

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-0773R

RESOLUTION VACATING ENSIGN STREET FROM CHURCH PLACE TO A POINT 128.5 FEET WEST OF CHAMBERSBURG AVENUE AND RETAINING AN EASEMENT FOR PEDESTRIAN AND UTILITY PURPOSES OVER THE ENTIRE VACATION AREA (ISD 709).

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 Ensign Street from the west line of Church Place to a point 128.5 feet west of Chambersburg Avenue; 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 easement will be useless for transportation purposes in the future, but a public purpose exists for use of the entire width of the street easement for pedestrian and utility purposes, based on the findings in (c) and (d) below; and

(c) Ensign Street is traversed by a municipal water line, a municipal gas line, an electric power line and a telephone communications line; and

(d) Ensign Street provides an important pedestrian link between the neighborhoods east of Chambersburg Avenue and the services offered in the commercial and mixed-use areas west of the school; and

(e) The city planning commission, at its December 8, 2009, regular meeting, did approve, unanimously, vacating the petitioned street, subject to retaining a pedestrian and utility easement over the entire vacation area; and

(f) The city council of the city of Duluth approves the vacation of the following, and as more particularly described on Public Document No. \_\_\_\_\_:

That part of Ensign Street in Huseby's Division, First Addition, except the westerly 198 feet thereof and except the easterly 128.5 feet lying

west of the westerly line of Chambersburg Avenue; and

That part of Ensign Street in the NE 1/4 of the NW 1/4 of the SE 1/4 of Section 30, Twp 50N, Rng 14W, including that part platted as Auditors Plat No. 32, except the westerly 198 feet thereof and except the easterly 128.5 feet lying west of the westerly line of Chambersburg Avenue; and

(g) 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 street to be vacated and easement retained.

Approved as to form:

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Attorney

PLANNING/PC KD:jab 12/11/2009

STATEMENT OF PURPOSE: This resolution vacates a 301 foot long section of Ensign Street between Church Place and a point 128.5 feet west of Chambersburg Avenue while retaining a pedestrian and utility easement over the entire vacation area.

ISD 709 is proposing to vacate Ensign Street between Church Place and a point 128.5 feet west of Chambersburg Avenue -- the 128.5 foot long street segment to remain will provide legal street frontage for the home at 2401 Ensign Street and the church.

The motion to approve the vacation of this street must prevail with at least six affirmative votes according to Section 45-44.

On December 8, 2009, the Duluth city planning commission held a public hearing on the proposal and voted 8-0 to recommend that the city council grant the street vacation subject to retaining a pedestrian and utility easement.

Petition received: September 3, 2009

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