



Legislation Text

File #: 18-0723R, Version: 1

TITLE

RESOLUTION RESCINDING RESOLUTION NO. 16-0875 AND VACATING CERTAIN RIGHTS OF WAYS WITHIN THE PLAT OF AIRPORT DIVISION WITH THE RETENTION OF UTILITY EASEMENTS.

BODY

WHEREAS, on January 21, 2016, the city of Duluth petitioned for the vacation of certain platted rights of way in the plat of Airport Division; and

WHEREAS, the city of Duluth desired to vacate the platted rights of way in preparation for a structure to be built on the property; and

WHEREAS, the planning commission, at a public hearing on February 9, 2016, recommended approval of the proposed vacations; and

WHEREAS, the city council passed Resolution No. 16-0875 on December 12, 2016 to vacate certain rights of way with the retention of certain utility easements; and

WHEREAS, Resolution No. 16-0875 contained references for the retention of both utility and pedestrian easements; and

WHEREAS, there is not a need to retain pedestrian easements over, under, or across the proposed rights of way to be vacated; and

WHEREAS, the clearest and most expedient way to remedy this error is to rescind Resolution No. 16-0875 and to restate the terms of the vacation accurately in this resolution;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 16-0875, passed December 12, 2016, is hereby rescinded in its entirety.

RESOLVED FURTHER, that the city council of the city of Duluth approves the vacation of the rights of way described below and depicted on the attached Exhibits A and B with the retention of utility easements over, under, and across the vacated areas:

All that part of the 20.00 foot wide right of way lying between Lots 2 and 3, Block 4, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota;

AND

All that part of Vandenberg Drive lying between Blocks 2 and 3, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota;

AND

All that part of the 33 foot wide alley lying southerly and adjacent to Lots 1, 2, and 3, Block 3, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

RESOLVED FURTHER, 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 rights of way to be vacated with the retention of utility easements.

MEMO

This resolution vacates platted, but undeveloped, rights of way within the plat of Airport Division with the retention of utility easements over the vacated rights of way. The platted rights of way were originally dedicated to the City in 1985 in the plat of Airport Division plat. The rights of ways have never been improved by the City. This resolution also corrects errors in the language regarding the retention of utility easements over the vacated areas.

A new structure was constructed on the city-owned property located at 4946 Airport Road, directly to the east of the Vandenberg right of way. Airplanes are taken from construction facilities to the north of Airport Road and taxied over to the new Completion Center to be finished. Vacating the right of way will help with the flow of the airplanes and will eliminate the potential for private party/vehicle conflicts.

This platted rights of way are not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians in the city; the rights of way are not and will not be needed to provide pedestrian or recreational access to the water; and the public rights of way are not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

On February 9, 2016, 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 staff report is attached as Exhibit C.

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

Petition Received: January 21, 2016

Action Deadline: N/A

Petitioner:
City of Duluth
Business Development

PL 16-006