



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 110 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

|                             |  |                                 |                          |               |
|-----------------------------|--|---------------------------------|--------------------------|---------------|
| <b>File Number</b>          | PL 19-008  | <b>Contact</b>                  | Jake Griffiths, 730-5580 |               |
| <b>Type</b>                 | Vacation of Right of Way   | <b>Planning Commission Date</b> | March 12, 2019           |               |
| <b>Deadline for Action</b>  | <b>Application Date</b>  | January 31, 2019                | <b>60 Days</b>           | April 1, 2019 |
|                             | <b>Date Extension Letter Mailed</b>  | February 14, 2019               | <b>120 Days</b>          | May 21, 2019  |
| <b>Location of Subject</b>  | 1410 W Page St   |                                 |                          |               |
| <b>Applicant</b>            | Michael & Jennifer Hudyma  | <b>Contact</b>                  |                          |               |
| <b>Agent</b>                | Michael Hudyma   | <b>Contact</b>                  |                          |               |
| <b>Legal Description</b>    | See attached, portion of Sundby Street adjacent to PID# 010-2230-04640 to intersection of Rockford St. |                                 |                          |               |
| <b>Site Visit Date</b>      | NA   | <b>Sign Notice Date</b>         | February 26, 2019        |               |
| <b>Neighbor Letter Date</b> | February 21, 2019  | <b>Number of Letters Sent</b>   | 13                       |               |

**Proposal**

The applicant is requesting to vacate an unimproved portion of Sundby Street adjacent to 1410 Page St and Home Acres 1<sup>st</sup> Division, Lot 000 Block 011. Currently the area is unimproved and forested.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b> | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|--------------------------|--|
| <b>Subject</b> | RR-1                  | Rural Residential        | Low Density Neighborhood               |
| <b>North</b>   | RR-1                  | Rural Residential        | Low Density Neighborhood               |
| <b>South</b>   | RR-1                  | Rural Residential        | Low Density Neighborhood               |
| <b>East</b>    | RR-1                  | Rural Residential        | Low Density Neighborhood               |
| <b>West</b>    | RR-1                  | Rural Residential        | Low Density Neighborhood               |

**Summary of Code Requirements**

Vacation of public rights of way and/or easements require a Planning Commission public hearing with a recommendation to City Council. City Council action is to approve or deny by resolution. Resolutions approving either a full or partial vacation require a 6/9's vote of the council.

UCD Sec. 50-37.6.C – The Planning Commission shall review the proposed vacation, and Council shall approve the proposed vacation, or approve it with modifications, if it determines that the street, highway, or easement proposed for vacation:

- 1) 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;
- 2) Where the street terminates at a waterfront or shoreline, the street is not and will not be needed to provide pedestrian or recreational access to the water;
- 3) Is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.

**Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):**

**Principle #5 - Strengthen neighborhoods:** The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

**Housing Policy #4** – Improve the quality of the city’s housing stock and neighborhoods

**Future Land Use – Low Density Neighborhood:** The RR-1 district is established to accommodate, large-lot, single-family detached residential uses, typically surrounded by significant open space, on lots of at least 5 acres each. The district encourages distinctive neighborhoods with a semi-rural character.

**Review and Discussion Items**

Staff Finds that:

1. The applicant is requesting to vacate an unimproved portion of the platted right-of-way of Sundby Street as shown in the attached exhibit.
2. The proposed vacation is 66.0’x521.09’. The vacated right-of-way contains 34,392 square feet.
3. The proposed vacated portion of Sundby Street is not needed for public use. The City Engineering office has reviewed the proposed vacation and made comments on the attached exhibit.
4. The portion of the right-of-way is not needed to provide access to any public water. Vacating the right of way will not have impacted or deny access to other property owners.
5. No other public or City comments have been received at this time of drafting this report.
6. Vacations or rights of way and easements lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

**Staff Recommendation**

Based on the above findings, staff recommends that Planning Commission recommend approval of the vacation of the right of way as shown in the attached vacation exhibit.





**Legend**  
 Zoning Boundaries

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.







1410 W Page St

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Zoning Boundaries



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2016

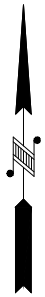


Prepared by: City of Duluth Community Planning Division, January 17, 2019, Source: City of Duluth.



# PAGE STREET

(UNION AVE PER PLAT)



Approved by the City Engineer of the City of Duluth, MN this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

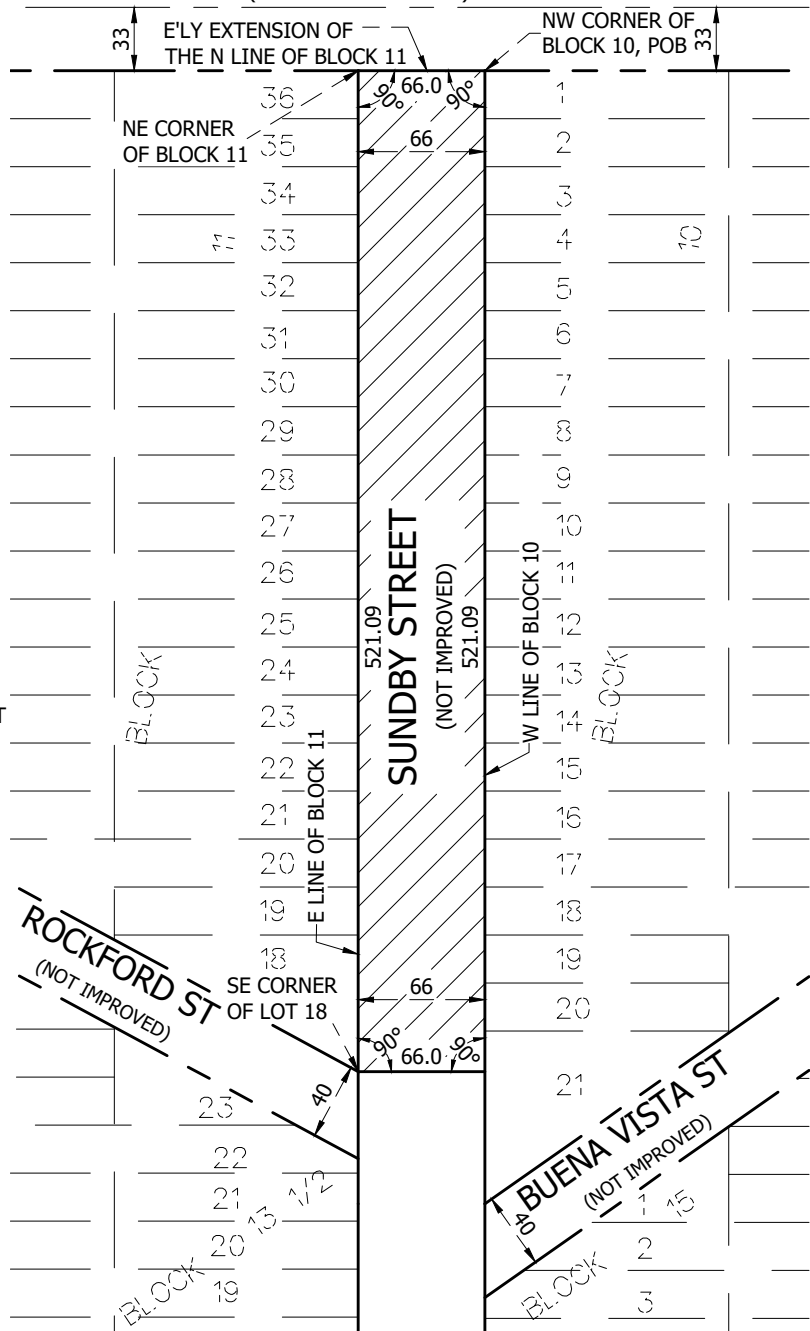
By \_\_\_\_\_

### LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

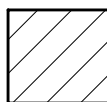
All that portion of Sundby Street as dedicated on FIRST DIVISION OF HOME ACRES, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Beginning at the Northwest corner of Block 10, said FIRST DIVISION OF HOME ACRES; thence Southerly, along the West line of said Block 10 for a distance of 521.09 feet; thence Westerly, deflecting 90 degrees 00 minutes 00 seconds to the right 66.00 feet to the East line of Block 11, said FIRST DIVISION OF HOME ACRES, said point being the Southeast corner of Lot 18, said Block 11; thence Northerly, deflecting 90 degrees 00 minutes 00 seconds to the right, along the said East line of Block 11 521.09 feet to the Northeast corner of said Block 11; thence Easterly, deflecting 90 degrees 00 minutes 00 seconds to the right, along the Easterly extension of the North line of said Block 11 for a distance of 66.00 feet to the point of beginning.

Said right of way vacation contains 34,392 Sq. Feet or 0.79 Acres.



### LEGEND



PROPOSED RIGHT OF WAY VACATION

POB-POINT OF BEGINNING

--- RIGHT OF WAY LINE  
--- PLAT CENTER LINE

### SURVEYORS NOTES

- THIS IS NOT A BOUNDARY SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

I hereby certify that this survey, plan, 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.

*David R. Evanson*  
David R. Evanson

Date: 1-17-2019

MN Lic. No. 49505

### RIGHT OF WAY VACATION EXHIBIT

CLIENT: MIKE HUDYMA

REVISIONS: XXX

DATE: 1-17-2019

ADDRESS: 1410 WEST PAGE ST  
DULUTH, MN 55811

JOB NUMBER: 19-008



LAND SURVEY COMPANY
























- \* LAND SURVEYING
- \* LAND DEVELOPMENT
- \* PLATTING
- \* LEGAL DESCRIPTIONS
- \* CONSTRUCTION STAKING

PHONE: 218-727-5211  
LICENSED IN MN & WI  
CERTIFIED FEDERAL SURVEYOR  
WWW.ALTLANDSURVEYDULUTH.COM





### Legend

-  Zoning Boundaries
-  Open Space
-  Open Space/Outside Duluth
-  Rural Residential
-  Low-density Neighborhood
-  Traditional Neighborhood
-  Urban Residential
-  Neighborhood Commercial
-  Central Business Secondary
-  Central Business Primary
-  Large-scale commercial
-  Tourism/Entertainment District
-  Commercial Waterfront
-  General Mixed Use
-  Neighborhood Mixed Use
-  Light Industrial
-  General Industrial
-  Industrial Waterfront
-  Business Park
-  Transportation and Utilities
-  Transportation and Utilities/Outside Duluth
-  Medical District
-  Institutional



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, January 17, 2019. Source: City of Duluth.