



## Legislation Text

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**File #:** 18-0499R, **Version:** 1

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RESOLUTION VACATING A 125 FEET SECTION OF A SIXTEEN-FOOT-WIDE PLATTED ALLEY BETWEEN WEST OF SOUTH 90<sup>TH</sup> AND 91<sup>ST</sup> AVENUE WEST.

### 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, June 12, 2018 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 as described below:

### RIGHT OF WAY TO BE VACATED:

All that part of the platted Alley located in Block 10, IRONTON FOURTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, lying between the East line of said Block 10 and a line parallel with and distant 125.00 feet West of said East line of Block 10.

- (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 a sixteen-foot-wide platted, unimproved, alley north of Clyde Avenue. The utility and street easement is not needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city. On June 12, 2018, the Duluth city planning commission held a public hearing on the proposal and voted 8 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: May 8, 2018  
Action Deadline: September 5, 2018  
Petitioner: Scott and Beth Nelson  
PL 18-058