



Legislation Text

File #: 18-0687R, **Version:** 1

RESOLUTION RESCINDING RESOLUTION NO. 17-0611R AND VACATING CERTAIN AVENUES WITHIN THE PLAT OF KENSINGTON PLACE ADDITION TO DULUTH.

CITY PROPOSAL:

WHEREAS, on June 8, 2017, Duluth Gospel Tabernacle petitioned the Duluth city council for the vacation of certain platted rights of way in the plat of Kensington Place Addition to Duluth; and

WHEREAS, the vacation petitioner was seeking to vacate the platted rights of way in preparation for a re-platting of the property; and

WHEREAS, the planning commission, at a public hearing on August 8, 2017, recommended approval of the vacation resolution; and

WHEREAS, the city council passed Resolution No. 17-0611R on August 28, 2017; and

WHEREAS, Resolution No. 17-0611R erroneously did not contain the condition that certain rights-of-way must be re-dedicated in a new plat; and

WHEREAS, the clearest and most expedient way to remedy this error is to rescind Resolution No. 17-0611R and to restate the terms of the vacation accurately in this resolution;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 17-0611R, passed August 28, 2017, is hereby rescinded in its entirety.

RESOLVED FURTHER, that the city council of the city of Duluth approves the vacation described below and shown in Attachment 1 on the condition that the plat of HARBOR LIGHT is approved and recorded with St. Louis County, Minnesota by March 13, 2020:

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.

RESOLVED FURTHER, that if the plat of HARBOR LIGHT is not approved and recorded with St. Louis County, Minnesota by March 13, 2020, then this vacation is null and void and of no further effect.

RESOLVED FURTHER, 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 easements to be vacated, with the condition stated above.

STATEMENT OF PURPOSE: This resolution corrects errors in a vacation resolution passed by the city council so that the vacation can be recorded and the land re-platted.

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 re-platted as planned.

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