



## Legislation Details (With Text)

**File #:** 22-0833R **Name:**  
**Type:** Resolution **Status:** Passed  
**File created:** 10/3/2022 **In control:** Planning and Economic Development  
**On agenda:** 10/10/2022 **Final action:** 10/10/2022  
**Title:** RESOLUTION VACATING CERTAIN STREETS AND AN ALLEY IN THE PLAT OF CENTREDALE ADDITION TO DULUTH, RESERVING A UTILITY EASEMENT OVER PART OF THE 33-FOOT-WIDE UN-NAMED PLATTED RIGHT OF WAY IN SAID PLAT.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
10/10/2022	1	City Council	adopted	

RESOLUTION VACATING CERTAIN STREETS AND AN ALLEY IN THE PLAT OF CENTREDALE ADDITION TO DULUTH, RESERVING A UTILITY EASEMENT OVER PART OF THE 33-FOOT-WIDE UN-NAMED PLATTED RIGHT OF WAY IN SAID PLAT.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of the street and alley easements 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 21-118) 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 portions of the platted street and alley easements legally described and depicted on the attached Exhibit 1 are useless for vehicular and pedestrian purposes, but that the portion of the un-named street easement legally described in Exhibit 1 should be retained for utility purposes;

(c) The city planning commission, at its Tuesday, August 9, 2022 regular meeting, recommended approval of the vacation petition subject to the retention of the aforesaid easement for utility purposes;

(d) The city council finds that the portions of the street and alley easements proposed to be vacated:

- are not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians in the city; and
- are 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 street and alley easements legally described and depicted on the attached Exhibit 1, subject to the retention of the utility easement legally described and depicted on the attached Exhibit 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 streets and alley to be vacated and the utility easement to be retained; 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 unexercised street and alley easements on property west of and adjacent to Wheeler Field in the Lincoln Park/Spirit Valley neighborhood, retaining and easement for an existing utility along the west edge of the plat for Centredale Addition to Duluth. On August 9, 2022, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit 2, and voted 5 yeas, 0 nays, and 0 abstention 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: July 5, 2022

Action Deadline: N/A

Petitioner: Brent Dahlstrom

PL 22-118