

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0605R

RESOLUTION APPROVING THE VACATION OF PART OF WYOMING STREET (RICHARD HOEG).

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 Wyoming Street lying easterly of the easterly line of North 60th Avenue East and westerly of the westerly line of Occidental Boulevard; 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 street is useless for some or all of the uses for which it was dedicated as the this street has not been improved for vehicle purposes, and there are no plans to improve this street and retaining the vacated street as an easement for utilities and pedestrian use; and

(c) The planning commission, at its September 8, 2009, regular meeting did approve, unanimously, vacating the street petitioned for vacation as the street is useless for the purpose for which it was dedicated as the street has not been developed and will not likely be developed and an easement can be established for utilities and pedestrian purposes.

RESOLVED FURTHER:

(a) That the city council of the city of Duluth approves the vacation of that part of Wyoming Street lying easterly of the easterly line of North 60th Avenue East and westerly of the westerly line of Occidental Boulevard located in the Lester Park Third Division to Duluth, retaining a utility and pedestrian easement within the following boundaries: beginning at a point on the east line of 60th Avenue East and 13 feet south of the north line of Wyoming Street, thence easterly 110 feet to a point, thence northerly 13 feet to a point on the north

line of Wyoming Street, thence easterly 115 feet to a point on the north line of Wyoming Street, said point being 25 feet east of the southwest corner of Lot 6, Block 35, Lester Park Third Division, thence south 20 feet perpendicular to the previous line to a point, thence southwesterly to the northwest corner of Lot 1, Block 36, Lester Park Third Division, thence north 53 feet along the east line of 60th Ave East to the point of beginning and there terminating and also retaining an easement for pedestrian purposes, ten feet either side of the centerline and the entire length of the vacated easement, more particularly described on Public Document No. _____; and

(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 JJ:jab 9/18/2009

STATEMENT OF PURPOSE: This resolution allows the applicant to create a compliant minimal lot width of 125 feet for the construction of a new single family residence in the Water Resource Management Zone fronting Occidental Boulevard for Lot 3, Block 36, Lester Park Third Division, and to also bring the side yard setbacks for Lot 2 Block 35 and Lots 1 and 2 Block 36, Lester Park Third Division, into compliance with current zoning codes.

On September 9, 2009, the planning commission held a public hearing on the proposal, and voted 11 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the vacation as requested.

Petition received: July 28, 2009
Action deadline: There is no action deadline for this resolution.