



## Legislation Text

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**File #:** 15-0429R, **Version:** 1

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RESOLUTION VACATING ALLEYS IN BLOCKS 1, 2, AND 11, MYERS AND WHIPPLES ADDITION TO DULUTH, LOCATED SOUTHWEST OF KENWOOD AVENUE AND ARROWHEAD ROAD, RETAINING A UTILITY EASEMENT OVER WESTERN PORTION OF THE ALLEY (KENWOOD VILLAGE LLC)

**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 useless for all purposes; and

(c) The city planning commission, at its Tuesday, June 9, 2015 regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted road easement, maintaining a public utility easement, described below:

**VACATION LEGAL DESCRIPTION:**

All those parts of alleys appurtenant to Blocks Two (2) and Eleven (11) and Lots Five (5) through Ten (10), Block One (1) Excepting the north 19 feet thereof, all in Myers & Whipples Addition to Duluth, City of Duluth, St. Louis County, Minnesota.

**PUBLIC UTILITY EASEMENT:**

All that part of alley appurtenant to Lots Nine (9) through Eighteen (18), Blocks Two (2) and Eleven (11), Myers & Whipples Addition to Duluth, City of Duluth, St. Louis County, Minnesota, lying westerly of a line drawn between a point that is the 5.00 feet easterly of, and parallel with, the westerly line of said Lot 9, Block 2 intersected with the north line of said alley and a point 15.00 feet easterly of, and parallel with, the westerly line of said Lot 9, Block 11 intersected with the south line of said alley.

(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; and

(f) The applicant has agreed to pay for all utility relocation or alteration expenses associated with this application.

**STATEMENT OF PURPOSE:** This resolution vacates alleys in the area of the proposed Kenwood Village development, southwest of the Kenwood Avenue/Arrowhead Road intersection. A utility easement will be retained to provide Minnesota Power access to existing utility lines adjacent to existing single-family homes.

On June 9, 2015, the Duluth city planning commission held a public hearing on the proposal and voted 8 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: May 5, 2015

Action Deadline: September 2, 2015

Petitioner:

Kenwood Village LLC

3600 American Boulevard West, Suite 750

Bloomington, MN 55431

PL 15-079