

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0069R

RESOLUTION VACATING PART OF WEST FOURTH STREET BETWEEN
44TH AVENUE WEST AND 45TH AVENUE WEST (INDEPENDENT
SCHOOL DISTRICT #709).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of West Fourth Street from the west right-of-way line of 44th Avenue West to the east right-of-way line of 45th Avenue West; 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 08119); and the city planning commission found that the proposed improvement to the school campus will render this section of West Fourth Street useless for some or all of the purposes for which it was dedicated, the school district owns land on both sides of the street to be vacated and accommodations can be made using pedestrian and utility easements; and

(c) The planning commission, at its January 13, 2009, regular meeting did approve vacating the street petitioned for vacation with the condition that an alternative easement to the public for pedestrian and utility purposes be approved by city council and associated costs be paid for by the ISD #709; 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. _____: vacation of that part of West Fourth Street from the west right-of-way line of 44th Avenue West to the east right-of-way line of 45th Avenue West; 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 to be vacated.

Approved as to form:

Attorney

PC/PLNG CF:cm 1/15/2009

STATEMENT OF PURPOSE: This resolution vacates part of West Fourth Street between 44th Avenue West and 45th Avenue West. The purpose is to accommodate future improvements to Denfeld High School campus such as a building and parking lot. Easements will be required for pedestrian access and utilities. Cost for moving the utilities will be paid for by ISD #709.

On January 13, 2009, the planning commission held a public hearing on the proposal, and voted 10-3-1 to recommend that the city council approve the vacation as requested.

Petition received: November 11, 2008

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