



Legislation Text

File #: 18-0550R, **Version:** 1

RESOLUTION VACATING UNIMPROVED PLATTED RIGHT OF WAY IN CONJUNCTION WITH THE REPLATTING OF THE LAND INTO THE KAYAK BAY 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 not needed for public street purposes; and
- (c) The city planning commission, at its Tuesday, July 10, 2018 regular meeting, recommended approval of the vacation petition; and
- (d) The city council of the city of Duluth approves the vacation of the platted easements as shown in attachment 1 and as described below:

TO BE VACATED:

All streets, avenues and alleys lying southeasterly of a line 10 feet southeasterly of, and parallel with, the northwesterly lines of Block 9, Block 10, Block 12 and that part of Lots 7 thru 31, Block 19, IRONTON FIRST DIVISION, City of Duluth, St. Louis County, Minnesota excepting a 33-foot wide un-named street abutting Blocks C, D, H and I of said IRONTON FIRST ADDITION.

TOGETHER WITH:

Slopes or Retaining Walls and Fills easements lying southeasterly of a line 10 feet southeasterly of, and parallel with, the northwesterly lines of those parts of Block 9, Block 10, Block 12 and Block 19 lying northeasterly of the southwesterly line of Lot 17, said Block 19, IRONTON FIRST DIVISION, City of Duluth, St. Louis County, Minnesota. Said 10-foot southeasterly line being the limits of an easement for highway purposes running in favor of the State of Minnesota pursuant to Documents No. 154863 (Torrens) and 611688 (Abstract). In addition, these easements are subject to right of access to the State of Minnesota for T.H. 23 as contained in Document No. 172934 (Torrens); all as recorded in St. Louis County, Minnesota.

- (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 all of the streets in the area to be replatted as the Kayak Bay plat.

Streets may be vacated upon determination that the street is not needed for vehicular, utility, pedestrian, or drainage reasons and the street is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

On July 10, 2018, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2 and voted 8 yeas, 0 nays, and 0 abstentions to recommend the city council approve the

vacation. The commission found that the streets will not be needed for the purposes listed above when the property is replatted as planned.

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

Petition Received: June 8, 2018

Action Deadline: October 6, 2018

Petitioner: Spirit Valley Land Company LLC

PL 18-079