



## Legislation Text

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**File #:** 18-0610R, **Version:** 1

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### RESOLUTION VACATING A PORTION OF A SANITARY SEWER EASEMENT IN OUTLOT D OF MORGAN PARK.

#### 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 sanitary sewer easement is not needed; and
- (c) The city planning commission, at its Tuesday, August 14, 2018 regular meeting, recommended approval of the sanitary sewer easement; and
- (d) The city council of the city of Duluth approves the vacation of the sanitary sewer easement described below and shown in Attachment 1:

##### EASEMENT TO BE VACATED:

All that part of the 10-foot wide sanitary sewer easement lying within Outlot D, Morgan Park of Duluth, according to the recorded plat thereof, St. Louis County, Minnesota, which lies between the east line of said Outlot D and a line parallel with and distant 50 feet east of the west line of said Outlot D, as such easement was dedicated in the Memorandum of Agreement filed for record with the St. Louis County Registrar of Titles as Doc. No. 120689 on September 15, 1933.

**STATEMENT OF PURPOSE:** This resolution vacates a sanitary sewer easement that was transferred to the city in 1933 when the Morgan Park Company (U.S. Steel) divested itself from ownership of property and facilities in Morgan Park.

The city engineer has reviewed the proposed easement vacation and determined that the sanitary sewer that was located in the easement has been abandoned and the easement is not needed for any city purposes. On August 14, 2018, 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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