



## Legislation Text

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**File #:** 21-0867R, **Version:** 1

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RESOLUTION VACATING THAT PORTION OF 19TH AVENUE W LYING BETWEEN MICHIGAN STREET AND LOWER MICHIGAN STREET, RESERVING A UTILITY EASEMENT OVER THE SAME.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of the street easement described in paragraph (e) below;

(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 (file number PL 21-071) 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 portion of the platted street easement legally described in paragraph (e) below is useless for vehicular and pedestrian purposes;

(c) The city planning commission, at its Tuesday, September 14, 2021 regular meeting, approval of the vacation petition;

(d) The city council finds that the portion of 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 legally described and depicted on attached Exhibit 1, subject to the retention of a utility easement over the entire area to be vacated;

(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 certified copy of this resolution showing the platted street to be vacated; and

(g) That the vacation shall lapse if this resolution is not recorded within 90 days of city council approval.

**STATEMENT OF PURPOSE:** This resolution vacates the right of way of 19TH Avenue W between Michigan Street and Lower Michigan Street to vehicular use, while maintaining a utility easement. The applicant is creating a design for the space that will include a multi-use trail, and will dedicate a pedestrian easement over a portion of the space once the design is completed and approved.

On September 14, 2021, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit 2, and voted 7 yeas, 0 nays, and 1 abstention 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: August 17, 2021

Action Deadline: December 15, 2021

Petitioner: 14 Degree Properties, LLC, 1910/1912 W Michigan Street, Duluth MN 55806

PL 21-071