

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0181R

RESOLUTION APPROVING THE VACATION OF PART OF THE WEST SECOND STREET ALLEY (AMERICAN INDIAN COMMUNITY HOUSING CORPORATION).

CITY PROPOSAL:

RESOLVED,

(a) That the city council finds a sufficient petition was filed with the city clerk requesting the vacation of part of the West Second Street alley legally described as the northerly 0.1 feet of the alley abutting Lot 34 and the east half of Lot 36 of Duluth Proper First Division, West Second Street;

(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 alley area is useless for some or all of the uses for which it was dedicated;

(c) The planning commission, at its March 10, 2009, regular meeting did approve vacating the alley petitioned for vacation as since time of construction in 1908 the building has not interfered with public use of the alley.

RESOLVED FURTHER,

(a) That the city council of the city of Duluth approves the vacation of West Second Street alley legally described as the northerly 0.1 feet of the alley abutting Lot 34 and the east half of Lot 36 of Duluth Proper First Division, West Second Street, and as more particularly described on Public Document No. \_\_\_\_\_;

(b) 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:

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Attorney

PC CF:tmf 3/12/2009

STATEMENT OF PURPOSE: When the YWCA was built in 1908 the building encroached into the West Second Street alley by 0.1 foot. This resolution vacates that 0.1 foot to allow American Indian Community Housing Organization to secure building permits to rehabilitate the property. There will be no change in use of the building.

On March 10, 2009, the planning commission held a public hearing on the proposal and voted 10 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the vacation as requested.

Petition received: December 22, 2008.

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