Legislation Details (With Text)

File #:	18-0313R	**Name:**	
Type:	Resolution	**Status:**	Passed
File created:	4/6/2018	**In control:**	Planning and Economic Development
On agenda:	5/14/2018	**Final action:**	5/14/2018
Title:	RESOLUTION RESCINDING PURPORTED BUFFER ZONE CREATION IN RESOLUTION 84-0889.		
Sponsors:			
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Date	Ver.	Action By	Action	Result
5/14/2018	1	City Council	adopted	Pass

RESOLUTION RESCINDING PURPORTED BUFFER ZONE CREATION IN RESOLUTION 84-0889.

CITY PROPOSAL:

WHEREAS, on December 17, 1984, the city council passed Resolution 84-0889 approving Chapter 390 of Laws of Minnesota, 1984, in conformance with the requirements of Minnesota Statutes Section 645.021 Subd. 1 and purporting to dedicate buffer zone easements on certain property described in said resolution which imposed restrictions on said property, which resolution was recorded in the office of the St. Louis County recorder as document no. 388410 and in the office of the St. Louis County registrar of titles as document no. 464585; and

WHEREAS, it is necessary and appropriate for the city to confirm its approval of Chapter 390 of Laws of Minnesota, 1984, but to revoke the purported dedication in Resolution 84-0889 as legally ineffective and violative of the requirements of Section 77 of the Duluth City Charter; and

WHEREAS, on May 14, 2018, the city council held a public hearing in city council chambers of city hall at or shortly after 7:00 P.M. to consider whether to approve this resolution revoking the purported dedication at which the public was invited to present comment on this resolution; and

WHEREAS, on or before May 4, 2018, the city had caused mailed notice of said hearing to be sent to all property owners owning property within 350 feet of any of the property described in Resolution 84-0889, setting for the date, time, place and purpose of said hearing; and

WHEREAS, on May 4, 2018, the city caused to be published in the Duluth News Tribune notice of said hearing, setting for the date, time, place and purpose of said hearing.

RESOLVED, that the city council hereby confirms Resolution 84-0889 insofar as it approves Chapter 390 of Laws of Minnesota, 1984; and

RESOLVED FURTHER, that except as provided for above, Resolution 84-0889 is hereby rescinded in its entirety and shall be deemed to be of no further force and effect.

STATEMENT OF PURPOSE: The purpose of this resolution is to rescind that portion of a 1984 resolution, 84-0889 R, which purported to create what was termed a “buffer zone easement” on city-owned property located at the base of Spirit Mountain along Grand Avenue. The “easement’ was improperly created because its creation did not comply with the requirements of the Charter but the “easement it purported to create remains as a cloud on the title to the property.

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