



Legislation Text

File #: 18-0685R, **Version:** 1

RESOLUTION VACATING A 200 FOOT SECTION OF A 30-FOOT-WIDE PLATTED, UNIMPROVED STREET RIGHT OF WAY FOR APPLE STREET, AND A 145 FOOT SECTION OF A 25-FOOT-WIDE PLATTED, UNIMPROVED ALLEY SOUTHWEST OF THE CORNER OF ANDERSON ROAD AND CENTRAL ENTRANCE.

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 two portions of the street easements are 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 as part of the redevelopment plans for a proposed commercial development plat titled THE JIGSAW; and

(d) The city council of the city of Duluth approves the vacation of the platted easements as described below and shown on Attachment 1 on the condition that the plat of THE JIGSAW is approved and recorded with St. Louis County, Minnesota by October 9, 2020:

RIGHTS OF WAY TO BE VACATED:

The East Half of Apple St. dedicated in the plat of CENTRAL ENTRANCE ADDITION, St. Louis County, Minnesota, lying northerly of the north line of Anderson Road.

And

All that part of 25.00 foot wide right of way lying westerly of Block 4, as dedicated in the plat of MAPLE GROVE ACRE TRACTS OF DULUTH, MINNESOTA which lies southerly of the southerly right of way line of Trunk Highway No. 194 as now located and established as described in Registrar of Titles Document No. 165177.

(e) That if the plat of THE JIGSAW is not approved and recorded with St. Louis County, Minnesota by October 9, 2020, then this vacation is null and void and of no further effect.; and

(f) 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 vacates two platted rights of way; the vacations will allow the area to be redeveloped and re-platted into a future commercial development. This vacation request is related to the final plat "The Jigsaw" that is coming before the planning commission for review on October 9, 2018. The utility and street easements are 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.

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: August 7, 2018

Action Deadline: December 15, 2018

Applicant: Scott Moe, Launch Properties

PL 18-113