

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0501R

RESOLUTION VACATING THE ALLEY BETWEEN 44TH AND 46TH AVENUES WEST SOUTH OF GRAND AVENUE AND A UTILITY EASEMENT ON WEST SECOND STREET ALSO KNOWN AS TRAVERSE STREET (J&S PARTNERSHIP).

CITY PROPOSAL:

RESOLVED, that:

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

(1) The 16 foot alley between 44th and 46th Avenues West and Grand Avenue within Blocks 69 and 70 of Oneota Industrial Park; and

(2) The utility easement retained in the previous vacation of West Second Street also known as Traverse Street under Resolution 93-0393; 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 10089), and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found as follows:

(1) The petitioned alley is useless for vehicular and pedestrian purposes, but not for utility purposes; and

(2) The petitioned utility easement is useless for utility purposes; and

(c) The city engineer has requested retention of a utility easement for the entire width and length of the subject alley for maintenance of water distribution pipes; and

(d) The city has received an offer to dedicate to the city of Duluth utility easements as follows:

(1) The southerly ten feet of Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 69. Oneota, as more particularly described in Exhibit B;

(2) The northerly ten feet of Lots 9, 10, 11, 12, 13, 14, 15 and 16, Block 70, Oneota as more particularly described in Exhibit C; and

(3) The southeasterly 15 feet, more or less, of Lot 3, said Block 70, in the town of Oneota, lying southeasterly of a line drawn parallel with and 100 feet normally distant northwesterly from the original main track centerline of the former Northern Pacific Railway Company, as more particularly described in Exhibit D; and

(e) The city planning commission, at its September 14, 2010 regular meeting, recommended approval of the vacation petitions, retention of utility easement, and acceptance of utility easement dedications; and

(f) The city council of the city of Duluth approves the vacation of the following subject to retention of utility easement over the full width and length of the alley, both more particularly described in Public Document No. _____:

(1) The alley within Blocks 69 and 70 ONEOTA;

(2) The northerly 20 feet of that portion of West Second Street (also known as Traverse Street), lying south of the Burlington Northern Railroad line and adjacent to Lots 15 and 16, Block 1, Oneota Industrial Park Division, as more particularly described in Resolution 93-0393; and

(g) The city council of the city of Duluth accepts, on behalf of the general public, the dedication of the utility easements described above and as more particularly described in Public Document No. _____;

(h) That the vacations approved pursuant to this resolution are hereby conditioned upon the execution and recordation of the dedication described in (f) and (g); 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 alley and utility easement to be vacated, utility easements retained and utility easements dedicated.

Approved as to form:

Attorney

PC/PLNG CB:eu 9/16/2010

STATEMENT OF PURPOSE: This resolution does four things:

- 1) Vacates the alley between 44th and 46th Avenues West and Grand Avenue (lower side);
- 2) Retains a utility easement for the full width and length of the vacated alley;
- 3) Accepts dedication of the additional necessary utility easements within the alley; and
- 4) Vacates the utility easement on West Second Street retained in previous vacation of Traverse Street under Resolution 93-0393.

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 vacations, retention of easements and utility easement dedications.

Petition received: August 2, 2010

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