RESOLUTION VACATING A PORTION OF AUSTIN STREET WEST OF CALVARY ROAD  
RETAINING A UTILITY EASEMENT OVER THE SAME.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1, 2. Attachment 2

Date	Ver.	Action By	Action	Result
1/13/2020	1	City Council	adopted	

RESOLUTION VACATING A PORTION OF AUSTIN STREET WEST OF CALVARY ROAD RETAINING A UTILITY EASEMENT OVER THE SAME.

**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 the Tuesday, December 10th, 2019 regular meeting, recommended approval of the vacation petition; and

(d) The city council finds that the portion of the street proposed to be vacated:

1. is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians in the City; 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 platted easement as described below, subject to the retention of a utility easement over the entire area to be vacated:

**RIGHT OF WAY TO BE VACATED:**

That part of Austin Street, as platted and dedicated in WOODLAND PARK 2ND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the northwest corner of Lot 1, Block 2, said WOODLAND PARK 2ND DIVISION; thence North 89 degrees 25 minutes 07 seconds East, assumed bearing along the north line of said Lot 1, a distance of 59.63 feet to the point of beginning of the tract to be described; thence North 53 degrees 13 minutes 39 seconds East 50.66 feet; thence South 50 degrees 19 minutes 23 seconds East 46.29 feet to the north line of said Lot 1; thence South 89 degrees 25 minutes 07 seconds West along said north line 76.21 feet to the point of beginning.

(f) That the city of Duluth shall retain a public easement for utility purposes over the area to be vacated.

(g) 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: This resolution vacates a part of the platted Right Of Way of Austin Street. The street easement is not needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians. A utility exists over the area to be vacated, therefore, a utility easement will be retained. This item was originally heard on December 10, 2019, the Duluth city planning commission held a public hearing on the proposal and voted 9 yeas, 0 nays, and 0 abstentions to recommend the city council approve the vacation.

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

Petition Received: October 30, 2019

Action Deadline: February 27, 2020

Petitioner: Lai V. Ly and Nam H. Ly

PL 19-159