



Legislation Details (With Text)

File #:	22-0657R	Name:	
Type:	Resolution	Status:	Passed
File created:	8/5/2022	In control:	Planning and Economic Development
On agenda:	8/15/2022	Final action:	8/15/2022
Title:	RESOLUTION VACATING ALL THAT PART OF LEXINGTON STREET (SIXTH STREET PER PLAT) LYING EAST OF THE EAST LINE OF 62ND AVENUE WEST (MADISON AVENUE PER PLAT) AND LYING WEST OF THE WEST LINE OF 61ST AVENUE WEST (JEFFERSON AVENUE PER PLAT) AS DEDICATED ON KIMBERLEY AND STRYKER'S ADDITION TO DULUTH.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 2, 2. Attachment 2

Date	Ver.	Action By	Action	Result
8/15/2022	1	City Council	adopted	

RESOLUTION VACATING ALL THAT PART OF LEXINGTON STREET (SIXTH STREET PER PLAT) LYING EAST OF THE EAST LINE OF 62ND AVENUE WEST (MADISON AVENUE PER PLAT) AND LYING WEST OF THE WEST LINE OF 61ST AVENUE WEST (JEFFERSON AVENUE PER PLAT) AS DEDICATED ON KIMBERLEY AND STRYKER'S ADDITION TO DULUTH.

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 21-054) 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 leally described in paragraph (e) below is useless for vehicular and pedestrian purposes;

(c) The city planning commission, at its Tuesday, May 10, 2022 regular meeting, recommended 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 attachment 1;

(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 Lexington Street between 62nd Avenue West and 61st Avenue West to vehicular use. The proposed vacation will allow adjacent owners to have more space for the enjoyment of property rights. The applicant will need to show proof of a private easement over private utility lines in the proposed vacated right of way.

On May 10, 2022, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Attachment 2, and voted 5 yeas, 0 nays, and 0 abstention to recommend the city council approve the vacation.