

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0664R

RESOLUTION VACATING A PORTION OF NORTH 53RD AVENUE EAST BETWEEN GLENWOOD STREET AND ONEIDA STREET AND PART OF THE ALLEY SOUTH OF GLENWOOD STREET FROM NORTH 54TH AVENUE EAST TO APPROXIMATELY 150 FEET WEST OF NORTH 53RD AVENUE EAST; AND DEDICATING A NEW NORTH-SOUTH ALLEY BETWEEN GLENWOOD STREET AND ONEIDA STREET APPROXIMATELY 150 FEET WEST OF NORTH 53RD AVENUE EAST AND A UTILITY EASEMENT FROM THE NEW DEDICATED ALLEY TO NORTH 53RD AVENUE EAST (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 North 53rd Avenue East between Glenwood Street and Oneida Street; and the vacation of the alley in Block 3, Altered Plat of London Addition; and the vacation of that part of the alley in Block 2, Altered Plat of London Addition, lying easterly of the extended west line of Lot 22, Block 2, Altered Plat of London Addition; and the dedication of an easement (alley) for ingress and egress purposes over, under and across those parts of Lots 11, 12, 21, 22, Block 2, and the alley between said lots, Altered Plat of London Addition, described as follows: commencing at the southwest corner of said Lot 22, thence along the south line of said Block 2 on an assigned bearing of North 89 degrees 30 minutes 25 seconds East 21.39 feet to the point of beginning; thence north 0 degrees 28 minutes 55 seconds west 130.16 feet; thence south 89 degrees 30 minutes 34 seconds west 21.48 feet to the west line of said Lot 22; thence north 0 degrees 31 minutes 08 seconds west along said west line 26 feet; thence north 89 degrees 30 minutes 34 seconds east 21.49 feet; thence north 0 degrees 28 minutes 55 seconds west 140.16 feet to the north line of said Block 2; thence north 89 degrees 30 minutes 41 seconds east along said north line 26.69 feet; thence south 0 degrees 28 minutes 55 seconds east 296.32 feet to the south line of said Block 2; thence south 89 degrees 30 minutes 25 seconds west along said south line 26.69 feet to the point of beginning; and the dedication of a 30 foot wide easement for utility purposes over, under and across those parts of Lots 12 through 21, Block 2, and the alley between said lots, Altered Plat of

London Addition, described as follows: commencing at the southwest corner of Lot 22 in said Block 2; thence along the south line of said Block 2 on an assigned bearing of north 89 degrees 30 minutes 25 seconds east 48.08 feet; thence north 0 degrees 28 minutes 55 seconds west 130.16 feet to the point of beginning; thence north 89 degrees 30 minutes 34 seconds east 78.58 feet; thence north 0 degrees 29 minutes 23 seconds west 30 feet; thence south 89 degrees 30 minutes 34 seconds west 78.58 feet; thence south 0 degrees 28 minutes 55 seconds east 30 feet 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 the new terminus of North 53rd Avenue East at Oneida Street is one block south of its current terminus at Glenwood Street and the new dedicated alley will provide access to affected property owners on Glenwood Street and Oneida Street; and

(c) The planning commission, at its October 13, 2009, regular meeting, did approve, unanimously, vacating the street and alley, and dedicating the new alley and utility easement; and

(d) The city council of the city of Duluth approves the vacation as 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 together with a plat showing the portion of the easement to be vacated.

Approved as to form:

Attorney

PC/PLNG CP:jab 10/16/2009