



Legislation Text

File #: 21-0042R, **Version:** 1

RESOLUTION REPLACING RESOLUTION NO. 19-0722 AND VACATING A DRAINAGE EASEMENT LOCATED WITHIN OUTLOT G OF THE PLAT OF COFFEE CREEK.

CITY PROPOSAL:

WHEREAS, on September 4, 2019, Wildamere Capital Management petitioned the city of Duluth for the vacation of a platted drainage easement located within Outlot G in the plat of Coffee Creek;

WHEREAS, 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 (PL 19-136) and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that the drainage easement is not needed for public purposes or to promote the public health, safety, or welfare of the citizens of Duluth;

WHEREAS, the planning commission, at its Tuesday, October 8, 2019 meeting, recommended approval of the vacation petition;

WHEREAS, the Duluth city council approved the vacation of the drainage easement legally described and depicted on the attached Exhibit A on October 28, 2019 under Resolution No. 19-0722; and

WHEREAS, Resolution No. 19-0722 contained errors that must be corrected.

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 19-0722, passed October 28, 2019, is hereby superseded and replaced in its entirety with this resolution.

RESOLVED FURTHER, that the city council of the city of Duluth approves the vacation of the drainage easement legally described and depicted on the attached Exhibit A.

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 County Recorder and/or the Registrar of Titles of St. Louis County, Minnesota, a certified copy of this resolution showing the vacation of the drainage easement legally described and depicted on the attached Exhibit A.

This resolution replaces Resolution No. 19-0722 that vacated a 0.08 platted drainage easement within Outlot G of the plat of Coffee Creek. The drainage easement is located within a wetland that was identified in the 2018 Coffee Creek Boulevard Outlot wetland delineation report. The easement area does not contain piping or other utility infrastructure and is not needed for drainage purposes. The vacation of the easement is necessary to provide sufficient area to develop the property. Resolution No. 19-0722 contained errors in the legal description and the type of easement to be vacated, which errors can be remedied with the passage of this replacement resolution.

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 to 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