

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-0522R

RESOLUTION VACATING THE NORTHERN PART OF 14TH AVENUE WEST BETWEEN FIFTH STREET AND FOURTH STREET (DONALD FARRELL).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of 14th Avenue West adjoining Lot 224, Block 133, and Lot 226, Block 132, Duluth Proper Second Division (FN 08079); and

(b) Pursuant to Section 100 of the City Charter and Article IV of Chapter 45 of the Duluth City Code, 1959, 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 public hearing; and, the city planning commission found that the petitioned avenue is useless, based on the findings that, because the petitioned avenue is undeveloped and will not likely be developed due to steep topography, there will be no negative impacts to the superior hiking trail, and an easement can protect Minnesota power electrical lines; and

(c) The planning commission, at its August 12, 2008, regular meeting did approve, unanimously, vacating the avenue petitioned for vacation; and

(d) That the city council of the city of Duluth approves the vacation of the following, and as more particularly described on Public Document No. _____: that part of 14th Avenue West adjoining Lot 224, Block 133, and Lot 226, Block 132, Duluth Proper Second Division, retaining a utility easement over the east half of the vacated avenue; and

(e) That the city clerk is hereby directed to record with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a

certified copy of this resolution together with a plat showing the portion of the street and alley to be vacated.

Approved as to form:

Attorney

PC/PLNG CF:tmf 8/13/2008

STATEMENT OF PURPOSE: This resolution vacates the northern part of 14th Avenue West between Fifth Street and Fourth Street as the avenue serves no public use and there are no plans to improve the street due to topography. An easement is being requested by Minnesota Power to protect their power lines located on the east half of 14th Avenue West. The purpose of the vacation is to allow the applicant to construct home on property located east of the proposed vacation. Following the public hearing on August 12, 2008, the planning commission voted unanimously to recommend the avenue vacation.

Petition received: June 6, 2008

Action deadline: There is no action deadline for this resolution.