



Legislation Text

File #: 19-0529R, **Version:** 1

RESOLUTION VACATING THE 216.75 FOOT SECTION OF UNIMPROVED GLADSTONE STREET RUNNING BETWEEN 49TH AVENUE EAST AND NORTH SHORE RAIL ROAD.

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 not needed for public street purposes; and
- (c) The city planning commission, at a Tuesday, February 12, 2019 regular meeting, recommended approval of the vacation petition; and
- (d) The city council finds that 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 or otherwise for the efficient supply of utilities or public services 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 platted easement as described below:

RIGHT OF WAY TO BE VACATED:

ALL THAT PORTION OF GLADSTONE STREET ADJACENT TO AND ABUTTING BLOCK 49 AND BLOCK 65, LONDON ADDITION TO DULUTH, ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA, LYING BETWEEN THE EXTENDED EAST LINES OF BLOCKS 49 AND 65 AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF THE NORTH SHORE RAIL ROAD.

- (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 platted easement to be vacated.

STATEMENT OF PURPOSE: This resolution vacates a part of the platted Right Of Way of Gladstone Street, between 47th Avenue East and North Shore Rail Road right of way. The street is not needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians. A utility easement will be left in place over the existing sanitary sewer line.

This item was original heard on February 12th, 2019. The Duluth city planning commission held a public hearing on the proposal and voted 7 yeas, 0 nay, 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: February 12, 2019

Action Deadline: May 18, 2019

Petitioner: City of Duluth
PL 19-005