

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0358R

RESOLUTION APPROVING THE VACATION OF PART OF ST. LOUIS AVENUE, PART OF ELEVENTH STREET, AND AN EASEMENT LOCATED ON PARK POINT FOR GLOBE DULUTH ENTERPRISES, INC.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of part of 11th Street from the westerly line of Minnesota Avenue to a line drawn from the southernmost corner of Lot 162 to the westernmost corner of Lot 160; the vacation of part of St. Louis Avenue from a line drawn from the southernmost corner of Lot 145 to the easternmost corner of Lot 146 northerly to a line from the westernmost corner of Lot 173 to the easternmost corner of Lot 176; and the vacation of the 15 foot highway easement located along and south of the northwesterly line of Lot 173 and Lot 174 all located in the plat of Upper 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 areas are useless for some or all of the uses for which it was dedicated as the public has not used these rights-of-ways since 1984, corrects an administrative error, and there are no plans to improve these rights-of-ways for utilities; and

(c) The planning commission, at its May 12, 2009, regular meeting did approve vacating the areas petitioned for vacation as since these rights-of-ways and the easement are useless for the purpose for which they were dedicated.

RESOLVED FURTHER that:

(a) That the city council of the city of Duluth approves the vacation of part of 11th Street from the westerly line of Minnesota Avenue to a line drawn from the southernmost corner of Lot 162 to the westernmost corner of Lot 160; the vacation of part of St. Louis Avenue from a line drawn from the southernmost

corner of Lot 145 to the easternmost corner of Lot 146 northerly to a line from the easternmost corner of Lot 173 to the easternmost corner of Lot 176; and the vacation of the 15 foot highway easement located along and south of the northwesterly line of Lot 173 and Lot 174 all located in the plat of Upper Duluth 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:

Attorney

PC CF:tmf 5/15/2009

STATEMENT OF PURPOSE: In 1984 (FN 084128) this same request was heard by the Planning commission and recommended approval of the vacations to the city council. For whatever reason this was not forwarded onto city council and thus was not officially vacated. Property owners are considering future improvements to the marina. As part of the preparation for future improvements they are requesting approval of what should have been taken care of in 1984.

On May 12, 2009, the planning commission held a public hearing on the proposal, and voted 13 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the vacations as requested

Petition received: March 26, 2009

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