



## Legislation Text

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**File #:** 20-0552R, **Version:** 1

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RESOLUTION RESCINDING RESOLUTION NO. 15-0222, VACATING A PEDESTRIAN EASEMENT IN THE PLAT OF GLEN PLACE DIVISION, AND ACCEPTING A PEDESTRIAN EASEMENT.

### CITY PROPOSAL:

WHEREAS, on March 10, 2015, an application was received for the vacation of a pedestrian easement dedicated in the plat of Glen Place Division, as described on the attached Exhibit 1; and

WHEREAS, the vacation petitioner was seeking to vacate the platted pedestrian easement in order to make room for a future structure;

WHEREAS, the vacation petitioner offer to dedicate a replacement pedestrian easement in a different location that was more desirable to the general public; and

WHEREAS, the planning commission, at a public hearing on April 14, 2015, recommended approval of the vacation contingent upon the dedication of the new easement area; and

WHEREAS, the city council passed Resolution No. 15-0222 on April 27, 2015; and

WHEREAS, Resolution No. 15-0222 erroneously dedicated a pedestrian easement over private property instead of accepting a new pedestrian easement from the property owner; and

WHEREAS, the clearest and most expedient way to remedy this error is to rescind Resolution No. 15-0222 and to restate the terms of the vacation accurately in this resolution;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 15-0222, passed April 27, 2015, is hereby rescinded in its entirety.

RESOLVED FURTHER, that the city council of the city of Duluth approves the vacation of the platted pedestrian easement legally described and depicted on the attached Exhibit 1.

RESOLVED FURTHER, that the proper city officials are hereby authorized to accept from Augusta Building Corporation, substantially in the form attached as Exhibit 2, a perpetual easement for the construction, maintenance, inspection, operation, protection, repair, replacement, and/or removal of a pedestrian walking path under, over, under and across the real property legally described on Exhibit A to the attached Exhibit 2 and depicted on Exhibit B to the attached Exhibit 2, at no cost to the City.

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, together with the pedestrian easement substantially in the form attached as Exhibit 2.

STATEMENT OF PURPOSE: This resolution rescinds Resolution No. 15-0222, vacates a platted pedestrian easement, and accepts a replacement pedestrian easement. This new resolution is needed to correct errors in Resolution No. 15-0222 so that the vacation and new pedestrian easement can be recorded with the St.

Louis County real estate records.

On April 14, 2015, the Duluth city planning commission held a public hearing on the proposal and voted 6 yeas, 2 nays, and 0 abstentions, with 1 member absent, to recommend the city council approve the vacation. The commission found that the platted easement is not needed for pedestrian purposes and that the general public would be better served by accepting a replacement pedestrian easement in a more desirable location. The staff report is attached as Exhibit 3.

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

PL 15-044