



Legislation Text

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**File #:** 18-0282R, **Version:** 1

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RESOLUTION VACATING THE WESTERLY FIVE FEET OF AN EXISTING UTILITY EASEMENT AT 2130 WATER STREET.

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 useless for all purposes; and

(c) The city planning commission, at its Tuesday, December 12, 2017 regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the westerly five feet of the utility easement, described below, and as shown in Attachment 1:

The Southwesterly 5.00 feet of Montana Avenue, also known as 22nd Avenue East lying adjacent to Lot 8, Block B, ENDION DIVISION OF DULUTH and also lying Southeasterly of the Southeasterly line of Park Street, also known as Water Street as dedicated on said ENDION DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Beginning at the Northerly corner of said Lot 8; thence Southeasterly, along the Northeast line of said Lot 8, said line also being the Southwesterly line of said 22nd Avenue East for a distance of 134.55 feet; thence Northeasterly, deflecting to the left 120 degrees 59 minutes 49 seconds for a distance of 5.83 feet to the intersection with a line parallel with and distant 5.00 feet Northeasterly of said Southwesterly line of 22nd Avenue East; thence Northwesterly, along said parallel line, deflecting 59 degrees 00 minutes 11 seconds to the left for a distance of 131.55 feet to the Southeasterly line of said Water Street; thence Southwesterly, deflecting 90 degrees to the left for a distance of 5.00 feet to the point of beginning.

Said portion to be vacated contains 665 square feet.

(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 easement to be vacated.

STATEMENT OF PURPOSE: This resolution vacates, at 2130 Water Street, the southwesterly five feet of an existing utility easement retained by the city of Duluth. The city will retain the remaining portion of the utility

easement that runs from the northwest to the southeast through the center portion of the parcel.  
On December 12, 2017, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2 and voted 5 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: N/A

Action Deadline: N/A

Petitioner:

Mike Edmunds

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Duluth, MN 55802

PL 17-182