



## Legislation Text

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**File #:** 17-0611R, **Version:** 1

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RESOLUTION VACATING PRINGLE AVENUE, LOWNDES AVENUE, BLODGETT AVENUE, AND GADSDEN AVENUE IN CONJUNCTION WITH THE REPLATTING OF THE LAND INTO THE HARBOR LIGHT PLAT BY THE DULUTH GOSPEL TABERNACLE.

### 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 (PL 17-106) 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 road easement described below and shown in Attachment 1:

### VACATION LEGAL DESCRIPTION:

All that part of Pringle Avenue, KENSINGTON PLACE ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota lying east of Pickens Avenue and west of Stanford Avenue.

AND

All those parts of Gadsden Avenue, Blodgett Avenue and Lowndes Avenue, KENSINGTON PLACE ADDITION TO DULUTH, City of Duluth, St. Louis County, Minnesota lying north of the north line of Niagara Avenue and south of a permanent easement for highway purposes recorded as Document Number 642333 in the St. Louis County Registrar of Titles office, St. Louis County, Minnesota and in the office of the St. Louis County Recorder as Document Number 711299.

FURTHER RESOLVED, 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, only after the applicant has provided evidence reasonably satisfactory to the city clerk that the Harbor Light plat (as shown in planning commission file number PL 17-107) has been recorded.

FURTHER RESOLVED, that the petitioned vacation shall lapse if the resolution is not recorded within 90 days of city council approval.

STATEMENT OF PURPOSE: This resolution vacates all of the streets in the area to be replatted as the Harbor Light plat.

Streets may be vacated upon determination that the street is not needed for vehicular, utility, pedestrian, or drainage reasons and the street 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 8 yeas, 0 nays, and 0 abstentions to recommend the city council approve the vacation. The commission found that the streets will not be needed for the purposes listed above when the property is replatted as planned.

An additional condition has been placed in this resolution requiring the applicant record the new Harbor Light plat before the city clerk records the vacation resolution to prevent a situation where the streets are vacated but the new plat is not finalized and recorded.

The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petition Received: July 5, 2017

Action Deadline: November 2, 2017

Petitioner:  
Duluth Gospel Tabernacle  
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PL 17-106