

## Petition to Vacate Street Alley or Utility Easement

**Name:**           **SAFE HAVEN SHELTER FOR BATTERED WOMEN  
INDEPENDENT SCHOOL DISTRICT NO. 709, formerly the  
Board of Education of the City of Duluth**

**Description of street, alley, or easement to vacate:**

7th Street East lying between 20<sup>th</sup> Avenue East and 21<sup>st</sup> Avenue East, being 66 feet in width and ½ adjacent to property owned by Safe Haven Shelter for Battered Women and ½ adjacent to property owned by Independent School District No. 709.

A map disclosing those specific portions described is attached hereto as Exhibit A.

**My request for this vacation is to (indicate purpose of vacation):** Petitioners requests the vacations to accrue to the adjacent property for which it owns at least 51%.

**The City of Duluth will not need this street, alley, or easement in the future because:** The structures they serviced are no longer located on the property.

**PLEASE TAKE NOTICE: Pursuant to Section 50-37.6 of the Duluth City Code, the above-identified applicant(s) petition the Duluth City Counsel to vacate the street, alley, or easement described in the attached legal description.**

**This petition is made upon the following facts and reasons (identify the actual basis and reasons supporting the petition)<sup>1</sup>:**

1.       Petitioner comprises at least 51% ownership of the real property abutting the property for which the vacation is sought, as depicted on the attached Exhibit A.
2.       The subject easement is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians or the efficient supply of utilities or public services in the city as the structures they serviced are no longer located on the property.
3.       The subject easement is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
4.       The vacation requested will allow for the continued, uninterrupted use of the adjacent properties.

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<sup>1</sup> In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

**This petition is supported by a majority of the person(s) who own a majority of the lineal frontage of the land abutting upon the portion of the public easement proposed to be vacated. A copy of the signature of these persons is attached hereto and made a part hereof.<sup>2</sup>**

**The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.**

**Signature(s):** \_\_\_\_\_

**Signature(s):** \_\_\_\_\_

**Date:** \_\_\_\_\_.

**Notice: This is public data.**

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<sup>2</sup> If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e. power of attorney, trustee, or court approved guardianship or conservatorship.

## **Petition Signature Form**

We, the undersigned, do hereby request that the City of Duluth consider vacation:

N/A

EXHIBIT A

