



Legislation Text

File #: 23-0749R, **Version:** 1

RESOLUTION VACATING A PORTION OF THE PLATTED RIGHT OF WAY OF HIGHLAND AVENUE LYING ADJACENT TO AND ABUTTING LOTS 1, 2, 3 AND 4, BLOCK 1 AND LOT 1, BLOCK 3, HIGHLANDS GARDENS 1ST DIVISION.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (e) 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 the petitioned portion of the platted right of way is not needed; and

(c) The city planning commission, at its Tuesday, September 12, 2023, regular meeting, recommended approval of the vacation petition (PL 23-130); and

(d) The city council finds that the portion of the platted right of way proposed to be vacated:

1. Is not and will not be 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; 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 portion of the right of way shown in Exhibit A; and

(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 right of way to be vacated; and

(g) That the vacation shall lapse if this resolution is not recorded within 90 days of city council approval.

STATEMENT OF PURPOSE: This resolution vacates a portion of the unimproved right of way for Highland Avenue lying adjacent to and abutting lots 1, 2, 3 and 4, Block 1 and Lot, Block 3, Highlands Gardens 1st Division, for the applicant to have a larger lot.

On September 12, 2023, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit B, and voted 8 yeas, 0 nays, and 0 abstention to recommend the city council approve the vacation petition.

The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petition Received: July 19, 2023

Action Deadline: November 16, 2023

Petitioner:

PL 23-130