



## Legislation Text

**File #: 22-0507R, Version: 1**

RESOLUTION RESCINDING RESOLUTION NO. 22-0421 AND VACATING A 16-FOOT WIDE ALLEY LYING BETWEEN BLOCKS 6 AND 11 IN THE PLAT OF DODGE'S ADDITION TO DULUTH.

### CITY PROPOSAL:

WHEREAS, on March 29, 2022, Timothy Carter & Karen Carter-Attia petitioned the City for the vacation of a platted 16-foot wide alley lying between Blocks 6 and 11 in the plat of DODGE'S ADDITION TO DULUTH;

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 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 alley is not needed for public purposes; and

WHEREAS, the planning commission, at its regular meeting on May 10, 2022, recommended approval of the vacation petition; and

WHEREAS, on May 23, 2022, the city council passed Resolution No. 22-0421 and vacated the 16-foot wide alley lying between Blocks 6 and 11 in the plat of DODGE'S ADDITION TO DULUTH;

WHEREAS, it was discovered that Resolution No. 22-0421 contained an error in the legal description of the alley to be vacated within the body of the resolution, which created a discrepancy between Resolution No. 22-0421 and the exhibit attached to Resolution No. 22-0421;

WHEREAS, the cleanest and most expedient way to remedy this error is to rescind Resolution No. 22-0421 in its entirety and to restate the terms of the vacation accurately in this resolution;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 22-0421, passed May 23, 2022, is hereby rescinded in its entirety.

RESOLVED FURTHER, the city council finds that the platted alley proposed to be vacated:

1. is 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 utilities or public services in the City; and
2. is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

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

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 register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution showing the easement to be vacated. STATEMENT OF PURPOSE: The purpose of this resolution is to rescind Resolution No. 22-0421 that vacated a 16-foot wide alley lying between Blocks 6 and 11 in the plat of DODGE'S ADDITION TO DULUTH. The legal description within the body of Resolution No. 22-0421 contained an error that makes the document unrecordable in the St. Louis County real estate records, and the quickest method to remedy the error is through this new resolution.

The purpose of the original application was to vacate an unimproved 16-foot wide alley lying between Blocks 6 and 11 in the plat of DODGE'S ADDITION TO DULUTH so that vacant parcels adjacent to the alley can be reconfigured for single-family dwellings. The alley easement to be vacated is not needed for street or

pedestrian uses or the efficient supply of utilities or public services in the City.

This item was originally heard on May 10, 2022, and the Duluth city planning commission held a public hearing on the proposal and voted 5 yeas, 0 nays, 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: March 29, 2022

Action Deadline: August 27, 2022

Petitioner: Timothy Carter & Karen Carter-Attia  
PL 22-048