



Legislation Details (With Text)

File #: 17-0190R **Name:**
Type: Resolution **Status:** Passed
File created: 2/27/2017 **In control:** Planning and Economic Development
On agenda: 3/27/2017 **Final action:** 3/27/2017
Title: RESOLUTION VACATING THE ENTIRE WIDTH OF NORTH 48TH AVENUE EAST BETWEEN PEABODY STREET AND THE COLORADO STREET ALLEY, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 56 FEET.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1, 2. Attachment 2

Date	Ver.	Action By	Action	Result
3/27/2017	1	City Council	adopted	

RESOLUTION VACATING THE ENTIRE WIDTH OF NORTH 48TH AVENUE EAST BETWEEN PEABODY STREET AND THE COLORADO STREET ALLEY, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 56 FEET.

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 not needed for public street purposes; and

(c) The city planning commission, at its Tuesday, February 14, 2017 regular meeting, recommended approval of the vacation petition; and

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

RIGHT OF WAY TO BE VACATED:

That part of 48th Avenue East adjoining Lot 9, Block 125 and Lot 16, Block 124, LONDON ADDITION TO DULUTH

UTILITY EASEMENT AND PEDESTRIAN EASEMENT TO BE MAINTAINED:

The westerly 56 feet of vacated 48th Avenue East adjoining Lot 9, Block 125 and Lot 16, Block 124, LONDON ADDITION TO DULUTH

(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: This resolution vacates a section of North 48th Avenue East. The remaining half block was previously vacated in 2009. This street is only used as a driveway for the two adjacent properties, both of which have signed the petition to vacate. Because of pedestrian and utility needs, the western 56 feet will be maintained as an easement; existing gas line will be relocated to the easement area in 2017.

On February 14, 2017, the Duluth city planning commission held a public hearing on the proposal and voted 7 yeas, 0 nays, and 0 abstentions 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: January 30, 2017

Action Deadline: May 30, 2017

Petitioner: James Benning

PL 16-151