



## Legislation Text

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**File #:** 21-0104R, **Version:** 1

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RESOLUTION VACATING A PORTION OF SWENSON AVENUE IN THE PLAT OF IRONTON FOURTH DIVISION, RETAINING A UTILITY AND PEDESTRIAN EASEMENT OVER A PORTION OF THE VACATED AREA.

### 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 shown in the attached Exhibit A; 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, February 9, 2021 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 unimproved and truncated at the east end of the area to be vacated, and is not needed for automobile connectivity;

2. The only utilities are stormwater infrastructure running along the southern end of the area, necessitating a utility easement over this portion;

3. The eastern terminus of Swenson Avenue could provide potential connections to the Marten (Western Waterfront) trail. Therefore, a pedestrian easement shall be retained over the same portion as the utility easement.

4. Significant topography and bedrock impede any future construction of a road, and require future homes to design alternative driveway access in lieu of road frontage;

5. Is not and will not be needed for the safe and efficient circulation of automobiles and trucks, in the City; and

6. 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 easement legally described and depicted on the attached Exhibit A, subject to the retention of a utility and pedestrian easement over the area legally described and depicted on the attached Exhibit A.

(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 and easements to be retained.

STATEMENT OF PURPOSE: This resolution vacates a part of the platted right of way of Swenson Avenue. A utility exists over a portion the area to be vacated and therefore a utility easement is proposed to be retained. Additionally, the eastern terminus of Swenson Avenue may in the future be a possible location for potential neighborhood connections to the Marten Trail (formerly the Western Waterfront Trail), therefore a pedestrian easement will also be retained over a portion of the area at the southern end of the proposed vacation. At the regular Planning Commission meeting on February 9, 2021, the commission held a public hearing on the proposal and voted 7 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: December 11, 2020

Action Deadline: April 10, 2021

Petitioner: Jason Lindelof

PL 20-188