

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-0525R

RESOLUTION VACATING PART OF THE ALLEY EAST OF GARFIELD AVENUE AND SOUTH OF ELM STREET (DULUTH BUILDERS EXCHANGE/DON O'CONNOR, EXECUTIVE DIRECTOR).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of the west four feet of the alley located east of Garfield Avenue and south of Elm Street adjoining Lots 162 through 168, Block 38, Rices Point Duluth; 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 (FN 08073); and, the city planning commission found that the vacation of the petitioned alley will still allow use of the alley, is the minimum needed to repair the building, and a utility easement will protect Minnesota Power electrical lines; and

(c) The planning commission, at its August 12, 2008, regular meeting did approve, unanimously, vacating the alley 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. _____:

(1) Vacation of that part of alley lying within four feet of Lots 162, 164, 166 and 168, Block 38, Rices Point, retaining a utility easement over said vacated alleyway; 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

PLNG/PC CF:cm 8/13/2008

STATEMENT OF PURPOSE: This resolution vacates the westerly four feet of an alley located east of Garfield Avenue and south of Elm Street. The purpose of the vacation is to allow Duluth Builders Exchange to place footings under the Seaway Building located at 802 Garfield Avenue to stabilize the structure. An easement will allow MN Power to maintain their power lines. This vacation will not reduce the function or use of the alleyway. Following the public hearing on August 12, 2008, the planning commission voted unanimously to recommend the avenue vacation.

Petition received: June 30, 2008

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