



Legislation Text

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**File #:** 18-0666R, **Version:** 1

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RESOLUTION RESCINDING RESOLUTION NO. 18-0610 AND VACATING A PORTION OF A SANITARY SEWER EASEMENT IN OUTLOT D OF MORGAN PARK.

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 sanitary sewer easement is not needed; and
- (c) The city planning commission, at its Tuesday, August 14, 2018 regular meeting, recommended approval of the sanitary sewer easement; and
- (d) The city council of the city of Duluth approved Resolution No. 18-0610 on September 10, 2018; and
- (e) It was subsequently found that Resolution No. 18-0610 contained a description of the vacation area that lacked sufficient clarity to enable recording of the exhibit with the register of deed or registrar of titles of Saint Louis County, Minnesota; and
- (f) The clearest and most expedient way to remedy this is to rescind Resolution No. 18-0610 and to restate the area to be vacated in this resolution; and
- (g) Resolution No. 18-0610, approved September 10, 2018, is hereby rescinded in its entirety; and
- (h) The city council of the city of Duluth approves the vacation of the sanitary sewer easement described below and as shown on Attachment 1:

ALL THAT PART OF THE 10-FOOT-WIDE SANITARY SEWER EASEMENT LYING WITHIN OUTLOT D, MORGAN PARK OF DULUTH, ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA, THE CENTER LINE OF SAID EASEMENT IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID OUTLOT D; THENCE SOUTH ALONG THE WEST LINE OF SAID OUTLOT D FOR A DISTANCE OF 80.84 FEET; THENCE EASTERLY, DEFLECTING 90 DEGREES 03 MINUTES 00 SECONDS TO THE LEFT 50.00 FEET TO THE POINT OF BEGINNING OF SAID SANITARY SEWER EASEMENT CENTER LINE; THENCE CONTINUE EASTERLY, ALONG THE LAST DESCRIBED LINE 193.85 FEET; THENCE SOUTHERLY, DEFLECTING 90 DEGREES 13 MINUTES 00 SECONDS TO THE RIGHT 195.08 FEET; THENCE EASTERLY; DEFLECTING 90 DEGREES 00 MINUTES 00 SECONDS 100.23 FEET TO THE EASTERLY LINE OF SAID OUTLOT D AND THERE TERMINATING.

- (i) The city clerk, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, is 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 clarifies the area to be vacated that was originally vacated in

Resolution 18-0610 that was approved by city council on September 10, 2018. It rescinds Resolution 18-0610 and replaces it with this resolution.

This resolution vacates a sanitary sewer easement that was transferred to the city in 1933 when the Morgan Park Company (U.S. Steel) divested itself from ownership of property and facilities in Morgan Park. The city engineer has reviewed the proposed easement vacation and determined that the sanitary sewer that was located in the easement has been abandoned and the easement is not needed for any city purposes. On August 14, 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 motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petitioner:

City of Duluth, Community Planning Division  
Adam Fulton, Community Planning Manager  
411 W. First St., Rm 208  
Duluth, MN 55802

PL 18-105