

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0070R

RESOLUTION APPROVING THE VACATION OF ALLEYWAYS WITHIN A CITY BLOCK BOUNDED BY ARROWHEAD ROAD, HUMES AVENUE, CLEVELAND STREET AND KENWOOD AVENUE (DULUTH TEACHERS CREDIT UNION).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of alleyways within a city block bounded by Arrowhead Road, Humes Avenue, Cleveland Street and Kenwood Avenue legally described as those alleyways adjacent to Lots 1 through 18, Block 2, Lots 1 to 18, Block 11, and the south six feet of Lot 5, Lots 6 through 10, Block 1, Myers and Whipples Addition to 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 and, the city planning commission found that the petitioned alleyways are not useless and recommended denial of the request; and

(c) City planning staff recommended approval of the request as:

(1) The alleyways have not been improved since approval of the plat which occurred September 13, 1889; and

(2) Property owners have access to their residences via Arrowhead Road or Cleveland Street; and

(3) Easements for utilities can be accommodated elsewhere; and

(d) That the city council of the city of Duluth approves the vacation of those alleyways within the city block bounded by Arrowhead Road, Humes Avenue, Cleveland Street and Kenwood Avenue legally described as those alleyways adjacent to Lots 1 through 18, Block 2, Lots 1 to 18, Block 11, and the south six feet of Lot 5, Lots 6 through 10, Block 1, Myers and Whipples Addition to Duluth and as more particularly described on Public Document No. _____; 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.

Approved as to form:

Attorney

PC/PLNG CF:cm 1/15/2009

STATEMENT OF PURPOSE: This resolution is counter to Resolution 09-0071 which is to deny the vacation of the alleyways within a city block bounded by Arrowhead, Humes, Cleveland and Kenwood. This alternative resolution allows the city council to approve the request if they wish to do so. The purpose of the vacation is to allow the applicant to develop property for commercial purposes at the corner of Kenwood and Arrowhead.

On January 13, 2009, the planning commission held a public hearing on the proposal, and voted 10-1-0 to recommend that the city council deny the vacation as requested.

Petition received: November 11, 2008.

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