



Legislation Details (With Text)

**File #:** 17-0841R      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 11/21/2017      **In control:** Planning and Economic Development

**On agenda:** 12/4/2017      **Final action:** 12/4/2017

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**Title:** RESOLUTION VACATING THE PLATTED ALLEY BETWEEN PINEVIEW AVENUE AND THE UNIMPROVED PORTION OF NANTICOKE STREET, RETAINING A UTILITY EASEMENT OVER THE ENTIRE ALLEY.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
12/4/2017	1	City Council	adopted	

RESOLUTION VACATING THE PLATTED ALLEY BETWEEN PINEVIEW AVENUE AND THE UNIMPROVED PORTION OF NANTICOKE STREET, RETAINING A UTILITY EASEMENT OVER THE ENTIRE ALLEY.

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 14, 2017 regular meeting, recommended approval of the vacation petition; and
- (d) The city council of the city of Duluth approves the vacation of the platted easement described below and shown in Attachment 1:

ALLEY TO BE VACATED:

All that part of the 20.00 foot wide platted alley lying in Block 2, COFFIN WARNER AND JONES ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said alley contains 7,200 square feet or 0.17 acres.

UTILITY EASEMENT TO BE RETAINED:

All that part of the 20.00 foot wide platted alley lying in Block 2, COFFIN WARNER AND JONES ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said alley contains 7,200 square feet or 0.17 acres.

- (e) 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 the entire undeveloped alley between Pineview Avenue and the unimproved portion of Nanticoke Street. A utility easement for Minnesota Power would be retained over the entire alley.

On November 14, 2017, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 1 and voted 5 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.

Petitioner:

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