



Legislation Text

File #: 19-0722R, **Version:** 1

RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT LOCATED ON OUTLOT G OF THE COFFEE CREEK SUBDIVISION.

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, October 8, 2019 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:

DRAINAGE AND UTILITY EASEMENT TO BE VACATED:

That part of Outlot G, COFFEE CREEK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southeast corner of said Outlot G; thence on an assumed bearing of North 88 degrees 53 minutes 26 seconds West, along the South line of said Outlot G for a distance of 140.85 feet; thence North 01 degrees 06 minutes 34 seconds East 121.46 feet to the point of beginning of the drainage and utility easement vacation herein described; thence North 67 degrees 54 minutes 37 seconds East 79.84 feet; thence North 24 degrees 35 minutes 19 seconds West 59.26 feet; thence South 43 degrees 25 minutes 38 seconds West 97.47 feet; thence South 53 degrees 24 minutes 24 seconds East 22.02 feet to the point of beginning. Said drainage and utility easement contains 3,429 square feet or 0.08 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 0.08 acre drainage and utility easement located on Out Lot G of the Coffee Creek Subdivision. The drainage and utility easement is within a wetland that was identified in the 2018 Coffee Creek Boulevard Outlot wetland delineation of report. This easement has no piping or utility constructed within the vacation area. The vacation of the easement is necessary to provide sufficient area to develop the property.

On October 8, 2019, the Duluth city planning commission held a public hearing on the proposal and voted 6 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: September 4, 2019

Action Deadline: January 2, 2020

Petitioner: Wildamere Capital Management

PL 19-136

