



Legislation Text

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**File #:** 18-0324R, **Version:** 1

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**RESOLUTION VACATING THE 15-FOOT-WIDE PLATTED ALLEY WEST OF MISSOURI AVENUE BETWEEN CHESTER WAY AND WEST COLLEGE 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 its Tuesday, April 10, 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 alley as described below:

**RIGHT OF WAY TO BE VACATED:**

All that part of the platted alley right of way lying within Block 5, SUPERIOR VIEW ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota described as follows: Beginning at the Northeast corner of Lot 28, said Block 5; thence West, along the South line of said alley, said line also being the North line of Lots 26, 27, and 28, said Block 5 for a distance of 134.53 feet to the Northwest corner of said Lot 26; thence North, along the West line of said SUPERIOR VIEW ADDITION TO DULUTH 15.00 feet to the intersection with the Westerly extension of the North line of said alley, said line also being the extended South line of Lot 22, said Block 5; thence East, along said Westerly extension and along said North line of the alley, said line also being the South line of Lot 22 for a distance of 134.49 feet to the Southeast corner of said Lot 22; thence South, along the West line of Portland Avenue, also known as Missouri Avenue, said line also being the East line of said Block 5 for a distance of 15.00 feet to the point of beginning. Said right of way contains 2,018 square feet or 0.05 acres.

- (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:** The platted alley 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 April 10, 2018, the Duluth city planning commission held a public hearing on the proposal and voted 7 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: March 2, 2018

Action Deadline: June 30, 2018

Petitioner: Donn Olson

PL 18-026