

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0060R

RESOLUTION VACATING PART OF ALLENDALE AVENUE NEAR WOODLAND HILLS AND RETAINING A UTILITY EASEMENT OVER THE ENTIRE VACATION AREA (WOODLAND HILLS).

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 Allendale Avenue in the Woodland Avenue Gardens Division lying north of the easterly extension of the north line of Lot 24, Block 4, Colman Park Division; 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 is useless for transportation and pedestrian purposes, but a public purpose exists for use of the easement for utility purposes as noted in (c) below; and

(c) Minnesota Power has requested a utility easement be retained over the entire vacation area to preserve access to an existing power distribution line; and

(d) The city planning commission, at its January 12, 2010, regular meeting, did recommend, unanimously, vacating the petitioned street, subject to retaining a utility easement over the entire vacation area; and

(e) The city council of the city of Duluth approves the vacation of the following, and retaining a utility easement over the entire vacation area, both more particularly described on Public Document No. \_\_\_\_\_:

That part of Allendale Avenue in the Woodland Avenue Gardens Division lying north of the easterly extension of the north line of Lot 24, Block 4, Colman Park Division; and

(f) 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:

---

Attorney

PLANNING/PC KD:jab 1/15/2010

STATEMENT OF PURPOSE: This resolution vacates approximately 300 feet of Allandale Avenue near the campus of Woodland Hills. Vacation would allow Woodland Hills to obtain a building permit for the construction of a 14 foot by 90 foot vehicle shelter. Woodland Hills owns 84 percent of the frontage on both sides of the proposed vacation. The remaining two property owners have not expressed opposition to the proposed vacation.

This section of right-of-way has not been improved with any street, utilities or pedestrian facilities, except for a power line that traverses the vacation area. This resolution retains a utility easement for the power line, as requested by Minnesota Power.

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

On January 12, 2010, 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 the necessary utility easement.

Petition received: December 01, 2009

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