

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0662R

RESOLUTION APPROVING THE VACATION OF PART OF BAYVIEW AVENUE (JEFFREY JACKSON).

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 Bayview Avenue lying southerly of the south line of Maryland Avenue and northerly of the north line of the platted alley between Maryland Avenue and Halsey Street; 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 (FN 09034); and

(c) The planning commission, at its October 13, 2009, regular meeting did approve, unanimously, granting of the petitioned vacation as the street is useless for vehicular purposes and has not been developed and will not likely be developed, but recommends retention of an easement for utilities and pedestrian purposes; and

(d) That the city council of the city of Duluth approves the vacation of that part of Bayview Avenue lying southerly of the south line of Maryland Avenue and northerly of the north line of the platted alley between Maryland Avenue and Halsey Street, located in the Oakland Park Addition to Duluth, retaining a utility and pedestrian easement of ten feet on either side of the centerline and the entire length of the vacated street and more particularly described on Public Document No. _____; 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.

Approved as to form:

Attorney

PC/PLNG JM:jab 10/16/2009

STATEMENT OF PURPOSE: This action would vacate Bayview Avenue between Maryland and Halsey Streets, maintaining a 20-foot utility and pedestrian easement over the center of the street. This portion of Bayview Avenue is unimproved, with the west branch of Tischer Creek flowing through the site, and the portion of Bayview Avenue to the south has previously been vacated.

On October 13, 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: March 24, 2009

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