



Legislation Text

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**File #:** 18-0549R, **Version:** 1

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RESOLUTION RESCINDING RESOLUTION NO. 18-0393 AND VACATING A PORTION OF SUPERIOR STREET IN THE PLAT OF WEST DULUTH SEVENTH DIVISION.

**CITY PROPOSAL:**

WHEREAS, on March 28, 2018, Menard, Inc., petitioned the Duluth city council for the vacation of a portion of West Superior Street adjacent to property owner in the West Duluth Seventh Division plat; and

WHEREAS, the petitioner was seeking to vacate a portion of the platted right of way in preparation for replatting of property at 503 North 50<sup>th</sup> Avenue West; and

WHEREAS, the planning commission, at a public hearing on April 10, 2018, recommended approval of the vacation resolution; and

WHEREAS, the city council passed Resolution No. 18-0393R on May 14, 2018; and

WHEREAS, Resolution No. 18-0393 erroneously omitted the condition that the Superior Street area being vacated must be rededicated in a new plat; and

WHEREAS, the clearest and most expedient way to remedy this error is to rescind Resolution No. 18-0393R and to restate the terms of the vacation accurately in this resolution;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 18-0393, passed May 14, 2018, is hereby rescinded in its entirety.

RESOLVED FURTHER, that the city council of the city of Duluth approves the vacation described below and shown in Attachment 1 on the condition that the plat of Menard Duluth Addition is approved and record with St. Louis County, Minnesota by December 31, 2018:

**AREA TO BE VACATED:**

Beginning at the most easterly corner of Lot 10, Block 176, West Duluth Seventh Division according to the plat on file and of record in the Office of the County Recorder, St. Louis County, Minnesota; thence south 43 degrees 47 minutes 36 seconds west assumed bearing along the southeasterly line of said Block 176 a distance of 59.92 feet to the most easterly corner of Lot 8, Block 176, of said West Duluth 7<sup>th</sup> Division; thence south 46 degrees 11 minutes 30 seconds east a distance of 80.00 feet to the southeasterly right of way line of Prescott St.; thence north 43 degrees 47 minutes 36 seconds east along said southeasterly right of way line of Prescott St. a distance of 5.40 feet; thence north 11 degrees 18 minutes 46 seconds west a distance of 48.77 feet; thence north 43 degrees 47 minutes 36 seconds west a distance of 66.64 feet; thence north 46 degrees 12 minutes 24 seconds west a distance of 40.00 feet; thence south 43 degrees 47 minutes 36 seconds west a distance of 40.00 to the point of beginning and there terminating.

RESOLVED FURTHER, that if the plat of Menard Duluth Addition is not approved and recorded with St. Louis County, Minnesota by December 31, 2018, then this vacation is null and void and of no further effect.

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 platted right-of-way to be vacated, with the condition stated above.

**STATEMENT OF PURPOSE:** This resolution corrects errors in a vacation resolution passed by the city council so that the vacation can be recorded and the land replatted.

This resolution vacates a portion of Superior Street in West Duluth Seventh Division, located on the West

Duluth Menards site. Menards intends to make minor modifications to the existing storage facility behind the building and would like to clean up existing property lines prior to these improvements.

On April 10, 2018, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2 and voted 7 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.

PL 17-053