



## Legislation Text

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**File #:** 17-0602R, **Version:** 1

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### RESOLUTION VACATING A PORTION OF A PLATTED SEWER EASEMENT AT 21 RIVERSIDE DRIVE.

#### 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, August 8, 2017 regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the platted sewer easement, described below, and as shown in Attachment 1:

A sewer easement in the east 10.00 feet of the west 61.50 feet of Lot 11, Block 9, Riverside, City of Duluth, St. Louis County, Minnesota

(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 easement to be vacated.1

**STATEMENT OF PURPOSE:** This resolution vacates, at 21 Riverside Drive, a 40 feet portion of a 480 feet long platted sewer easement that runs between Union Street and Spring Street.

This sewer easement was initially dedicated to the public for utility purposes as part of the 1930 Riverside Plat by the McDougall-Duluth Shipbuilding Company. The sewer line was relocated in 2012. There is no public infrastructure in this location.

This platted easement is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

On August 8, 2017, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 2, 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: N/A

Action Deadline: N/A

Petitioner:

City of Duluth, and

Ronald and Rebekah Karkhoff

21 Riverside Drive  
Duluth, MN 55808

PL 17-116