



## Legislation Text

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**File #:** 23-0567R, **Version:** 1

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RESOLUTION VACATING THE UNIMPROVED UTILITY EASEMENT LYING ADJACENT TO AND ABUTTING LOT 8 AND LOT 9, LEVI ACRES.

### CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of the easement described in paragraph (e) below;

(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 (file number PL 21-166) and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that the portion of the platted easement legally described in paragraph (e) below is useless for utility purposes;

(c) The city planning commission, at its Tuesday, July 11, 2021 regular meeting, approval of the vacation petition;

(d) The city council finds that the portion of the street proposed to be vacated:

1. is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians in the city; and

2. 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 easement legally described and depicted on attached Exhibit 1;

(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 certified copy of this resolution showing the platted street to be vacated; and

(g) That the vacation shall lapse if this resolution is not recorded within 90 days of city council approval.

**STATEMENT OF PURPOSE:** This resolution vacates a portion of a platted unimproved utility easement lying adjacent to and abutting Lot 8 and Lot 9, Levi Acres. This easement was dedicated when the area was platted in 1978, but has never been developed with utility infrastructure.

On July 11, 2023, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit 2, 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: June 5, 2023

Action Deadline: October 3, 2023

Petitioner: James Wallner  
PL 23-108