

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0042R

RESOLUTION VACATING AN UNIMPROVED PORTION OF WREN AVENUE
BETWEEN TERRACE STREET AND SWAN LAKE ROAD (WILLIAM AND
SUSAN GATEWOOD).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city planning division requesting the partial vacation of an unimproved portion of Wren Avenue between Terrace Street and Swan Lake Road; 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 (PL 11-126) 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 partial vacation of Wren Avenue is useless for vehicular, utility and pedestrian purposes; and

(c) The city planning commission, at its January 10, 2012, regular meeting, recommended approval of the partial 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. _____:

(1) Street right-of-way to be vacated which lies adjacent to Lot 1, Block 2, Highland Gardens Second Division.

That part of the west half of Wren Avenue adjacent to Lot 1, Block 2, Highland Gardens Second Division, which lies northerly of the westerly extension of the south line of the north 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division, and south of the south right-of-way of Terrace Street;

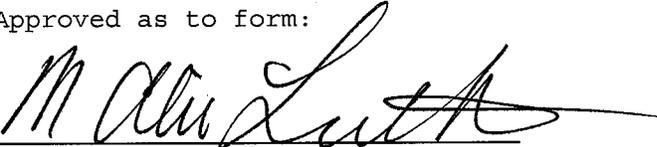
(2) Street right-of-way to be vacated which lies adjacent to the northerly 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division.

That part of the east half of Wren Avenue adjacent to the northerly 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division, which lies northerly of the westerly extension of the south line of the north 140.00 feet of Lot 6, Block 1, Highland Gardens Second Division, and south of the south

right-of-way of Terrace Street.

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 showing the rights-of-way to be vacated.

Approved as to form:



M. Alan Luth
Attorney

PC/PLNG JK:eu 1/26/2012

STATEMENT OF PURPOSE: This resolution vacates an unimproved portion of Wren Avenue between Terrace Street and Swan Lake Road. The street is unimproved and the northerly 140 feet is useless for vehicular, utility and pedestrian purposes.

On January 10, 2012, the planning commission held a public hearing on the proposal, and voted 7 yeas, 1 nay and 0 abstentions to recommend that the city council approve the vacation of street petition.

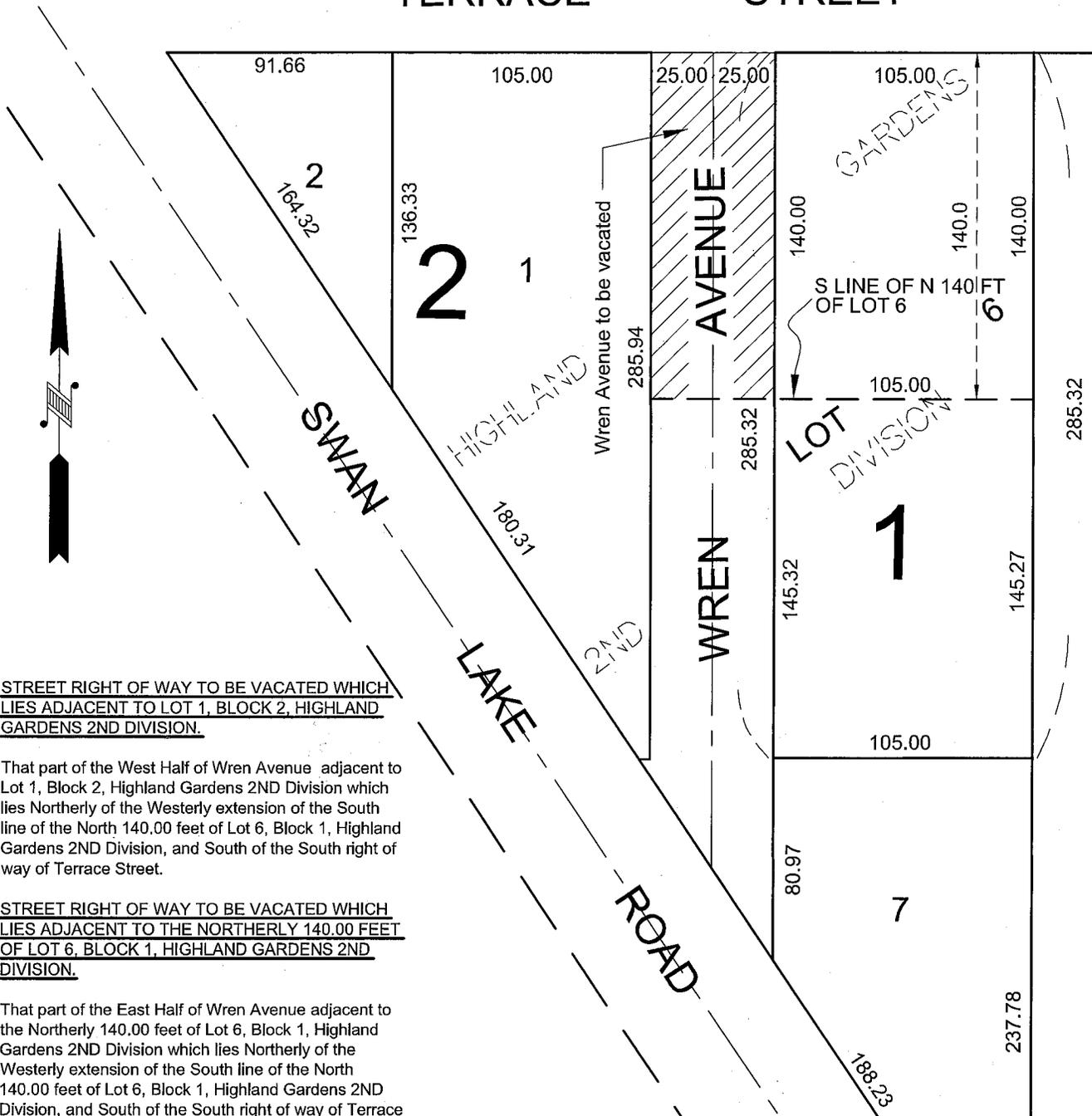
The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petition received: October 31, 2011.

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

SURVEY DRAWING FOR: WILLIAM GATEWOOD

TERRACE STREET



STREET RIGHT OF WAY TO BE VACATED WHICH LIES ADJACENT TO LOT 1, BLOCK 2, HIGHLAND GARDENS 2ND DIVISION.

That part of the West Half of Wren Avenue adjacent to Lot 1, Block 2, Highland Gardens 2ND Division which lies Northerly of the Westerly extension of the South line of the North 140.00 feet of Lot 6, Block 1, Highland Gardens 2ND Division, and South of the South right of way of Terrace Street.

STREET RIGHT OF WAY TO BE VACATED WHICH LIES ADJACENT TO THE NORTHERLY 140.00 FEET OF LOT 6, BLOCK 1, HIGHLAND GARDENS 2ND DIVISION.

That part of the East Half of Wren Avenue adjacent to the Northerly 140.00 feet of Lot 6, Block 1, Highland Gardens 2ND Division which lies Northerly of the Westerly extension of the South line of the North 140.00 feet of Lot 6, Block 1, Highland Gardens 2ND Division, and South of the South right of way of Terrace Street.

REV: 1-24-12 (CITY COMMENTS)

Revised 12-19-11

SCALE: 1 IN = 60 FEET

DATE: 9-26-11

PROJECT NO: 11-163

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: 1-24-12

Ronald L. Krueger
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