



Legislation Text

File #: 22-0924R, **Version:** 1

RESOLUTION VACATING CERTAIN RIGHTS-OF-WAY DEDICATED UNDER THAT CERTAIN DOCUMENT RECORDED IN THE OFFICE OF THE ST. LOUIS REGISTRAR OF TITLES ON APRIL 13, 2009 AS DOCUMENT NO. 867024, AFFECTING PROPERTY IN REGISTERED LAND SURVEY NO. 82 IN THE HARBOR HIGHLANDS NEIGHBORHOOD.

CITY PROPOSAL:

RESOLVED, that:

- (a) The city council finds a sufficient petition was filed with the city requesting the vacation of certain right-of-way and utility easements described in paragraph (e) below.
- (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 (file number PL 22-115) 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 portions of the right-of-way and utility easements legally described in paragraph (e) below are useless for vehicular and pedestrian purposes, but that a portion should be retained for utility purposes.
- (c) The city planning commission, at its Tuesday, August 9, 2022 regular meeting, reviewed the staff report attached in Exhibit C and recommended approval of the vacation petition subject to the retention of the aforesaid easement for utility purposes.
- (d) The city council finds that the portions of the right-of-way and utility 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 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 right-of-way and utility easements legally described on the attached Exhibit A and depicted on the attached Exhibit B, subject to the retention of the utility easement legally described on the attached Exhibit A and depicted on the attached Exhibit B.
- (f) 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 certified copy of this resolution showing the right-of-way and utility easements to be vacated and utility easement to be retained.
- (g) That the vacation shall lapse if this resolution is not recorded within 90 days of city council approval.

STATEMENT OF PURPOSE: This resolution vacates unexercised right-of-way and utility easements in Registered Land Survey No. 82, located in the Harbor Highlands neighborhood, and retains a utility easement for existing sewer and storm utilities located within the right-of-way and utility easement areas to be vacated.

On August 9, 2022, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit C, and voted 5 yeas, 0 nays, and 0 abstention 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: October 24, 2022

Action Deadline: February 21, 2023

Petitioner: HRA Duluth

PL 22-115