

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-0149R

RESOLUTION VACATING SLOPE EASEMENTS ON THE SECOND STREET ALLEY BETWEEN BLOCK 40 AND BLOCK 36, PORTLAND DIVISION OF DULUTH, AND VACATING SLOPE EASEMENTS ON SECOND STREET AFFECTING BLOCK 40, PORTLAND DIVISION OF DULUTH (ST. LUKE'S HOSPITAL).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of the slope easements located on the Second Street Alley between Block 40 and Block 36, Portland Division of Duluth, and the slope easements on Second Street affecting Block 40, Portland Division of Duluth; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, 1959, as amended, such petition was duly referred to the city planning commission (FN 11-025) 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 slope easements are useless for the initial intended purpose; and

(c) The city planning commission, at its Tuesday, March 8, 2011, regular meeting, recommended approval of the easement vacation petition, with no conditions; and

(d) The city council of the city of Duluth approves the vacation of the following-described slope easements described below and as described and depicted on Public Document No. _____:

Slope easements on Second Street Alley affecting Block 36 and Block 40, Portland Division of Duluth, from the southeast lines of Blocks 36 and 40 to the centerline of North 11th Avenue East and its extension, according to the condemnation proceedings, plat of which was recorded in the office of the register of deeds, July 12, 1890, in Book C of Plats, page 261;

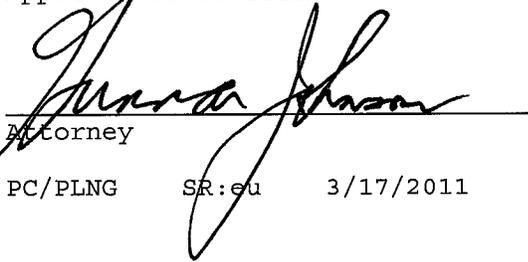
and

Slope easements on Second Street affecting Block 40, Portland Division of Duluth, from the southeast line of Block 40 to the centerline of North

11th Avenue East and its extension, according to the Condemnation Plat for Easement of Slopes on Second Street from Sixth Avenue West to 13th Avenue East, recorded in the office of the register of deeds on February 7, 1891, in Book C of Plats, page 321;

(e) 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 alley to be vacated and utility easements retained.

Approved as to form:



Attorney

PC/PLNG SR:eu 3/17/2011

STATEMENT OF PURPOSE: This resolution vacates slope easements on the Second Street Alley, Blocks 36 and 40, Portland Division of Duluth, and on Second Street, Block 40, Portland Division of Duluth.

The slope easements were condemned by the city in the 1890's to allow for grading necessary for street improvements. The city engineer has determined that these easements are no longer needed for their intended purpose.

On March 8, 2011, the Duluth city planning commission held a public hearing on the proposal and voted to recommend that the city council approve the easement vacation. The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petition received: February 1, 2011

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

Applicant:

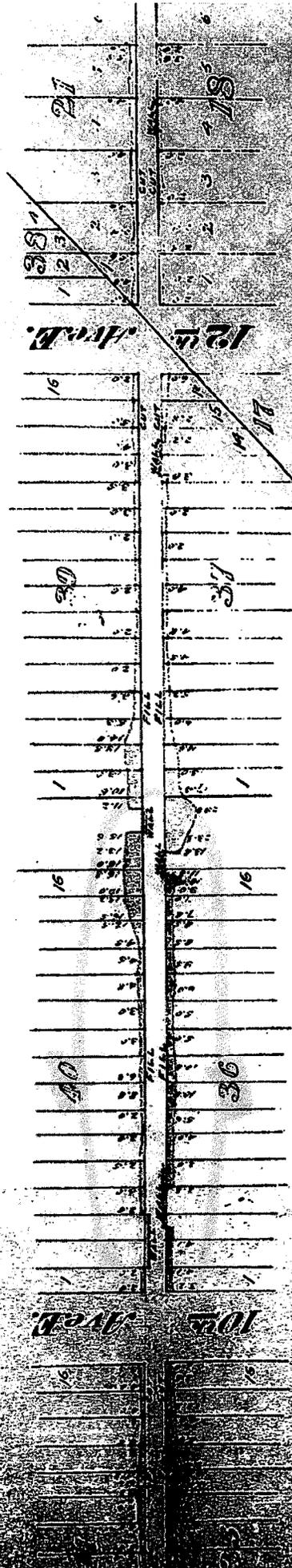
Ken Butler, Representing St. Luke's Hospital

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A



*Condemnation Plat for Easement of Slopes
on Second Alley from 9th Ave. N. to 13th Ave. N.
Duluth, Minn.*

B

6th Ave. E.

50

5th Ave. E.

49

4th Ave. E.

6th

5th

4th

40

39

11th Ave. E.

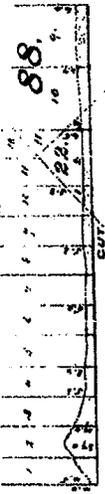
56

55

5th Ave. E.

58

4th Ave. E.



13th

12th

13th

95

88

74

65

54

42

34

