



## Legislation Text

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**File #:** 18-0656R, **Version:** 1

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RESOLUTION VACATING A 400 FEET SECTION OF A SIXTEEN-FOOT-WIDE PLATTED ALLEY WEST OF NORTH ARLINGTON 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 this portion of the street easement is not needed for public street purposes; and
- (c) The city planning commission, at its Tuesday, September 11, 2018 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 as described below:

### RIGHT OF WAY TO BE VACATED:

All that part of the 16.00 foot wide platted alley lying within Block 4, DULUTH HEIGHTS SIXTH DIVISION, according to the recorded plat thereof, St. Louis county, Minnesota. Said alley contains 6,500 square feet or 0.15 acres.

- (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 sixteen-foot-wide platted, unimproved, alley directly west of North Arlington Avenue. The utility and street easement is not 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. It is not needed to provide access to the nearby public park off of North Basswood Avenue. On September 11, 2018, the Duluth city planning commission held a public hearing on the proposal and voted 9 yeas, 0 nay, 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: July 18, 2018

Action Deadline: November 15, 2018

Adrienne Pearson and Michael Pearson

PL 18-102