



Legislation Text

File #: 18-0686R, **Version:** 1

RESOLUTION RESCINDING RESOLUTION NO. 18-0550 AND VACATING CERTAIN STREETS, AVENUES, ALLEYS, AND SLOPE AND FILL EASEMENTS WITHIN THE PLAT OF IRONTON FIRST DIVISION.

CITY PROPOSAL:

WHEREAS, on June 8, 2018, Spirt Valley Land Company LLC, petitioned the Duluth city council for the vacation of certain platted rights of way in the plat of Iron-ton First Division; and

WHEREAS, the vacation petitioner was seeking to vacate the platted rights of way in preparation for a re-platting of the property; and

WHEREAS, the planning commission, at a public hearing on July 10, 2018, recommended approval of the vacation resolution; and

WHEREAS, the city council passed Resolution No. 18-0550R on July 16, 2018; and

WHEREAS, Resolution No. 18-0550R contained an inaccurate legal description; and

WHEREAS, Resolution No. 18-0550 erroneously did not contain the condition that certain rights-of-way must be re-dedicated in a new plat; and

WHEREAS, the clearest and most expedient way to remedy this error is to rescind Resolution No. 18-0550R and to restate the terms of the vacation accurately in this resolution;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 18-0550R, passed July 16, 2018, is hereby rescinded in its entirety.

RESOLVED FURTHER, that the city council of the city of Duluth approves the vacation described below and shown in Attachment 1 on the condition that the plat of KAYAK BAY is approved and recorded with St. Louis County, Minnesota by July 10, 2020:

All streets, avenues and alleys in the plat of IRONTON FIRST DIVISION, City of Duluth, St. Louis County, Minnesota lying southeasterly of a line hereinafter referred to as "Line A" and being 10 feet southeasterly of, and parallel with, the northwesterly lines of Block 9, Block 10, Block 12 and that part of Lots 7 thru 31, Block 19, said IRONTON FIRST DIVISION, excepting a 33 foot wide un-named street abutting Blocks C, D, H and I of said IRONTON FIRST DIVISION as shown on the attached Exhibit B.

TOGETHER WITH

All easements in favor of the City of Duluth for Slopes or Retaining Walls and Fills affecting those portions of Block 9, Block 10, Block 12 and Block 19 lying northeasterly of the southwesterly line of Lot 17, said Block 19, all in IRONTON FIRST DIVISION, City of Duluth, St. Louis County, Minnesota, lying southeasterly of the aforementioned Line A. Said Line A being the limits of an easement for highway purposes running in favor of the State of Minnesota pursuant to Document No's 154863 (Torrens) and 611688 (Abstract).

RESOLVED FURTHER, that if the plat of KAYAK BAY is not approved and recorded with St. Louis County, Minnesota by July 10, 2020, then this vacation is null and void and of no further effect.

RESOLVED FURTHER, 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 easements to be vacated, with the condition stated above.

STATEMENT OF PURPOSE: This resolution adds a condition and corrects errors in the legal description of a

vacation resolution passed by the city council so that the vacation can be recorded and the land re-platted.

Streets may be vacated upon determination that the street is not needed for vehicular, utility, pedestrian, or drainage reasons and the street is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

On July 10, 2018, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2 and voted 8 yeas, 0 nays, and 0 abstentions to recommend the city council approve the vacation. The commission found that the streets will not be needed for the purposes listed above when the property is re-platted as planned.

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

Petitioner: Spirit Valley Land Company LLC
PL 18-079