



## Legislation Text

**File #:** 17-0600R, **Version:** 1

### RESOLUTION VACATING A PLATTED UTILITY EASEMENT LOCATED WITHIN MAPLE GROVE ACRE TRACTS OF DULUTH.

#### 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 not needed for public street 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 easement described below and shown in Attachment 1:

#### UTILITY EASEMENT TO BE VACATED:

All that part of the 10 foot easement dedicated in the plat of Maple Grove Acre Tracts of Duluth Minnesota located upon Lots 1 and 16, Block 4, said Maple Grove Acre Tracts of Duluth Minnesota which lies northerly of the northerly right of way line of Trunk Highway No. 194 as now located and established and southerly and southeasterly of the following described line:

Beginning at the northeast corner of Lot 8, Block 28 said Duluth Heights Sixth Division; thence North 89 degrees 50 minutes 34 seconds West, an assumed bearing along the north line of Lots 6, 7, and 8, said Block 28, a distance of 75.00 feet to the northeast corner of Lot 5, Block 28, said Duluth Heights Sixth Division; thence south 72 degrees 17 minutes 38 seconds West a distance of 97.86 to a point on the west line of Lot 3, Block 28 said Duluth Heights Sixth Division, 30.00 feet southerly of the northwesterly corner thereof; thence continue South 72 degrees 17 minutes 38 seconds West, a distance of 1.70 feet; thence Southwesterly 115.94 feet along a non-tangential curve concave to the southeast, said curve has a central angle of 27 degrees 03 minutes 36 seconds, a radius of 245.49 feet and a chord that bears South 47 degrees 08 minutes 53 seconds West; thence South 32 degrees 24 minutes 30 seconds West not tangent to the last described curve a distance of 26.60 feet to the west line of Lot 16, Block 4, Maple Grove Acre Tracts of Duluth Minnesota and said line there terminating.

- (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.

**STATEMENT OF PURPOSE:** This resolution vacates a platted utility easement north of West Central Entrance and directly east of Myrtle Street/Anderson Road. The property owner is proposing to relocate Minnesota Power facilities located partially within this easement, after which this easement is not needed. 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 motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petitioner:

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