

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-0414R

RESOLUTION VACATING A PORTION OF SOUTH 25TH AVENUE WEST LYING SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF SUPERIOR STREET AND NORTHWESTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF MICHIGAN STREET, BY GERALD SPEHAR, ROHLFING OF DULUTH, INC (FN 11-067)

CITY PROPOSAL:

RESOLVED, that

(a) The city council finds that a sufficient petition was filed with the city for the vacation of a portion of South 25th Avenue West Lying southeasterly of the southeasterly right of way line of Superior Street and lying northwesterly of the northwesterly right of way line of Michigan Street, abutting Lot 400, Block 41, and Lot 402, Block 42, Duluth Proper 2nd Division;

(b) Pursuant to Section 100 of the city charter and Sec. 50-37.6 of the Duluth city code, 1959 as amended, such petition was duly referred to the city planning commission, and such commission gave due notice of public hearing and did consider same in public hearing (FN 11-067) and, the city planning commission found that the petition for the vacation of a street does meet the standard of uselessness for vehicles and pedestrians, but that the street is still needed for utility purposes; and

(c) The planning commission, at its July 12, 2011 regular meeting did unanimously, recommend approval, vacating the petitioned for street, but that a utility easement be retained over the full length and width of the street petitioned for vacation;

Resolved Further:

(a) That the city council of the city of Duluth approves the petition for the vacation of the street described in paragraph (a) above and depicted on

Public Document No. _____; with the condition that a utility easement be retained over the full length and width of the street petitioned for vacation.

Approved as to form:



Attorney

PC:plng NSM:eu 8/4/2011

STATEMENT OF PURPOSE: This resolution On July 12, 2011, the planning commission held a public hearing on the proposal, and voted 8 yeas, 0 nays, and 0 abstentions to recommend that the city council approve vacating the petitioned for street with the condition that a utility easement be retained over the full length and width of the street petitioned for vacation.

Petition Received: May 10, 2011.

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

Applicant:

Gerald J. Sephar
1 South 24th Avenue West 55806
jerry@rohlfdist.com

STREET VACATION SKETCH FOR: ROHLFING OF DULUTH, INC.

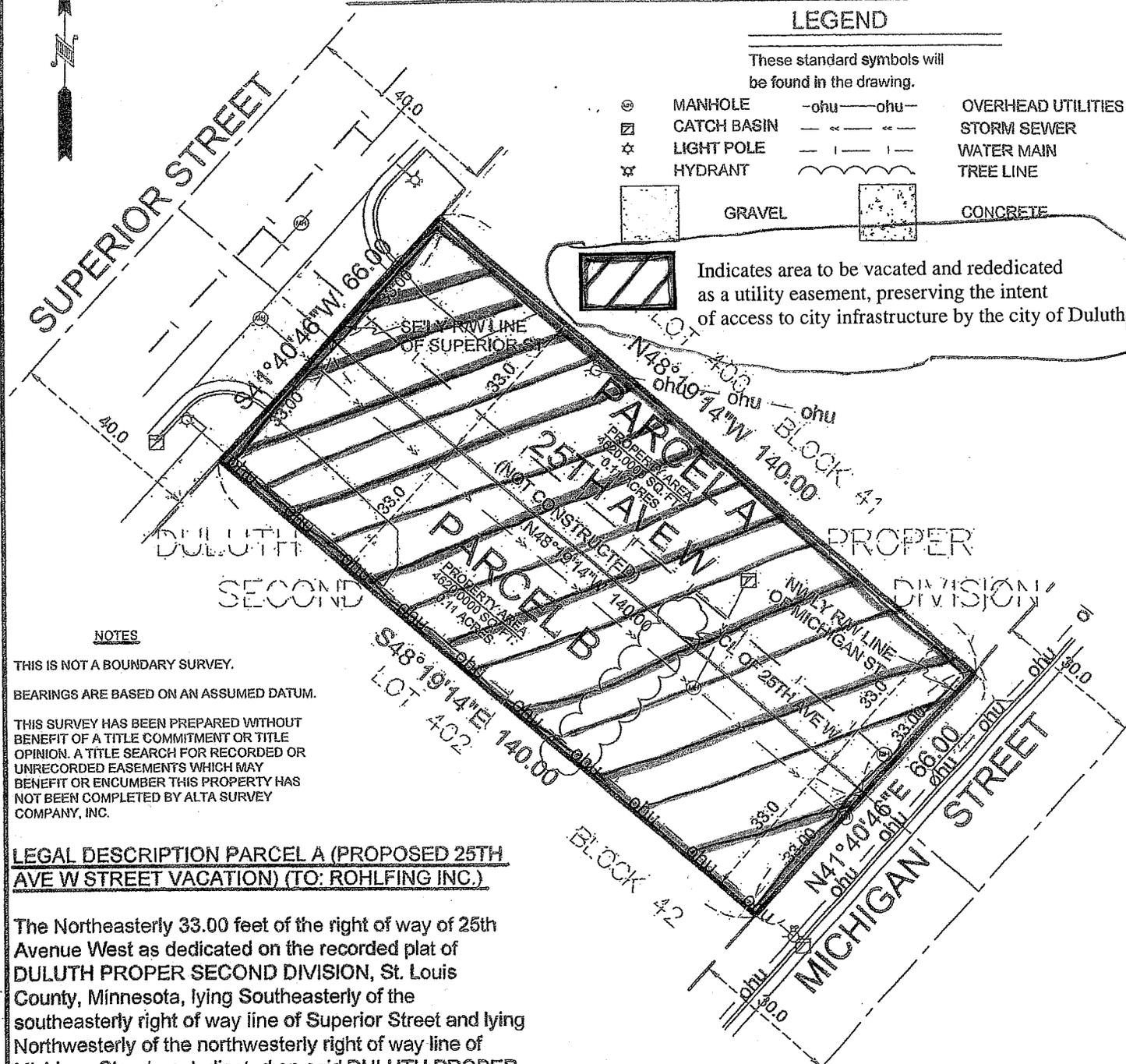
LEGEND

These standard symbols will be found in the drawing.

| | | | |
|---|-------------|---|--------------------|
| ⊙ | MANHOLE | -ohu-ohu- | OVERHEAD UTILITIES |
| ⊠ | CATCH BASIN | -<-<-<- | STORM SEWER |
| ☆ | LIGHT POLE | - - - - | WATER MAIN |
| ⊗ | HYDRANT | ~ ~ ~ ~ | TREE LINE |
|  | GRAVEL |  | CONCRETE |



Indicates area to be vacated and rededicated as a utility easement, preserving the intent of access to city infrastructure by the city of Duluth.



NOTES

THIS IS NOT A BOUNDARY SURVEY.
BEARINGS ARE BASED ON AN ASSUMED DATUM.
THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

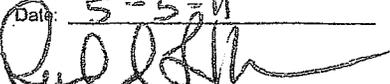
LEGAL DESCRIPTION PARCEL A (PROPOSED 25TH AVE W STREET VACATION) (TO: ROHLFING INC.)

The Northeasterly 33.00 feet of the right of way of 25th Avenue West as dedicated on the recorded plat of DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota, lying Southeasterly of the southeasterly right of way line of Superior Street and lying Northwesternly of the northwesterly right of way line of Michigan Street as dedicated on said DULUTH PROPER SECOND DIVISION.

LEGAL DESCRIPTION PARCEL B (PROPOSED 25TH AVE W STREET VACATION) (TO: PARSONS ELEC.)

The Southwesterly 33.00 feet of the right of way of 25th Avenue West as dedicated on the recorded plat of DULUTH PROPER SECOND DIVISION, St. Louis County, Minnesota, lying Southeasterly of the southeasterly right of way line of Superior Street and lying Northwesternly of the northwesterly right of way line of Michigan Street as dedicated on said DULUTH PROPER SECOND DIVISION.

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Date: 5-5-11

Ronald L. Krueger MN License No. 14374

ALTA

SURVEY COMPANY, INC.
Residential/Commercial Land Surveying-Land
Development-Legal Descriptions
P.O. BOX 161138 Duluth, MN 55806
Phone: 218-727-5211 Fax: 218-727-3798

DATE: 11-043
SCALE: 1 IN = 30 FEET
PROJECT NO: 11-043

III H 4