

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0219R

RESOLUTION VACATING A 20 FOOT WIDE BUILDING LINE EASEMENT ON THE SOUTH SIDE OF EAST FIRST STREET WEST OF 12TH AVENUE EAST FOR SEMPER DEVELOPMENT, LTD., AND WALGREENS.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of the building line easement on Lots 4-8, Block 16, Banning & Ray's Subdivision and Lots 7 and 8, Block 18, Portland 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 building line easement is useless; and

(c) The city planning commission, at its April 13, 2010, regular meeting, recommended approval of the proposed vacation; and

(d) The city council of the city of Duluth approves the vacation of the building line easement described in paragraph (a) above and depicted on Public Document No. \_\_\_\_\_; and

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and Public Document

No. \_\_\_\_\_ showing the portion of the building line easement to be vacated.

Approved as to form:

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Attorney

PC/PLNG KD:eu 4/19/2010

STATEMENT OF PURPOSE: This resolution vacates that part of the building line easement described in the resolution. The petitioner proposed the easement vacation in order to construct a Walgreens store on the site that complies with current building setbacks found in the city's zoning code.

The building line easement was condemned by the city of Duluth on July 20, 1904, to require all buildings to be built at least 20 feet back from the street right-of-way. The easement condemnation was for both sides of East First Street from Tenth Avenue East to 12th Avenue East.

At the time of condemnation, there was no zoning code in effect, and so the city council regulated building placement through this easement. Since this time, the city council has adopted Legislative Code Chapter 50, which establishes building setbacks citywide, replacing the need for this building line easement.

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

On April 13, 2010, the Duluth planning commission held a public hearing on the proposal and voted 8-0 to recommend that the city council approve the easement vacation.

Petition received: March 22, 2010

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