

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0407R

REPLACEMENT

RESOLUTION APPROVING THE VACATION OF PART OF ENSIGN STREET (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 part of Ensign Street from the west line of Chambersburg Avenue to the east line of Church Place located in Auditor's Plat #32 and Huseby's Division First Addition of 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 on May 12, 2009, and the city planning commission tabled the request. At its June 9, 2009, meeting the planning commission found that proposed improvement to the school campus will render this section of Ensign Street useless for some or all of the purposes for which it was dedicated and accommodations can be made using pedestrian and utility easements; and

(c) The planning commission, at its May 12, 2009, regular meeting tabled the vacation request. At its June 9, 2009, meeting the planning commission did approve vacating Ensign Street as the proposed improvement to the school campus will render this section of Ensign Street useless for some or all of the purposes for which it was dedicated and accommodations can be made using pedestrian and utility easements; and

RESOLVED FURTHER, that:

(a) The city council of the city of Duluth approves the vacation of part of Ensign Street from the west line of Chambersburg Avenue westerly approximately 430.23 feet to the east line of Church Place extended, retaining the vacated portion for utility and pedestrian purposes located in Auditor's Plat #32 and Huseby's Division First Addition of Duluth and as more particularly described on

Public Document No. _____; and

(b) 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 06/05/09

STATEMENT OF PURPOSE: The vacation of part of Ensign Street allows for safe access for students and facility to the playfields located north of Ensign Street and retains an easement for utilities and pedestrian access.

On May 12, 2009, the planning commission held a public hearing on the proposal and voted 13 yeas, 0 nays, and 0 abstentions to table the request to allow ISD #709 an opportunity to consider alternatives. On June 9, 2009, the planning commission reconsidered the vacation request and voted 12 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the vacation as requested.

Petition received: March 31, 2009

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