



Legislation Text

File #: 20-0256R, **Version:** 1

RESOLUTION VACATING A SIXTEEN-FOOT-WIDE PLATTED ALLEY BETWEEN KINNEAR PLACE AND ELINOR STREET.

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, March 10, 2020 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 alley as described below, subject to the retention of a utility easement over the entire area:

RIGHT OF WAY TO BE VACATED:

All that part of the 16 foot wide platted Alley lying between Block 77 and Block 80. WEST DULUTH SIXTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said Alley vacation contains 6,000 square feet or 0.14 acres.

- (f) 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 16 foot wide platted Alley between Kinnear Place and Elinor 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 March 10, 2020. The Duluth city planning commission held a public hearing on the proposal and voted 5 yeas, 0 nay, 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: February 4, 2020

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Action Deadline: June 4, 2020
Petitioner: Richard Kunst
PL 20-012