



Legislation Text

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File #: 21-0706R, Version: 1

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RESOLUTION VACATING A PORTION OF STEBNER ROAD (ALSO KNOWN AS RALSTON DRIVE) AND RETAINING A UTILITY EASEMENT FOR AN EXISTING NATURAL GAS LINE.

CITY PROPOSAL:

RESOLVED, that the city council of the city of Duluth hereby finds that:

(a) A sufficient petition was filed with the city requesting the vacation described below:

All that part of Stebner Road adjacent to and abutting Blocks 1 and 2, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows: Beginning at the Northeast corner of said Block 2; thence on a assumed bearing of South 00 degrees 19 minutes 00 seconds East, along the East line of said Block 2 for distance of 182.32 feet to the Westerly extension of the South line of said Block 1 across said Stebner Road; thence North 89 degrees 51 minutes 52 seconds East, along said Westerly extension 66.00 feet to the West line of said Block 1; thence North 00 degrees 19 minutes 00 seconds West, along said West line 179.79 feet to the Easterly extension of the North line of said Block 2 across said Stebner Road; thence North 87 degrees 56 minutes 25 seconds West, along said Easterly extension 66.06 feet to the point of beginning. Said area to be vacated contains 11,950 square feet or 0.27 acres.

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 purposes; and

(c) The city planning commission, at the Tuesday, August 10, 2021 regular meeting, recommended approval of the vacation petition; and

(d) The portion of the street proposed to be vacated:

1. is not used by the general public.
2. is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians in the City; and
3. is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

FURTHER RESOLVED, that the city council of the city of Duluth approves the vacation as described above, and shown in Attachment 1, subject to the following; and

FURTHER RESOLVED, that said vacation shall be subject to the retention by the City of an easement for public utilities over the following-described portion of the above-described property:

All that part of Stebner Road adjacent to and abutting Block 1, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows: Beginning at the Southwest corner of said Block 1; thence on a assumed bearing of North 00 degrees 19 minutes 00 seconds West, along the West line of said Block 1 for distance of 179.79 feet to the Easterly extension of the North line of Block 2, said AIRPORT DIVISION across said Stebner Road; thence North 87 degrees 56 minutes 25 seconds West, along said Easterly extension 33.03 feet to a line parallel with and distant 33.00 feet West of the West line of said Block 1; thence South 00 degrees 19 minutes 00 seconds East, along said parallel line 181.06 to the Westerly extension of the South line of said Block 1 across said Stebner Road; thence North 89 degrees 51 minutes 52 seconds East, along said Westerly extension 33.00 feet to the point of beginning. Said retained utility easement contains 5,954 square feet or 0.14 acres.

and

FURTHER RESOLVED, 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 part of the platted Right of Way of Stebner Road (platted as Ralston Drive). This right of way is not needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians. The street right of way to be vacated is approximately 66 feet wide by 180 feet long. A portion of the Stebner right of way will be preserved as a utility easement to provide access for maintenance to an existing natural gas line, located in the eastern portion of the right of way.

This vacation is related to a proposed expansion of a structure (completion center) owned by Cirrus Aircraft.

There are two existing private water lines for the prison within this portion of Stebner Road to be vacated, but the water lines are looped to the east and removing or capping the water lines will not impact the prison.

On August 10, 2021, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 3, and voted 6 yeas, 0 nay, and 0 abstentions to recommend the city council approve the street easement vacation and retention of utility easement as shown in the exhibit, and referenced in the staff report as shown in Attachment 2.

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