

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0139R

RESOLUTION VACATING PART OF THE UTILITY EASEMENT ON OUTLOT A, ONEOTA INDUSTRIAL PARK, FIRST ADDITION, LOCATED BETWEEN MIKE COLALILLO DRIVE AND I-35 NEAR THE ONEOTA STREET UNDERPASS (BARR ENGINEERING).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of part of the utility easement dedicated on Outlot A, ONEOTA INDUSTRIAL PARK, FIRST ADDITION; 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 utility easement is useless; and

(c) The city planning commission, at its March 9, 2010, regular meeting, did recommend, unanimously, vacating the petitioned utility easement (FN 10015); and

(d) The city council of the city of Duluth approves the vacation of the following and more particularly described on Public Document No. _____:

That part of the utility easement dedicated on Outlot A, ONEOTA INDUSTRIAL PARK, FIRST ADDITION, that is northwesterly of a line drawn parallel to and 18 feet northwesterly of the southeast lot line of said Outlot A; 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 utility easement to be vacated.

Approved as to form:

Attorney

PC/PLNG KD:cm 3/11/2010

STATEMENT OF PURPOSE: This resolution vacates part of a utility easement dedicated on Outlot A of Oneota Industrial Park, First Addition. Vacation would allow Cooper Industries to place a temporary building on the outlot that will house groundwater pollution remediation equipment.

The portion of the utility easement to be vacated does not contain any utilities and is not expected to be needed in the future. This resolution results in retaining a utility easement on the southeasterly 18 feet of the outlot in order to protect existing water and gas utility lines.

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

On March 9, 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 utility easement vacation.

Petition received: January 26, 2010
Action deadline: There is no action deadline for this resolution.