

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0223R

RESOLUTION DENYING A PETITION TO VACATE PART OF THE ALLEY SOUTHWEST OF THE INTERSECTION OF KENWOOD AVENUE AND ARROWHEAD ROAD (DULUTH TEACHERS CREDIT UNION).

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 the alley adjoining Blocks 1, 2 and 11, Myers & Whipples Addition, that is adjoining Lots 1-6, Block 11, except that part adjoining the southerly 14 feet of Lot 8 and all of Lots 9 and 10, Block 1, Myers and Whipples 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 alley is useless for vehicular and pedestrian purposes, but the alley is needed 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 the city engineer has also requested a utility easement for a portion of the requested vacation area for a natural gas line; and

(d) The city planning commission, at its April 13, 2010, regular meeting, recommended denial of the vacation petition; and

(e) The city council, having considered all of the information in the record denies the petition as the applicant has failed to demonstrate that the alley is useless for the purposes for which it was dedicated.

Approved as to form:

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Attorney

PC/PLNG KD:eu 4/19/2010

STATEMENT OF PURPOSE: This resolution denies the petition to vacate that part of the alley adjoining property owned by Duluth Teachers Credit Union at the southwest corner of Arrowhead Road and Kenwood Avenue. The petitioner states the vacation "is necessary to allow [the] petitioner to exercise substantial property rights" and "the alley breaks up the parcels owned by the petitioner and limits the utilization of the property, most of which is zoned C-1."

This section of the alley is not currently improved for vehicular or pedestrian use, but it is currently utilized for electric and gas utility purposes.

On April 13, 2010, the Duluth planning commission held a public hearing on the proposal and voted 7-1 to recommend that the city council DENY the alley vacation.

Petition received: February 25, 2010

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