



## Legislation Text

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**File #:** 20-0157R, **Version:** 1

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RESOLUTION VACATING PORTIONS OF PLATTED STREETS AND ALLEYS WITHIN THE PLATS OF IRONTON FIRST DIVISION AND IRONTON SECOND DIVISION, SUBJECT TO THE RETENTION OF VARIOUS EASEMENTS.

### CITY PROPOSAL:

WHEREAS, The city council finds a sufficient petition was filed with the city requesting the vacation of the platted streets and alleys depicted on the attached Exhibit A and legally described on the attached Exhibit B;

WHEREAS, 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 (PL 19-070) and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that all of the platted street and alley easements are not needed for vehicular purposes, but that portions of the platted easements need to be retained as public recreational, walkway and trail easements; utility easements; and utility, storm, and drainage easements; and

WHEREAS, the city planning commission, at its Tuesday, August 13, 2019 regular meeting, recommended approval of the street and alley vacation subject to the retention of the easements depicted on Exhibit A and legally described on Exhibit B for the purposes described and depicted on Exhibits A and B.

### NOW, THEREFORE, BE IT RESOLVED:

(a) Subject to Paragraph (b) below, the city council of the city of Duluth approves the vacation of the platted streets and alleys, as depicted on Exhibit A and legally described on Exhibit B, subject to the retention of easements depicted on Exhibit A and legally described on Exhibit B for the purposes described and depicted on Exhibits A and B.

(b) Pursuant to Section 100 (b)(7) of the Home Rule Charter of the city of Duluth, 1959, as amended, the city clerk 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 platted street and alley easements to be vacated with the easements to be retained.

### STATEMENT OF PURPOSE:

This resolution vacates portions of the platted right-of-way of Sellwood Avenue, a/k/a 84<sup>th</sup> Avenue West, Commonwealth Avenue, a/k/a 85<sup>th</sup> Avenue West, Bessemer Street and three alleys, all within the plats of Ironton First Division and Ironton Second Division, subject to the retention of various easements for the following purposes: public recreational, walkway and trail; utility; and utility, storm, and drainage.

The need for the vacation of the rights-of-way is due to trespass in the Bessemer neighborhood during the winter months with Spirit Mountain patrons parking on Bessemer Street and entering through the vacated rights-of-way to access the mountain ski area. Additionally, there is concern that the access points will impact the newly established Nordic Center ski trails. The Nordic Center receives daily grooming and any footprints over the ski deck would compromise the high quality ski experience the Nordic Center provides. The rights-of-

way proposed to be vacated will not be needed by the City for the safe and efficient circulation of automobiles or trucks.

On August 13, 2019, the Duluth city planning commission held a public hearing on the proposal as shown in the staff report attached as Exhibit C and voted 7 yeas, 0 nays, and 0 abstentions to recommend the city council approve the vacation with the conditions stated in the resolution.

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

PL 19-070