

**NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO THE
DULUTH CITY CHARTER**

NOTICE IS HEREBY GIVEN that pursuant to Minnesota Statutes Section 410.12, Subd. 7, the City Council of the City of Duluth, Minnesota will conduct a public hearing on Monday, February 22, 2021, at 7:00 p.m., or as soon thereafter as the matter can be considered, to consider the adoption of an ordinance amending Section 100 of the Duluth City Charter in the manner hereinafter set forth. The meeting will be conducted by video conference pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency.

AN ORDINANCE AMENDING SECTION 100 OF THE DULUTH CITY CHARTER, 1912, AS AMENDED TO AUTHORIZE VACATION OF PUBLIC WAYS ON MOTION OF THE CITY COUNCIL.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That subsection (a) of section 100 of the Duluth City Charter, 1912, as amended, is hereby amended to read as follows:

Sec. 100. Vacation of highways; use of public highways by abutting property owners.

(a) The council may vacate any street, alley, public grounds, public way, or and part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. ~~The council shall have the exclusive power to vacate in whole or in part public Highways within the city, but only upon the petition of the person or persons who own a majority of the lineal frontage of the land abutting upon the portion of the highway proposed to be vacated;~~

(b) In the exercise of this power the council shall, by ordinance, provide that:

(1) The council shall refer petitions for vacation to the planning commission for investigation, public hearing, report and recommendation to the council, without undue delay and within sixty days from the time of the initial filing of the petition;

(2) Before holding a public hearing on any petition the planning commission shall give notice of the time, place and purpose of the hearing in such manner and form as the council may designate to the persons who own the land lying within a distance of 300 feet in a line beyond each end of the portion of the highway proposed to be vacated and to such other class or category of persons whom the council may designate in such ordinance;

(3) At the time and place set forth in the notice the interested persons shall be given an opportunity to be heard;

(4) The planning commission shall take into consideration the matters ascertained by its investigation in addition to the matters presented at the hearing;

(5) Upon considering the report of the planning commission, the council may

vacate
the public highway in whole or in part by resolution adopted by a vote of six of its members and as a condition of its action, the council may reserve easements in favor of the public within the area vacated;

(6) If the resolution be vetoed by the mayor, it may nevertheless be adopted by a
vote of seven members of the council; and

(7) A record of all vacations shall be made either in the office of the register of deeds
or the registrar of titles of St. Louis County, Minnesota. The council may set forth in such ordinance such additional terms, provisions and procedures not inconsistent with this Section as it may deem appropriate;

(c) All vacation proceedings heretofore or hereafter completed pursuant to the Charter provisions and ordinances in effect at the time of the initial filing of the petition shall be valid and effective for all purposes;

(d) The council may by ordinance permit abutting owners to make use of portions of
public highways not physically being used or occupied by the public upon such terms and conditions and by such procedure as the council, in each such ordinance, may provide.

Section 2. That this ordinance shall take effect 90 days after its passage and publication.

The Duluth City Council will be holding the public hearing by electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Members of the City Council will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the public hearing and provide public comment through WebEx Events. Visit <https://duluthmn.gov/live-meeting> and select "City Council" to access the public hearing.

Individuals unable to attend the public hearing as set forth above can make written comment by writing to Chelsea J. Helmer, City Clerk, 411 West First Street, Duluth, Minnesota 55802, or by email to council@duluthmn.gov prior to the meeting. Please include "Council Agenda-Charter Amendment Public Hearing" in the subject line, and include your name and address. Written comments must be received prior to the public hearing.

BY ORDER OF THE CITY COUNCIL OF THE
CITY OF DULUTH, MINNESOTA

Chelsea J. Helmer, City Clerk
February 2, 2021