



Legislation Text

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File #: 19-0444R, Version: 1

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RESOLUTION VACATING A 56.41 FOOT LONG SECTION OF THE PLATTED RIGHT OF WAY OF 4TH STREET, N/K/A RECYCLE WAY BETWEEN ONEOTA STREET AND TRUNK HIGHWAY NO. 35.

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, January 8, 2019 regular meeting, recommended approval of the vacation petition, subject to the reservation of the utility easement as described in the petition exhibits; and
- (d) The city council finds that, with the reservation of the reserved utility easement, the street proposed to be vacated:
1. is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians in the City; and
  2. is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- (e) The city council of the city of Duluth approves the vacation of the platted street easement as described below subject to the retention of a utility easement as described below::

RIGHT OF WAY TO BE VACATED:

All that part of the platted Right Of Way of Recycle Way, formerly known as Ramsey Street, and platted as 4th Street North, according to the recorded plats of ALTERED PLAT OF WEST DULUTH THIRD DIVISION and WEST DULUTH SEVENTH DIVISION, St. Louis County, Minnesota, lying southerly and easterly of the southeasterly line of Trunk Highway No. 35 according to the recorded Minnesota Department of Transportation Right of Way Plat No. 69-106, and west of the following described line:

Commencing at the Northwest Corner of Lot 3, Block 193, said ALTERED PLAT OF WEST DULUTH THIRD DIVISION, said point also being known as B9 according to said Minnesota Department of Transportation Right of Way Plat No. 69-106; thence North 89 degrees 50 minutes 38 seconds East, along the south line of said Recycle Way, a distance of 56.41 feet to the POINT OF BEGINNING; thence North 00 degrees 05 minutes 27 seconds West a distance of 66.00 feet to the north line of said Recycle Way and there terminating

Subject to the reservation of a utility easement over the entirety of the portion of the easement being vacated hereunder.

- (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 platted street easement to be vacated.

STATEMENT OF PURPOSE: This resolution vacates a part of the improved platted Right Of Way adjacent to the intersection of Oneota Street and Recycle Way, and east of I-35. The street easement is not needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians. A utility easement over the entire vacated portion of right of way will be retained in favor of the City.

On January 8, 2019, the Duluth city planning commission held a public hearing on the proposal and voted 9 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.

Petition Received: December 11, 2018

Action Deadline: April 10, 2019

Petitioner: City of Duluth

PL 18-159