

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-0437R

RESOLUTION VACATING A PORTION OF AN ALLEY LYING WESTERLY OF THE WESTERLY RIGHT-OF-WAY LINE OF 98TH AVENUE WEST, BLOCK 28, GARY FIRST DIVISION DULUTH (GREGORY PRIVETTE).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds that a sufficient petition was filed with the city for the vacation of a that part of the alley in Block 28, Gary First Division, lying westerly of the westerly right-of-way line of 98th Avenue West and easterly of the southerly extension of the westerly line of Lot 22, Block 28, Gary First Division;

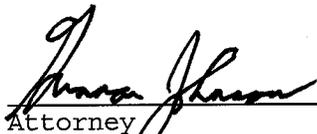
(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of the Duluth City Code, 1959 as amended, such petition was duly referred to the city planning commission, and such commission gave due notice of public hearing and did consider same in public hearing (FN 11-095) and the city planning commission found that the petition for the vacation of this portion of the alley does meet the standard of uselessness for vehicular and pedestrian purposes, but is needed for utility purposes;

(c) The planning commission, at its August 9, 2011 regular meeting did recommend approval, unanimously, of the petitioned for the alley vacation with the condition that the full length and width of the portion to be vacated be retained as a utility easement.

RESOLVED FURTHER, that the city council of the city of Duluth approves the petitioned for alley vacation described in paragraph (a) above and depicted on

Public Document No. \_\_\_\_\_; with the condition that the full length and width of the portion to be vacated be retained as a utility easement.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC/PLNG NSM:eu 8/11/2011

STATEMENT OF PURPOSE: This resolution On August 9, 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 the vacation of streets petition with the condition that the proposed vacated portion will be retained as a utility easement, preserving access to the existing Minnesota Power Utility lines.

Petition received: June 29, 2011.

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

Applicant:

Gary Privette  
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Duluth, MN 55808

