

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0500R

RESOLUTION VACATING A PORTION OF THE ALLEY BEHIND  
PROPERTIES LOCATED BETWEEN 208 AND 210 NORTH CENTRAL  
AVENUE AND 5300 BRISTOL STREET (MINER'S, INC).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds sufficient petitions were filed with the city clerk requesting the vacation of 225 feet of the existing alley located behind 208-210 North Central Avenue and 5300 Bristol Street;

(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 10090) 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 either useless for vehicular, or pedestrian purposes now, but that the entire width and length of the petitioned alley is needed for utility purposes as noted in (c) below; and

(c) The city engineer has requested retention of utility easement across the entire width and length of the petitioned alley for a sanitary sewer collection pipe; and

(d) The city planning commission, at its September 14, 2010, regular meeting, recommended approval of the vacation petition subject to retention of the utility easement; and

(e) 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 in Public Document No. \_\_\_\_\_:

Lots 8-14, Block 19, and Lots 15, 16, Block 18, all in WEST DULUTH FIRST DIVISION City of Duluth, St. Louis County, Minnesota; TOGETHER WITH that part of the west half of vacated 54th Avenue West which lies adjacent to said Lots 15, 16, Block 18; TOGETHER WITH that part of vacated Roosevelt Street Bounded on the north by the south lines of said Blocks 18 and 19, on the east by the centerline of vacated 54th Avenue West, on the south by the I-35 right-of-way

line, and on the west by the west line of said Block 19 extended southerly; 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 portions of the streets and alleys to be vacated, utility easements retained and alley dedicated.

Approved as to form:

Attorney

PC:PLNG      CB:eu      9/16/2010

STATEMENT OF PURPOSE: This resolution does two things:

- 1) Vacates 225 feet of the existing alley behind the properties located at 208 and 210 North Central Avenue and 5300 Bristol Street; and
- 2) Retains utility easements over the full width and length of the petitioned alley.

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

On September 14, 2010, the Duluth planning commission held a public hearing on the proposal and voted 11-0-0 to recommend that the city council approve the petitioned vacation and easement retention.

Petition received: August 2, 2010

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