



## Legislation Details (With Text)

**File #:** 16-0605R **Name:**  
**Type:** Resolution **Status:** Passed  
**File created:** 8/4/2016 **In control:** Planning and Economic Development  
**On agenda:** 8/15/2016 **Final action:** 8/15/2016  
**Title:** RESOLUTION VACATING PLATTED UTILITY RIGHT OF WAY OF UTILITY EASEMENT ON THE PROPERTY OF 9512 CONGDON BOULEVARD.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1, 2. Attachment 2

Date	Ver.	Action By	Action	Result
8/15/2016	1	City Council	adopted	
8/15/2016	1	Mayor	approved	

RESOLUTION VACATING PLATTED UTILITY RIGHT OF WAY OF UTILITY EASEMENT ON THE PROPERTY OF 9512 CONGDON BOULEVARD.

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 useless for all purposes; and

(c) The city planning commission, at its Tuesday, May 24, 2016 special meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted ally easement, described below:

### VACATION DESCRIPTION

The 10.00 foot wide and 180.00 foot long easement on Lot 1 & W1/2 Lot 2 Seaway View Add., City of Duluth. St. Louis Co., MN, according to the recorded plat thereof, St. Louis County, Minnesota. Said utility vacation contains 1800 sq ft. or 0.041 Acres.

(e) 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 easement to be vacated.

**STATEMENT OF PURPOSE:** The resolution vacates an approximately 10 x 180 feet of the platted right of way for the utility right of way at 9512 Congdon Blvd. The Applicant, David Jeronimus, is requesting this vacation of 1,800 square feet from his property for future development.

This vacation, if approved, will not deprive any access to other right of ways. There are no utilities located in the right of way, and a vacation of the utility right of way will not impede safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city.

On May 24, 2016, the Duluth city planning commission held a public hearing on the proposal, and made a recommendation to approve the vacation to the city council.

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

Petition Received: May 2, 2016

Action Deadline: September 28, 2016

**Petitioners:**

David Jeronimus  
9512 Congdon Blvd  
Duluth, MN 55807

City of Duluth  
Keith Hamre, Director of Planning Construction Services  
411 West First Street, Room 208  
Duluth, MN 55802

PL 16-022