



Legislation Text

File #: 18-0541R, **Version:** 1

RESOLUTION VACATING THE ENTIRE TWENTY-FIVE-FOOT-WIDE BUILDING LINE EASEMENT ACROSS THE SOUTHEASTERLY 150.84 FEET OF LOTS 9, 10 AND 11 IN THE ENDION DIVISION OF DULUTH.

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, July 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 easement as described below:

BUILDING LINE EASEMENT TO BE VACATED:

All that part of the 25-foot-wide building line easement lying over, under and across the Southeasterly 25 feet of Lots 9, 10 and 11, Block 34, ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said building line easement vacation contains 3,771 Sq. Feet or 0.09 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: This resolution vacates a twenty-five-foot-wide building line easement across the southeasterly 150.84 feet of Lots 9, 10 and 11 in the Endion Division of Duluth. This easement is not for utilities or public access, and is an outdated form of legal requirement for setbacks that predates zoning. The applicant is requesting the vacation to comply with the build-to zone or setback in the Form District 2 (F-2) low-rise neighborhood mix zone district.

Chapter 194, General Laws, of the State of Minnesota for 1903 adopted legislation enabling municipalities to establish and acquire building line easements. The building line easement was established so that no buildings or structures could be erected within the easement area. The existing building line easement is 25 feet in depth from the front property line and 150' feet in length running parallel to London Road. The City of Duluth by resolution in 1906 established this building line easement on the property located at 2031 London Road. This was an early form of creating a building setback requirement, and is superseded by the UDC. It has been many decades, and possibly over a century, since the city used such a requirement to enforcement building placement standards. This easement was never intended, used, or needed for public utilities or public access.

On July 10, 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: June 5, 2018

Action Deadline: October 3, 2018

Petitioner: Marvin Development IV, LLC
PL 18-077