

# COUNCIL COPY

REPLACEMENT

## PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-0675R

RESOLUTION VACATING SOUTH 10<sup>TH</sup> AVENUE WEST SOUTH OF THE SOUTHEASTERLY LINE OF RAILROAD STREET IN THE RECORDED PLAT OF BAYFRONT DIVISION OF DULUTH, FIRST RE-ARRANGEMENT, SAINT LOUIS COUNTY, MINNESOTA (PL 11-124, NORTH AMERICAN SALT)

### CITY PROPOSAL:

RESOLVED, that:

(a) The City Council finds a sufficient petition was filed with the City Planning Division requesting the vacation of an unimproved portion of South 10<sup>th</sup> Avenue West south of Railroad Street; 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 petition was duly referred to the city planning commission (PL11-124) 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 streets are useless for vehicular, utility, and pedestrian purposes; and

(c) The city planning commission, at its December 13, 2011, regular meeting, recommended approval of the vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the following-described street and depicted on Public Document No. \_\_\_\_\_

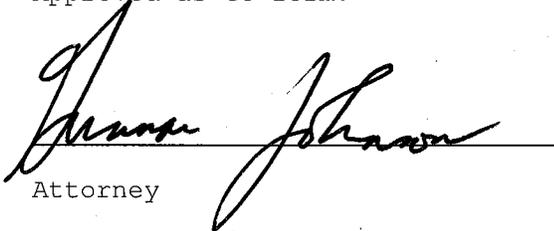
South 10<sup>th</sup> Avenue West adjacent to said blocks 13, 14, 15 and 16 south of the southeasterly line of Railroad Street in the recorded plat of Bayfront Division of Duluth, First Re-Arrangement, Saint Louis County, Minnesota; and

### Resolved Further:

That the city clerk is, pursuant to Section 100 (b) (7) of the Home Rule Charter of the city of Duluth, 1912, as amended, is 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  
Nos. \_\_\_\_\_ and No. \_\_\_\_\_ showing the rights of way to be vacated.

Approved as to form:

  
Attorney

PC:plng JK:eu 12/12/11

STATEMENT OF PURPOSE: This resolution vacates an unimproved portion of South 10<sup>th</sup> Avenue West south of Railroad Street. The street is unimproved, and is useless for vehicular, utility, and pedestrian purposes.

On December 13, 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 street petition with no conditions.

The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petition Received: October 27, 2011.

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

Applicant:

Mark Laliberte  
North American Salt  
1120 Railroad Street  
Duluth, MN 55802