



Legislation Text

File #: 18-0637R, **Version:** 1

RESOLUTION VACATING PORTIONS OF TWO UTILITY EASEMENTS AT 10 PIEDMONT AVENUE.

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 these portions of the utility easements are useless for all purposes; and
- (c) The city planning commission, at its Tuesday, March 27, 2018 special meeting, recommended approval of the utility easement vacation; and
- (d) The city council of the city of Duluth approves the vacation of the utility easements, described below, and as shown in Attachment 1:

A strip of land 20 feet in width lying 10 feet on each side of the dividing line of Lots 257, 258, 259, 260, 261, and 262, Block 58, DULUTH PROPER SECOND DIVISION, City of Duluth, St. Louis County, Minnesota.

AND

A Six (6) Foot Sewer/Utility Easement in Lot 262, Block 58, DULUTH PROPER SECOND DIVISION, granted in Easement recorded September 12, 1949, in Book 855 of Deeds, page 365, St. Louis County Register of Deeds, St. Louis County, Minnesota described as follows: Three (3) feet on each side of a line beginning at a point on the northerly line of Twenty (20) foot utility easement and 15.90 feet westerly of the easterly line of Lot 262, Block 58, DULUTH PROPER SECOND DIVISION; thence northerly and parallel with the easterly line of said Lot 262 for a distance of Twenty-five (25) feet to the point of termination.

- (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 easements to be vacated.

STATEMENT OF PURPOSE: This resolution vacates, at 10 Piedmont Avenue, a 20-foot-wide utility easement that runs from northeast to southwest across the parcel, and a 25-foot-long by 6-foot-wide utility easement that runs northwest off the primary easement in Lot 262.

The 20-foot-wide easement was initially dedicated to the public for utility purposes in 1893 (Lots 257, 258, 259, 260, 261, and 262). The additional, smaller easement branching off the initial easement corridor was recorded in 1949 on Lot 262. Natural gas, stormwater, and overhead electric are currently present in the 20-foot easement corridor. The city of Duluth proposes to relocate the utilities currently present within these easements, after which the easements will not be needed.

These easements 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 March 27, 2018, the Duluth city planning commission held a public hearing on the proposal and voted 6 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: February 7, 2018

Petitioner:

Garfield Square, LLLP and

The Housing and Redevelopment Authority of Duluth, MN and

Center City Housing Corp.

105 ½ W. 1st Street

Duluth, MN 55802

PL 18-018