



Legislation Text

File #: 19-0518R, **Version:** 1

RESOLUTION VACATING A 10 FOOT WIDE PEDESTRIAN EASEMENT OVER LOT 5, KELSO'S REARRANGEMENT OF BLOCKS 1 AND 2 OF SARGENT'S REARRANGEMENT OF BLOCKS 16, 17, 18 LONDON ADDITION TO DULUTH, AND ACCEPTING DEDICATION OF A REPLACEMENT 15 FOOT WIDE PEDESTRIAN EASEMENT ALONG THE NORTH SIDE OF THE CAMBRIDGE STREET ALLEY ADJACENT TO NORTH 45TH AVENUE EAST.

CITY PROPOSAL:

WHEREAS:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (b) 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 (PL 19-033) and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that the pedestrian easement registered in the Office of the St. Louis County Registrar of Titles on April 23, 1986 as Document No. 475683 (the "Existing Easement") is not needed for public pedestrian use, and a replacement easement was offered by the applicant as shown on the attached Exhibit 2; and

(c) The city planning commission, at its Tuesday, May 14, 2019 regular meeting, recommended approval of the vacation of the Existing Easement conditioned on the dedication and recording of a replacement 15 foot wide pedestrian easement along the north side of the Cambridge Street Alley adjacent to North 45th Avenue East, as legally described in Exhibit 2 (the "Replacement Easement").

NOW, THEREFORE, BE IT RESOLVED:

(a) Subject to Paragraphs (b) and (c) below, the city council of the city of Duluth approves the vacation of the Existing Easement, as legally described in the attached Exhibit 1; and

(b) The proper city officials are hereby authorized to accept a permanent easement for pedestrian ingress and egress purposes, substantially in the form attached as Exhibit 2, from St. Francis of Assisi, Inc., over the real property legally described on Exhibit B and depicted on Exhibit C attached to Exhibit 2.

(c) Pursuant to Section 100 (b)(7) of the Home Rule Charter of the city of Duluth, 1912, 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 immediately followed by the Replacement Easement.

STATEMENT OF PURPOSE: This resolution vacates the existing 10-foot wide pedestrian easement over Lot 5, Kelso's Rearrangement of Blocks 1 and 2 of Sargent's Rearrangement of Blocks 16, 17, 18 London Addition to Duluth (currently occupied by the Lakeland Shores Apartment building, 4500 Cambridge Street), conditioned on the dedication of a replacement 15-foot wide pedestrian ingress and egress easement approximately 160 feet in length running along the north side of the Cambridge Street Alley adjacent to North 45th Avenue East.

The pedestrian easement to be vacated is 10' x 120' and runs through the center portion of said Lot 5. The southern section of the Lakeland Shores Apartment building currently occupies this portion of the lot. The pedestrian easement is not needed for public use. This easement is not needed to provide access to any public water. Vacating the pedestrian easement will not impact or deny access to other property owners. The applicant is offering to replace the vacated easement with a 15-foot wide pedestrian easement approximately 160 feet in length running along the north side of the Cambridge Street Alley adjacent to North 45th Avenue

East.

On May 14, 2019, the Duluth city planning commission held a public hearing on the proposal as shown in the staff report (Attachment 3) and voted 6 yeas, 0 nays, and 0 abstentions to recommend the city council approve the vacation with conditions.

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

PL 19-033