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Title: RESOLUTION VACATING PART OF PLATTED GRAND AVENUE IN THE PLAT OF OAKLAND PARK ADDITION, ALSO KNOWN AS OAKLAND AVENUE, AND RETAINING A UTILITY EASEMENT OVER A PORTION OF THE VACATION AREA.

Sponsors:

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Attachments: 1. Attachment 1, 2. Attachment 2, 3. Attachment 3

Date	Ver.	Action By	Action	Result
5/28/2019	1	City Council	adopted	

RESOLUTION VACATING PART OF PLATTED GRAND AVENUE IN THE PLAT OF OAKLAND PARK ADDITION, ALSO KNOWN AS OAKLAND AVENUE, AND RETAINING A UTILITY EASEMENT OVER A PORTION OF THE VACATION AREA.

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 (PL 19-031) and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that all of the street easement except for that portion to be retained as a utility easement, is not needed for vehicular, pedestrian or utility purposes; and
- (c) The city planning commission, at its Tuesday, May 14, 2019 regular meeting, recommended approval of the street vacation while retaining a 20-foot-wide utility easement along the westerly portion of the vacation area extending from Gold Street to Halsey Alley; and
- (d) Subject to Paragraph (f) below, the city council of the city of Duluth approves the vacation of the platted street and retention of a utility easement described below and shown in Attachment 1:

STREET TO BE VACATED:

That portion of Oakland Avenue (Grand Avenue per plat) of Oakland Park Addition according to the recorded plat thereof, St. Louis County, Minnesota, which lies between the south line of Maryland Street (James Street per plat) and the extension of the southern line of Block 27 Oakland Park Addition.

UTILITY EASEMENT TO BE RETAINED:

The western most 20 foot strip of said vacated Oakland Avenue (Grand Avenue per plat) which lies between the extension of the northern line of Block 20 and the extension of the southern line of Block 28 Oakland Park Addition is to be retained for utility easement purposes.

(e) Subject to Paragraph (f) below, 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 upon notification from the City Engineer that the University of Minnesota has dedicated an easement for recreational trail purposes to the City substantially in the form of that attached hereto as Attachment 2; and

(f) In the event that the trail easement referenced in Paragraph (e) above has not been received by the City by January 1, 2020, this resolution shall be null and void.

STATEMENT OF PURPOSE: This resolution vacates the portion of Oakland Avenue between Gold Street and Maryland Street while retaining a utility easement over a portion of the vacation area. The purpose is to provide contiguous ownership by the University of Minnesota Duluth. The utility easement is being retained for an existing natural gas pipe.

This portion of Oakland Avenue was be retained, in part, to provide a route for the Duluth Traverse Trail. Trail planning by the City's Parks Division has yielded a different route for the trail shown in Attachment 2 that the Parks Division would like to have recorded before recording the vacation resolution.

On May 14, 2019, the Duluth city planning commission held a public hearing on the proposal as shown in the staff report (Attachment 3) and voted 6 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.

PL 19-031