

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0346R

RESOLUTION VACATING THE UTILITY EASEMENT ABUTTING
PROPERTY AT 3860 EAST SUPERIOR STREET (BRIAN RONSTROM).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of that part of the utility easement as shown on the plat of Country Club Division according to the plat on file in the office of the county recorder, St. Louis County, Minnesota, described as follows:

Beginning at the most northerly corner of Lot 1, said Country Club Division; thence north 71 degrees 47 minutes 30 seconds east, assumed bearing along the southeasterly line of Superior Street, a distance of 34.74 feet to the most northerly corner of the plat of said Country Club Division; thence on a bearing of south 192.65 feet along the easterly line of said Country Club Division; thence south 71 degrees 47 minutes 30 seconds west 58.22 feet along the southeasterly line of said Country Club Division to the southeasterly extension of the southwesterly line of said Lot 1; thence north 18 degrees 12 minutes 30 seconds west 33.00 feet along said southeasterly extension to the most southerly corner of said Lot 1; thence north 71 degrees 47 minutes 30 seconds east 12.63 feet along the southerly line of said Lot 1; thence northeasterly 37.59 feet along a tangential curve concave to the northwest having a central angle of 71 degrees 47 minutes 30 seconds and a radius of 30.00 feet; thence on a bearing of north 136.20 feet along the east line of said Lot 1 to the point of beginning; 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 avenue is useless, based on the finding that there are no existing utilities within the easement; and

(c) The planning commission, at its May 12, 2009, regular meeting, did approve, unanimously, vacating the easement; and

(d) The city council of the city of Duluth approves the vacation of the following and as more particularly described on Public Document No. _____:

Beginning at the most northerly corner of Lot 1, said Country Club Division; thence north 71 degrees 47 minutes 30 seconds east, assumed bearing along the southeasterly line of Superior Street, a distance of 34.74 feet to the most northerly corner of the plat of said Country Club Division; thence on a bearing of south 192.65 feet along the easterly line of said Country Club Division; thence south 71 degrees 47 minutes 30 seconds west 58.22 feet along the southeasterly line of said Country Club Division to the southeasterly extension of the southwesterly line of said Lot 1; thence north 18 degrees 12 minutes 30 seconds west 33.00 feet along said southeasterly extension to the most southerly corner of said Lot 1; thence north 71 degrees 47 minutes 30 seconds east 12.63 feet along the southerly line of said Lot 1; thence northeasterly 37.59 feet along a tangential curve concave to the northwest having a central angle of 71 degrees 47 minutes 30 seconds and a radius of 30.00 feet; thence on a bearing of North 136.20 feet along the east line of said Lot 1 to the point of beginning; 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 easement to be vacated.

Approved as to form:

Attorney

PC CP:tmf 5/29/2009

STATEMENT OF PURPOSE: This resolution vacates a utility easement as the easement no longer serves a public use and will not be needed for a public purpose in the future. On May 12, 2009, the Duluth city planning commission held a public hearing on the proposal and voted 13-0 to recommend that the city council grant the easement vacation.

Petition received: February 6, 2009

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