



## Legislation Text

**File #:** 17-0759R, **Version:** 1

### RESOLUTION VACATING TEN FEET OF THE MENDENHALL DIVISION STREET EASEMENT IN ORDER TO REBUILD A PRE-EXISTING GARAGE.

#### 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 useless for all purposes; and

(c) The city planning commission, at its Tuesday, October 10, 2017 regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of a portion of street easement while maintaining the utility and pedestrian easement, described below, and as shown in Attachment 1:

The Easterly 10.00 feet of the 33.00-foot-wide Street Easement as dedicated on the plat of MENDENHALL DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, said Easterly 10.00 feet to be vacated lies adjacent to the South line of Lot 10, said MENDENHALL DIVISION.

Said portion of street easement contains 330 square feet.

(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 easement to be vacated.

**STATEMENT OF PURPOSE:** This resolution vacates a 10-foot portion of an approximate 266-foot-long platted utility easement that runs from north to south throughout the parcel.

This utility easement was initially dedicated to the public for utility purposes as part of the 1948 Mendenhall Division. The Allendale street easement was built to the South of and in-between the Woodland Park Sixth Division. The street was never developed, and therefore, this right of way is not, and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or the efficient supply of utilities or public services in the city. The City Engineering Department has requested that the utility easement along the Mendenhall Division remain accessible for pedestrians.

The applicant is proposing to vacate the Mendenhall Division utility easement that has never been developed in order to rebuild her garage. The original garage was built over the property line into the easement, and if rebuilt would need to be built no closer than five feet from the rear lot line per UDC 50-21.3. The garage to date was built 4.8 feet over the rear lot line.

On October 10, 2017, the Duluth city planning commission held a public hearing on the proposal and voted 6 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: N/A

Action Deadline: N/A

Petitioner:

City of Duluth, and

Louise Pell  
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PL 17-147