

COUNCIL COPY

REPLACEMENT

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-0677R

RESOLUTION VACATING THE UTILITY AND PEDESTRIAN EASEMENT IN THAT PART OF VACATED 8TH AVENUE EAST AND VACATED E. 11TH STREET, ALL IN LAKE VIEW DIVISION OF DULUTH MINNESOTA, AS FURTHER DESCRIBED BELOW; AND ACCEPTING A DEDICATED UTILITY AND PEDESTRIAN EASEMENT IN THAT PART OF LOTS 14, 15, 16, BLOCK 26, THAT PART OF LOTS 1, 2, 3, BLOCK 30 AND THAT PART OF VACATED EAST 11TH STREET, ALL IN LAKE VIEW DIVISION OF DULUTH MINNESOTA, AS FURTHER DESCRIBED BELOW (INDEPENDENT SCHOOL DISTRICT 709).

CITY PROPOSAL:

RESOLVED, that:

(a) The City Council finds a sufficient petition was filed with the City Planning Division requesting the vacation of a utility and pedestrian easement of the following:

(1) That part of Vacated 8th Avenue E. and Vacated E. 11th Street, all in LAKE VIEW DIVISION of Duluth Minnesota described as follows:
Beginning at the most southerly corner of Lot 1, Block 30, said LAKE VIEW DIVISION; thence S. 48°21'17" E., assumed bearing along the southwesterly line of said Lot 1, a distance of 21.50 feet; thence N. 41°37'07" E. 150.21 feet; thence S. 48°21'24" E. 15.00 feet; thence S. 41°37'07" W. 150.21 feet; thence S. 48°21'17" E. 76.81 feet along the northeasterly line of Vacated 8th Avenue E.; thence S. 41°38'43" W. 66.00 feet to the southwesterly line of said Vacated 8th Avenue E.; thence N. 48°21'17" W. 169.12 feet along the southwesterly line of said Vacated 8th Avenue E.; thence N. 53°01'36" E. 67.32 feet to the southwesterly line of said Lot 1, Block 30; thence S. 48°21'17" E. 42.53 feet along the southwesterly line of said Lot 1 to the point of beginning.

(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 (PL11-024) and such commission gave due notice of public hearing and did consider same in public hearing and, the city planning commission found that the petition to vacate and accept the

utility and pedestrian easements preserve the intent of pedestrian movement and access to buried city infrastructure; and

(c) The city has received the following grants of easement, in trust for the general public, from the following persons and entities: An easement for utility and pedestrian purposes from Independent School District 709:

(1) That part of Lots 14, 15, 16, Block 26, that part of Lots 1, 2, 3, Block 30 and that part of Vacated E. 11th Street, all in LAKE VIEW DIVISION of Duluth Minnesota described as follows: Commencing at the most southerly corner of said Lot 1, Block 30; thence N. 48°21'17" W., assumed bearing along the southwesterly line of said Lot 1, a distance of 42.53 feet; thence N. 00°23'04" E. 3.75 feet along the east line of Kenwood Avenue to the point of beginning of the tract to be described; thence continuing N. 00°23'04" E. 53.10 feet along the east line of said Kenwood Avenue; thence N. 41°37'07" E. 65.27 feet; thence S. 48°21'17" E. 88.00 feet; thence N. 41°37'07" E. 42.21 feet; thence S. 48°21'17" E. 20.00 feet; thence S. 09°11'39" W. 50.03 feet; thence S. 48°21'17" E. 30.93 feet; thence S. 11°41'46" W. 124.64 feet to the southwesterly line of said Lot 16, Block 26; thence N. 48°21'17" W. 34.62 feet along the southwesterly line of said Lot 16; thence N. 11°41'46" E. 84.25 feet; thence N. 48°21'17" W. 116.28 feet; thence S. 41°37'07" W. 70.18 feet to the point of beginning.

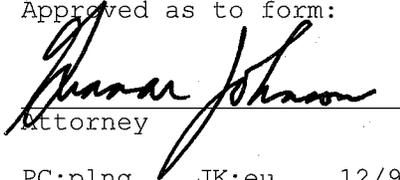
(d) The city planning commission, at its December 13, 2011, regular meeting, recommended approval of the vacation and acceptance of easements petition; and

(e) The city council of the city of Duluth approves the vacation and acceptance of the following-described utility and pedestrian easements and depicted on Public Documents No. _____ and No. _____:

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 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 _____ showing the portions of utility and pedestrian easements to be vacated and the acceptance of dedication of new easements, all as authorized hereunder.

Approved as to form:


Attorney

PC:plng JK:eu 12/9/2011

STATEMENT OF PURPOSE: This resolution vacates and accepts dedication of utility and pedestrian easements. The utility and pedestrian easements are to preserve the intent of pedestrian movement and access to buried city infrastructure.

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 streets petition with no conditions. Petition Received: January 25, 2011.

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

Applicant:
ISD #709