

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

08-0720R

RESOLUTION VACATING OF PART OF ONEIDA STREET, TIOGA STREET, 63RD AVENUE EAST AND PART OF ONEIDA STREET ALLEY (A&L PROPERTIES).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of part of Oneida Street, Tioga Street, 63rd Avenue East and part of the Oneida Street Alley; 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 08097); and, the city planning commission found that the petitioned right-of-ways are useless, based on the findings that, because these petitioned right-of-ways are undeveloped and will not likely be developed and there will likely be no negative impacts to the surrounding neighborhood; and

(c) The planning commission, at its November 12, 2008, regular meeting, did approve vacating the petitioned right-of-ways; 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 Oneida Street from the easterly right-of-way line of 63rd Avenue East to the easterly extended property line of Lot 8, Block 64, that part of Tioga Street from the westerly right-of-way line of 63rd Avenue East to the easterly extended property line of Lot 8, Block 57, that part of 63rd Avenue East from the southerly extended right-of-way line of 62nd Avenue East to the southerly extended right-of-way line of Tioga Street, and that part of Oneida Street Alley lying between the east right-of-way line of 63rd Avenue East and a line beginning at the southeast corner of Lot 8, Block 64, and terminating at the southeast corner of Lot 28, Block 64, all located in Lester Park Fourth Division

Duluth; 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 those portions of the right-of-ways to be vacated.

Approved as to form:

Attorney

PC/PLNG CF:cm 11/14/2008

STATEMENT OF PURPOSE: This resolution vacates part of Oneida Street, Tioga Street, 63rd Avenue East and part of the Oneida Street Alley to accommodate a clinic and residential care facility. The clinic and residential care facility were previously approved by city council as a special use on February 11 and March 24, 2008. The planning commission excluded the intersection of 62nd Avenue East, 63rd Avenue East and Oneida Street to allow for future use of 62nd Avenue East. Following the public hearing on April 8, 2008 the planning commission voted 9-0-1 to recommend these vacations.

Petition received: October 1, 2008

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