



Legislation Text

File #: 18-0392R, **Version:** 1

RESOLUTION VACATING A UTILITY EASEMENT AND A SEWER EASEMENT IN ONEOTA INDUSTRIAL PARK FIRST ADDITION; AND A PLATTED ALLEY, A UTILITY EASEMENT, AND PORTION OF THIRD AVENUE EAST, ALL IN WEST DULUTH SEVENTH DIVISION.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacations 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 these portions of easements are not needed for vehicular purposes, pedestrian, or utility purposes; and

(c) The city planning commission, at its Tuesday, April 10, 2018 regular meeting, recommended approval of the vacations; and

(d) The city council of the city of Duluth approves the vacations described below and shown in Attachment 1:

AREAS TO BE VACATED:

10.00 foot utility easement over Lot 1, Block 4, Oneota Industrial Park First Addition according to the plat on file and of record in the Office of the Register of Deeds, St. Louis County, Minnesota, adjoining the southeasterly line of Lot 1, Block 4, of said Oneota Industrial Park First Addition; and

A strip of land 10.00 feet wide lying between Lot 5, Block 172 and Lot 1, Block 173 West Duluth Seventh Division replatted as Lot 1, Block 4, Oneota Industrial Park First Addition the same being the strip of land originally platted as the alley between said blocks but later vacated by the City of Duluth per Volume 21 of Misc. Records, page 263; and

The platted alley adjoining blocks 181 and 182, West Duluth 7th Division according to the plat on file and of record in the Office of the County Recorder, St. Louis County, Minnesota lying southeasterly of easterly extension of the south line of Lot 4, Block 182, West Duluth Seventh Division; and

That part of platted 3rd Avenue East also known as 51st Avenue West, West Duluth Seventh Division according to the plat on file and of record in the Office of the County Recorder, St. Louis County, Minnesota lying southerly of the westerly extension of the south line of Lot 4, Block 182, West Duluth Seventh Division and lying northerly of the westerly extension of the north line of Lot 5, Block 182, West Duluth Seventh Division; and

A 14.00 foot utility easement lying adjacent to and easterly of the west line of vacated 49th Avenue West lying between the extended common lot line between Lots 13 and 14 and the extended common lot line between Lots 19 and 20, all in Block 181, West Duluth Seventh Division.

(e) 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 portions of easements and streets in Oneota Industrial Park First Division and West Duluth Seventh Division, located on the West Duluth Menards site. Menards intends to make minor modifications to the existing storage facility behind the building and would like to clean up existing property lines prior to these improvements.

On April 10, 2018, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2 and voted 7 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.

PL 17-053