

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0402R

RESOLUTION VACATING PORTIONS OF STREETS AND ALLEYS AND ACCEPTING A DEDICATION OF A PORTION OF AN ALLEY IN PREPARATION FOR CONSTRUCTION OF A PRIVATE ACCESS ROAD TO WESTERN MIDDLE SCHOOL (ISD 709).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds sufficient petitions were filed with the city clerk requesting the vacation of the following:

- (1) Part of Elm Street between Blocks 2 and 4, Centredale Division,
- (2) Part of the alley between Blocks 1 and 2, Centredale Division,
- (3) Part of Chestnut Street west of Atlantic Avenue,
- (4) The alley west of Lot 11, Block 6, Bryant 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 petitions were duly referred to the city planning commission (FN 10061), 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 streets and alleys are either useless for vehicular, pedestrian, and utility purposes now or will be when the adjacent homes, owned by the applicant, are removed, but that portions of the petitioned streets are needed for utility purposes as noted in (c) below; and

(c) The city engineer has requested retention of utility easements in a portion of Elm Street for a water distribution pipe and a portion of Chestnut Street for a sanitary sewer collection pipe; and

(d) The city has also received an offer to dedicate to the city of Duluth an easement for a 16 foot wide alley connecting Chestnut Street alley to Vernon Street; and

(e) The city planning commission, at its July 13, 2010, regular meeting, recommended approval of the vacation petitions, retention of utility easements and alley dedication; and

(f) The city council of the city of Duluth approves the vacation of the

following, subject to retaining utility easements over portions of the streets, both more particularly described below and on Public Document No. _____:

(1) Vacating that part of the southeasterly 33 feet of Elm Street, CENTREDALE ADDITION TO DULUTH, city of Duluth, St. Louis County, Minnesota, lying between the northwesterly extension of the southwesterly line of Lot 27, Block 4, of said CENTREDALE ADDITION and the northwesterly extension of a line 38 feet northeasterly of and parallel with the southwesterly line of Lot 32 of said Block 4; TOGETHER WITH that part of the northwesterly 33 feet of Elm Street, CENTREDALE ADDITION TO DULUTH, city of Duluth, St. Louis County, Minnesota, lying between the southeasterly extension of the southwesterly line of Lot 18, Block 2, of said CENTREDALE ADDITION and the southeasterly extension of the northeasterly line of Lot 23 of said Block 2; subject to the retention of a utility easement in that part of the northwesterly 17 feet of the southeasterly 33 feet of vacated Elm Street, CENTREDALE ADDITION TO DULUTH, city of Duluth, St. Louis County, Minnesota, lying between the northwesterly extension of the southwesterly line of Lot 27, Block 4, of said CENTREDALE ADDITION and the northwesterly extension of a line 38 feet northeasterly of and parallel with the southwesterly line of Lot 32 of said Block 4; TOGETHER WITH the southeasterly three feet of the northwesterly 33 feet of vacated Elm Street, CENTREDALE ADDITION TO DULUTH, city of Duluth, St. Louis County, Minnesota lying between the southeasterly extension of the southwesterly line of Lot 18, Block 2, of said CENTREDALE ADDITION and the southeasterly extension of the northeasterly line of Lot 23 of said Block 2; and

(2) Vacating all that part of the alley between Block 1 and Block 2, CENTREDALE ADDITION TO DULUTH, lying northeasterly of the northwesterly extension of the southwesterly line of Lot 18, Block 2, extended; city of Duluth, St. Louis County, Minnesota; and

(3) Vacating that part of Chestnut Street lying southwesterly of a line beginning at a point on the northerly extension of the West line of Lot 11, Block 1, extended north 16.50 feet and being the centerline of said Chestnut

Street, to the northeast corner of Lot 12 of said Block 1; all in CENTREDALE ADDITION TO DULUTH, city of Duluth, St. Louis County, Minnesota; TOGETHER WITH that part of Chestnut Street lying west of the northerly extension of the east line of Lot 10, Block 5, CENTREDALE ADDITION TO DULUTH and 50 feet northeasterly of the original rail alignment of the Duluth Missabe & Iron Range Railway; TOGETHER WITH all of Chestnut Street in BRYANT ADDITION TO DULUTH, FIRST DIVISION, city of Duluth, St. Louis County, Minnesota; subject to the retention of a utility easement in that part of vacated Chestnut Street lying between the northerly extension of the west and east lines of Lot 10, Block 1, CENTREDALE ADDITION TO DULUTH, city of Duluth, St. Louis County, Minnesota; TOGETHER WITH that part of vacated Chestnut Street lying southwesterly of a line beginning at a point on the northerly extension of the west line Lot 11, Block 1, extended north 16.50 feet and being the centerline of said Chestnut Street, to the northeast corner of Lot 12 of said Block 1; all in CENTREDALE ADDITION TO DULUTH, city of Duluth, St. Louis County, Minnesota; and

(4) All that part of the east 16 feet of Lot 18, Block 5, BRYANT ADDITION TO DULUTH, THIRD DIVISION, lying southerly of the south line of the adjacent alley in Block 6, BRYANT ADDITION TO DULUTH, extended west, city of Duluth, St. Louis County, Minnesota; and

(g) The city council of the city of Duluth accepts, on behalf of the general public, the dedication of that alley easement more particularly described as follows and on Public Document No. _____: the north 114.50 feet of the west 16 feet of the east 25 feet of Lot 18, Block 5, BRYANT ADDITION TO DULUTH, THIRD DIVISION, city of Duluth, St. Louis County, Minnesota; and

(h) That the vacations approved pursuant to this resolution are hereby conditioned upon the dedication described in (g) above; and

(i) 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 portions of the streets and alleys to be vacated, utility easements retained and alley dedicated.

Approved as to form:

Attorney

PC/PLNG KD:eu 7/19/2010

STATEMENT OF PURPOSE: This resolution does three things:

(1) It vacates streets and alleys in the area where ISD 709 is proposing to construct a private access road to Western Middle School. ISD 709 either owns or has purchase agreements for all of the land abutting the proposed street and alley vacations. The streets and alleys are either not improved or will not be needed after ISD 709 removes the homes and are, therefore useless. For a more detailed description of the current condition of each section of street and alley to be vacated, please see the staff report;

(2) It retains utility easements over portions of the streets that have city utilities in them;

(3) It accepts the dedication of an alley to connect Chestnut Street alley to Vernon Street, preventing it from becoming a "dead end" alley.

The motion to approve this resolution must prevail with at least six affirmative votes according to Section 45-44.

On July 13, 2010, the Duluth planning commission held a public hearing on the proposal and voted 10-0-1 to recommend that the city council approve the petitioned vacations, easement retentions and alley dedication.