



Legislation Details (With Text)

File #: 18-0246R **Name:**

Type: Resolution **Status:** Passed

File created: 3/16/2018 **In control:** Planning and Economic Development

On agenda: 3/26/2018 **Final action:** 3/26/2018

Title: RESOLUTION VACATING THE WESTERN SECTION OF SOUTH 18TH AVENUE WEST BETWEEN WEST MICHIGAN STREET AND LOWER MICHIGAN STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 36 FEET.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1, 2. Attachment 2

Date	Ver.	Action By	Action	Result
3/26/2018	1	City Council	adopted	

RESOLUTION VACATING THE WESTERN SECTION OF SOUTH 18TH AVENUE WEST BETWEEN WEST MICHIGAN STREET AND LOWER MICHIGAN STREET, MAINTAINING A PEDESTRIAN AND UTILITY EASEMENT OVER THE WESTERN 36 FEET.

RESOLVED, that the city council finds as follows:

1. That a sufficient petition was filed with the city, requesting the vacation described below; and
2. 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
3. The city planning commission, at its Tuesday, March 13, 2018 regular meeting, recommended approval of the vacation petition, with the condition that the city will retain a pedestrian and utility easement over a portion of the area to be vacated; and

FURTHER RESOLVED, the city council of the city of Duluth approves the vacation of the platted easement as described below:

RIGHT OF WAY TO BE VACATED:

All that part of the Eighteenth Avenue West right of way lying adjacent to Block 17, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows: Beginning at the Northeast corner of said Block 17; thence Southeasterly, along the Northeasterly line of said Block 17 for a distance of 100.00 feet to the intersection with a line parallel with and distant 100.00 feet Southeasterly of the Northeasterly extension of the Northwesterly line of said Block 17; thence Northeasterly, deflecting 90 degrees to the left, along said parallel line 36.00 feet to the intersection with a line parallel with and distant 36.00 feet Northeasterly

of the Northeasterly line of said Block 17; thence Northwesterly, deflecting 90 degrees to the left, along said parallel line 100.00 feet to the intersection with the Northeasterly extension of the Northwesterly line of said Block 17; thence Southwesterly, deflecting 90 degrees to the left along said Northeasterly extension of the Northwesterly line of said Block 17 for a distance of 36.00 feet to the point of beginning. Said right of way contains 3,600 square feet.

FURTHER RESOLVED, 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.

This resolution vacates a section of South 18th Avenue West between West Michigan Street and Lower Michigan Street. This street is only used as access and parking for the two adjacent properties. Because of pedestrian and utility needs, the entire vacated area will be maintained as a pedestrian and utility easement.

On March 13, 2018, the Duluth city planning commission held a public hearing on the proposal and voted 4 yeas, 0 nay, 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 19, 2018

Action Deadline: May 19, 2017

Petitioner: Joe Kleiman

PL 18-008