



Legislation Text

File #: 22-0506R, **Version:** 1

RESOLUTION VACATING UNIMPROVED PLATTED STREETS AND EASEMENTS IN CONJUNCTION WITH THE REPLATTING OF THE LAND INTO THE KARA-MIA ADDITION PLAT NEAR PALM STREET AND BLACKMAN AVENUE.

CITY PROPOSAL:

RESOLVED, that:

- (a) The city council finds a sufficient petition was filed with the city requesting the vacations 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 the petitioned portions of the platted streets and easements are not needed for public street and sewer, water, gas, telephone and electric light and power purposes; and
- (c) The city planning commission, at its Tuesday, May 10, 2022, regular meeting, recommended approval of the vacation petition; and
- (d) The city council finds that the portions of the platted streets and easements proposed to be vacated:
 - 1. are not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or otherwise for the efficient supply of sewer, water, gas, telephone, and electric light and power services in the city; and
 - 2. are not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- (e) The city council of the city of Duluth approves the vacation of the platted streets and easements as shown in Attachment 1 and as described below:

Those portions of Overland Street and Harding Avenue, as dedicated on the plat of CAR LINE GARDENS, on file and of record in the office of the County Recorder, St. Louis County, Minnesota, lying northerly and northeast of the following described line:

Commencing at the southeast corner of said plat of CAR LINE GARDENS; thence on an assumed bearing of South 89 degrees 42 minutes 30 seconds West along the south line of said plat a distance of 177.85 feet to its intersection with a line drawn parallel with and 12.00 feet westerly from the easterly right-of-way line of Harding Avenue to the point of beginning of said line; thence North 29 degrees 54 minutes 14 seconds West along said parallel line, a distance of 103.07 feet; thence westerly 192.10 feet on a tangential curve, concave to the south, having a radius of 220.08 feet and a central angle of 50 degrees 00 minutes 35 seconds to the most southerly corner of Lot 3, Block 5 of said CAR LINE GARDENS and said line there terminating.

Except those parts lying westerly of the southerly extension of the west line of Block 3 of said CAR LINE GARDENS and lying northerly of the northerly line of Block 5 of said plat and its easterly extension.

Also excepting that part of Overland Street previously vacated per Document Number 717764.0, on file and of record in the office of the St. Louis County Registrar of Titles.

And also the 10 foot wide platted easements for sewer, water, gas, telephone, elec. light, and power lines across those parts of Lots 1 through 7, Block 4 of CAR LINE GARDENS, on file and of record in the Office of the County Recorder lying 5 feet on each side of the following described centerline:

Beginning at the northeast corner of Lot 1 of said Block 4; thence southerly along the easterly line of said Lot 1 and its southerly extension to the southeast corner of Lot 2 of said Block 4; thence easterly along the southerly line of Lot 3 of said Block 4 to the southeast corner of said Lot 3 (the southeast corner of said Lot 3 is hereinafter referred to as "POINT A"); thence continuing easterly along the southerly lines of Lots 4 and 5 of said Block 4 to southeast corner of said Lot 5 and said centerline there terminating.

And together with the 10 foot wide platted easements for sewer, water, gas, telephone, elec. light, and power lines over those parts of Lots 6-10 of said Block 4 lying 5 feet on each side of the following described centerline:

Beginning at aforementioned POINT A; thence southerly along the easterly line of Lots 7 and 8 of said Block 4 to the southwest corner of Lot 9; thence easterly along the southerly line of said Lot 9 to the southeast corner of said Lot 9 and said centerline there terminating.

(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 streets and easements to be vacated, with the condition that, if a new plat for KARA-MIA ADDITION is not approved by the Duluth city planning commission and is not recorded on or before June 13, 2023, then this vacation resolution is null and void.

STATEMENT OF PURPOSE: This resolution vacates portions of platted and unimproved Overland Street and Harding Avenue as well as unimproved utility easements in Block 4 of the Car Line Gardens Division in the area to be re-platted as the KARA-MIA ADDITION.

A condition in paragraph (e) of the resolution makes the vacation null and void if the KARA-MIA ADDITION plat is not recorded by June 13, 2023. This condition is to prevent the loss of street and utility access in the event that the new plat is not approved by planning commission and recorded.

On May 10, 2022, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Attachment 2, and voted 5 yeas, 0 nays, and 0 abstention to recommend the city council approve the vacation petition.

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