



## Legislation Details (With Text)

**File #:** 21-0311R **Name:**  
**Type:** Resolution **Status:** Passed  
**File created:** 4/26/2021 **In control:** Planning and Economic Development  
**On agenda:** 5/10/2021 **Final action:** 5/10/2021  
**Title:** RESOLUTION VACATING A PORTION OF 32ND AVENUE WEST IN THE PLAT OF OHARA'S DIVISION OF DULUTH, RETAINING A DRAINAGE AND UTILITY EASEMENT OVER THE ENTIRE PORTION OF THE VACATED AREA.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Exhibit B

Date	Ver.	Action By	Action	Result
5/10/2021	1	City Council	adopted	

RESOLUTION VACATING A PORTION OF 32ND AVENUE WEST IN THE PLAT OF OHARA'S DIVISION OF DULUTH, RETAINING A DRAINAGE AND UTILITY EASEMENT OVER THE ENTIRE PORTION OF THE VACATED AREA.

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 shown in the attached Exhibit A; 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 the Tuesday, April 13, 2021 regular meeting, recommended approval of the vacation petition; and

(d) The city council finds that the portion of the street proposed to be vacated:

1. Is not needed for street or pedestrian use;
2. There is a sewer and stormwater infrastructure within this portion of 23rd Avenue West, necessitating a utility easement over the entire area to be vacated;
3. Is not and will not be needed for the safe and efficient circulation of automobiles and trucks, in the City; and
4. 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 easement legally described and depicted on the attached Exhibit A, subject to the retention of a utility easement over the area

legally described and depicted on the attached Exhibit A.

(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, a certified copy of this resolution showing the platted easement to be vacated and easements to be retained.

STATEMENT OF PURPOSE: This resolution vacates a part of the platted right of way of 32<sup>nd</sup> Avenue West. Utilities exist over a portion the area to be vacated and therefore a utility easement is proposed to be retained. The applicant owns the property on both sides of 32<sup>nd</sup> Avenue West. The applicant intends to use the vacated area for business purposes such as display area for Mid- State Truck Service.

At the regular planning commission meeting on April 13, 2021, the 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: March 11, 2021

Action Deadline: July 9, 2021

Petitioner: William Maney  
PL 20-195