



Legislation Text

File #: 23-0571R, Version: 1

RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT IN THE LONDON EAST DIVISION. CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (e) 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 the portion of the utility easement petitioned for vacation is not needed; and

(c) The city planning commission, at its Tuesday, July 11, 2023, regular meeting, recommended approval of the vacation petition (PL 23-109); and

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

1. is not and will not be needed for utility purposes; 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 portion of the utility easement as shown in Exhibit A; and

(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, a certified copy of this resolution showing the portion of the easement 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 3-foot-wide portion of a utility easement in Lots 3-26, Block 1, London East Division.

The vacation area is needed by the landowner for construction of a retaining wall and the City Engineer has indicated that the vacation area is not needed for utility purposes.

On July 11, 2023, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit B, and voted 6 yeas, 0 nays, and 0 abstention to recommend the city council approve the vacation petition.

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