

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0540R

RESOLUTION AMENDING RESOLUTION 12-0430 VACATING PLATTED NIAGARA STREET EAST OF JUNCTION AVENUE AND RETAINING A UTILITY EASEMENT (REGENTS OF THE UNIVERSITY OF MINNESOTA).

CITY PROPOSAL:

RESOLVED, that:

(a) On August 27, 2012, the city council approved Resolution 12-0430 vacating this portion of Niagara Street; per the county recorder's office, the legal description needs to be amended; and

(b) The city council found a sufficient petition was filed with the city requesting the vacation described below in (e) below; and

(c) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, 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 and the city planning commission found that the petitioned platted street is useless for all purposes; and

(d) The city planning commission, at its Tuesday, August 14, 2012, regular meeting, recommended approval of the vacation petition; and

(e) The city council of the city of Duluth approves the vacation of the platted street described below and as described and depicted on Public Document No. _____:

Rochester Street (Niagara Street) from the eastern line of Junction Avenue to the eastern line of Superior View Addition to Duluth and Superior View Addition to Duluth Second Division;

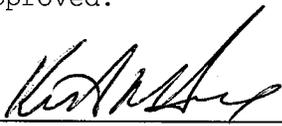
(f) The city council of the city of Duluth approves the dedication of the utility easement described below and as described and depicted on Public Document No. _____:

A 20 foot portion along the easterly line of Junction Avenue, a 20 foot portion

along the northerly edge of Lot 1, Block 10, Superior View Addition to Duluth extended to the eastern line of Superior View Addition to Duluth, and a 20' portion along the southerly edge of Lot 47, Block 11, Superior View Addition to Duluth Second Division extended to the eastern line of Superior View Addition to Duluth Second Division.

(g) 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 No. _____ showing the platted street to be vacated.

Approved:



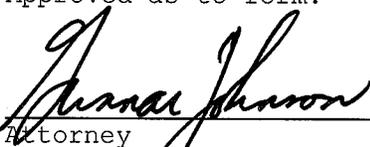
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PLNG JRM:bel 10/11/2012

STATEMENT OF PURPOSE: This portion of Niagara Street abuts a previously-vacated portion of Niagara Street to the east. The existing roadway serves University of Minnesota Duluth traffic.

On August 14, 2012, the Duluth City Planning Commission held a public hearing on the proposal and voted 7 yeas, 0 nays, and 0 abstentions to recommend that the City Council approve the vacation and utility easement dedication.

On August 27, 2012, City Council passed resolution 12-430R approving the vacation and utility easement dedication. During the process of recording the document with the County Recorder's office, it was determined that "Superior View Addition First Division" needed to be changed to "Superior View Addition to Duluth." This resolution makes the needed changes to the legal description.

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

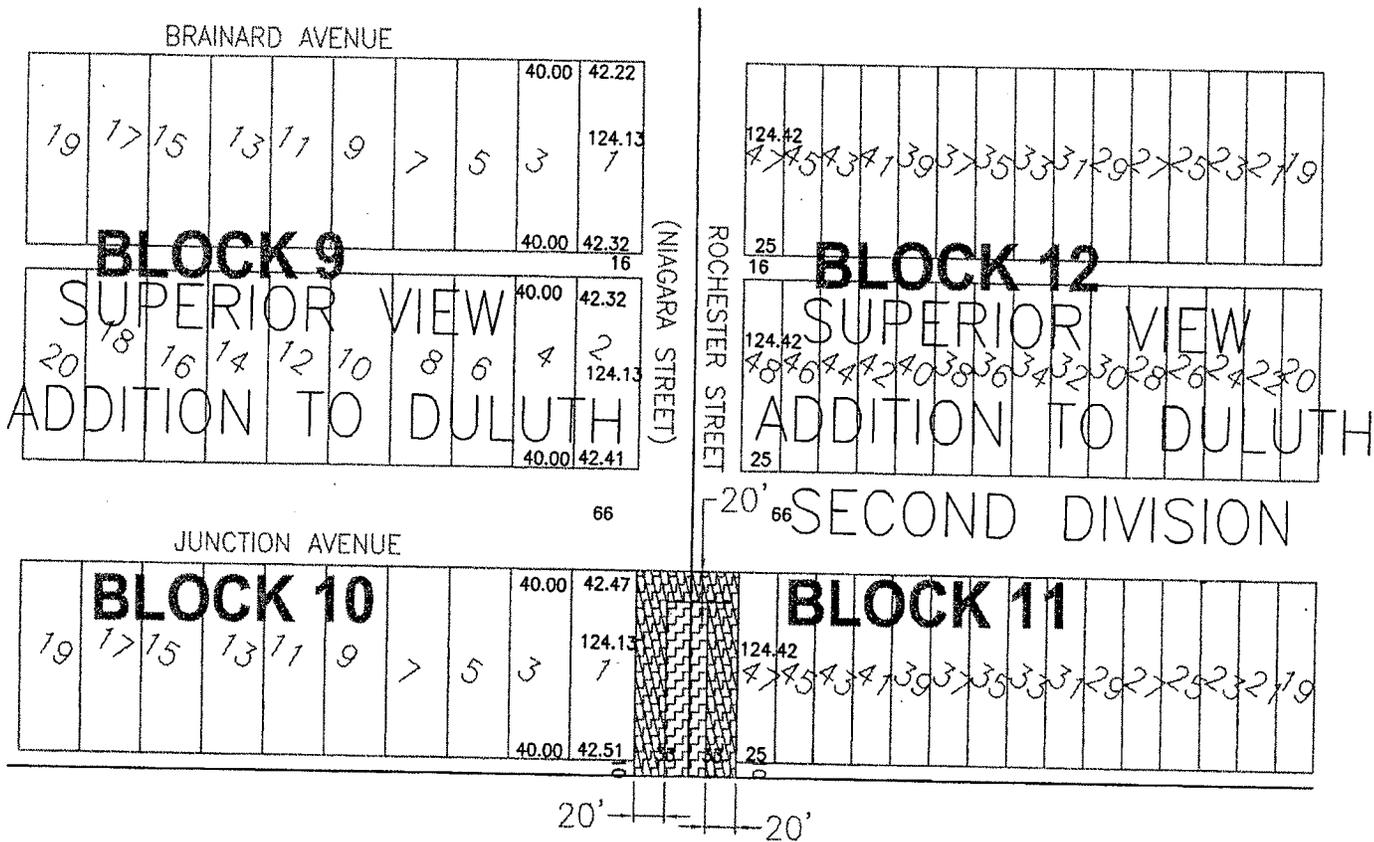
Petition Received: April 30, 2012

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

Petitioner:

Regents of the University of Minnesota
Real Estate Office Donhowe 4th
319 15th Avenue SE
Minneapolis, MN 55455

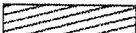
PL 12-081

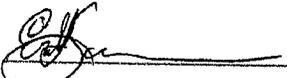


PLAT SHOWING THE VACATION OF ROCHESTER STREET (NIAGARA STREET) FROM THE EASTERN LINE OF JUNCTION AVENUE TO THE EASTERN LINE OF SUPERIOR VIEW ADDITION TO DULUTH AND SUPERIOR VIEW ADDITION TO DULUTH SECOND DIVISION.

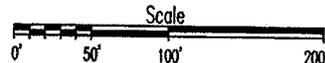
THE PORTIONS TO BE VACATED IS SHOWN  ON THE ABOVE PLAT.

PLAT SHOWING THE PORTION OF ROCHESTER STREET (NIAGARA STREET) TO BE RETAINED AS A UTILITY EASEMENT INCLUDING A 20' PORTION ALONG THE EASTERLY LINE OF JUNCTION AVENUE, A 20' PORTION ALONG THE NORTHERLY EDGE OF LOT 1, BLOCK 10, SUPERIOR VIEW ADDITION TO DULUTH EXTENDED TO THE EASTERN LINE OF SUPERIOR VIEW ADDITION TO DULUTH, AND A 20' PORTION ALONG THE SOUTHERLY EDGE OF LOT 47, BLOCK 11, SUPERIOR VIEW ADDITION TO DULUTH SECOND DIVISION EXTENDED TO THE EASTERN LINE OF SUPERIOR VIEW ADDITION TO DULUTH SECOND DIVISION

THE PORTIONS TO BE RETAINED AS A UTILITY EASEMENT IS SHOWN  ON THE ABOVE PLAT.


 University of Minnesota Duluth
 Facilities Management, Sr. Engineer

10/1/12
 DATE

VACATION OF NIAGARA STREET FROM THE EASTERN LINE OF JUNCTION AVENUE TO THE EASTERN LINE OF SUPERIOR VIEW ADDITION TO DULUTH AND SUPERIOR VIEW ADDITION TO DULUTH SECOND DIVISION.		 University of Minnesota Duluth - October 1, 2012
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