

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0281R

RESOLUTION VACATING WEST GRIGGS PLACE AND ADJACENT ALLEYS AND RETAINING A UTILITY EASEMENT OVER A PORTION OF THE VACATION AREA (REGENTS OF THE UNIVERSITY OF MINNESOTA).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city clerk requesting the vacation of West Griggs Place (formally Niagara Street) from the easterly line of the westerly 40 feet of Lot 2, Block 1, Clover Hill Division Extended and the west line of Woodland Avenue and the alley between Lots 6 and 7, Block 17, and Lots 1 and 2, Block 16, Motor Line Division, and the alley within said Block 1, Clover Hill 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 (FN 10036), 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 and alleys are useless for vehicular and pedestrian purposes, but that the portions of the street and alley is needed for utility purposes as noted in (c) below; and

(c) Minnesota Power has requested a utility easement be retained over a portion of 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 May 11, 2010, regular meeting, recommended approval of the vacation petition; and

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

West Griggs Place (Formally Niagara Street) from the easterly line of the westerly 40 feet of Lot 2, Block 1, Clover Hill Division Extended and the

west line of Woodland Avenue and the alley between Lots 6 and 7, Block 17, and Lots 1 and 2, Block 16, Motor Line Division and the alley within said Block 1, Clover Hill Division; and

(f) 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 street and alleys to be vacated and utility easement retained.

Approved as to form:

Attorney

PC/PLNG JJ: 5/14/2010

STATEMENT OF PURPOSE: This resolution vacates that part of West Griggs Place (formally Niagara Street) off Woodland and the adjacent alleys adjoining property owned by the University of Minnesota. The petitioner states the vacation "is necessary to allow the University of Minnesota to exercise substantial property rights and that the alley breaks up the parcels owned by the petitioner and limits the utilization of the property."

This University of Minnesota owns the properties on both sides of of the street and alleys are which dead end into the UMD campus and are not used by the general public for vehicular or pedestrian use, but they do contain a power line and a gas line. This resolution retains a utility easement over the entire vacation area.

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

On May 11, 2010, the Duluth City Planning Commission held a public hearing on the proposal and voted 10-01 to recommend that the city council APPROVE the street and alley vacation.

Petition Received: April 06, 2010

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