



Legislation Text

File #: 17-0304R, **Version:** 1

RESOLUTION VACATING A PLATTED 10 FOOT WIDE UTILITY EASMENT ON LOTS 12 AND 13, BLOCK 3, OF THE COTTAGE GROVE ADDITION PLAT.

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 a Tuesday, January 31, 2017 special meeting, recommended approval of the easement vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the utility easement, described below:

A TEN (10) FOOT WIDE SEWER EASEMENT CENTERED ON THE COMMON LOT LINE TO LOTS 12 AND 13, BLOCK 3, COTTAGE GROVE ADDITION, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA. SAID SEWER EASEMENT LYING BETWEEN AN 8 FOOT WIDE EASEMENT FOR ROADWAY PURPOSES ABUTTING FARLEY LANE AND A 10 FOOT WIDE UTILITY EASEMENT COMMON TO LOTS 2, 3, 12 AND 13, SAID BLOCK 3, COTTAGE GROVE ADDITION.

(e) The city council of the City of Duluth previously approved a resolution request to vacate the utility easement at this location, 17-0167R.

(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 easement to be vacated.

STATEMENT OF PURPOSE: This resolution is to replace a previously approved resolution (17-0167R), which incorrectly referenced a pedestrian easement being dedicated with this vacation request. No such pedestrian easement is needed nor is being requested by the planning commission or planning department; the reference to the pedestrian easement was an error. This resolution references the correct request of the property owner and the correct conditions to be attached with the vacation request.

This resolution vacates an undeveloped platted utility easement located on property addressed as 173 Farley Lane. The platted utility easement was originally dedicated to the City in 1948 in the Cottage Grove Addition plat, but has not been used by the city for a public purpose since its dedication. The property owners request that the city vacate the utility easement so that they may

build a future structure (garage) on land which is currently restricted by this platted easement. This platted right of way is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

On January 31, 2017, the Duluth city planning commission held a public hearing on the proposal and voted 6 yeas, 0 nays, and 0 abstentions to recommend that 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: December 15, 2016

Action Deadline: N/A

Petitioner:

Kevin Appel and Debra Bennett-Appel

8400 32nd Avenue North

Crystal, MN 55427

PL 16-141