



Legislation Text

File #: 21-0705R, **Version:** 1

RESOLUTION VACATING A UTILITY EASEMENT ADJACENT TO STEBNER ROAD.

CITY PROPOSAL:

RESOLVED, that the city council of the city of Duluth hereby finds that:

- (a) A sufficient petition was filed with the city requesting the vacation described below:

All that part of the 13 foot wide utility easement over the easterly 13 feet of Lot 1, Block 2, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota. Said utility easement vacation contains 2,803 square feet or 0.06 acres.

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 and utility easement is not needed for public purposes; and

(c) The city planning commission, at the Tuesday, August 10, 2021 regular meeting, recommended approval of the easement vacation petition; and

- (d) the utility easement to be vacated:

1. is not used by the general public.
2. is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians in the City; and
3. is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

FURTHER RESOLVED, that the city council of the city of Duluth approves the vacation of the utility easement as described above, and shown in Attachment 1.

FURTHER RESOLVED, 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 an unused and unnecessary utility easement.

This vacation is related to a proposed expansion of a structure (completion center) owned by Cirrus Aircraft.

On August 10, 2021, the Duluth city planning commission held a public hearing on the proposal as shown in Attachment 3, and voted 6 yeas, 0 nays, and 0 abstentions to recommend the city council approve the easement vacation as shown in the exhibit, and referenced in the staff report as shown in Attachment 2.

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