



Planning & Development Division
Planning & Economic Development Department

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File Number	PL 21-148	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Vacation of Right-Of-Way	Planning Commission Date	September 14, 2021	
Deadline for Action	Application Date	August 12, 2021	60 Days	October 11, 2021
	Date Extension Letter Mailed	August 30, 2021	120 Days	December 10, 2021
Location of Subject	A portion of a platted alley between North 51st Avenue West Alley and Mike Colalillo Drive.			
Applicant	City of Duluth	Contact		
Agent	Brett Crecelius	Contact		
Legal Description	See Attached			
Site Visit Date	September 3, 2021	Sign Notice Date	August 31, 2021	
Neighbor Letter Date	August 27, 2021	Number of Letters Sent	31	

Proposal

The City is requesting to vacate a portion of a platted alley between North 51st Avenue West Alley and Mike Colalillo Drive, and between 3 parcels. Following the vacation of the alley the City is proposing to sell the 3 parcels to the adjacent landowner to increase lot size and density for their development project.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Unimproved alley	Urban Residential
North	R-P	Residential	Urban Residential
South	R-P	Street	Urban Residential
East	MU-B	Street	Urban Residential
West	R-P	Residential	Urban Residential

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):

Governing Principle #5 - Promote reinvestment in neighborhoods.

Transportation Chapter Policy #2 – Reduce infrastructure costs through innovation and wholesale design change

Future Land Use - Urban Residential - Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Review and Discussion Items:

Staff finds that:

1. The City is proposing to vacate a portion of a 10-foot wide platted alley between North 51st Avenue West Alley and Mike Colalillo Drive. The alley runs between three parcels and is located within Ramsay Village. Following the vacation of the alley the City is proposing to sell the three parcels to the adjacent landowner to increase lot size and density for their development project. The vacation shall support other actions by the city and private property owners, including the removal of blighted structures currently located on the private parcels. The portion of the alley to be vacated is of shown on the attached exhibit.
2. The alley was platted in the West Duluth 7th Division but never utilized for its intended purpose as there is no pavement installed.
3. The alley will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
4. The City has determined that this portion of the alley right of way is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
5. The City Engineering office has reviewed the proposed vacation and has indicated that a utility easement shall be retained over the entire portion of the right of way.
6. No other public or City comments have been received at the time of drafting this report.
7. Vacations of 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 with the following conditions:

- 1.) Approval of the vacation shown on the attached exhibit
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



453003115

Vacate alley

453003130

453002800

453002820

453003180

N 51st Ave W Alley

**R-P
(Residential
Plan)**

453002835

453002860

Mike Colalillo Dr

453003155

453002830

Legend

- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

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

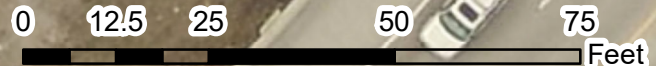
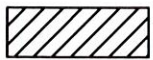
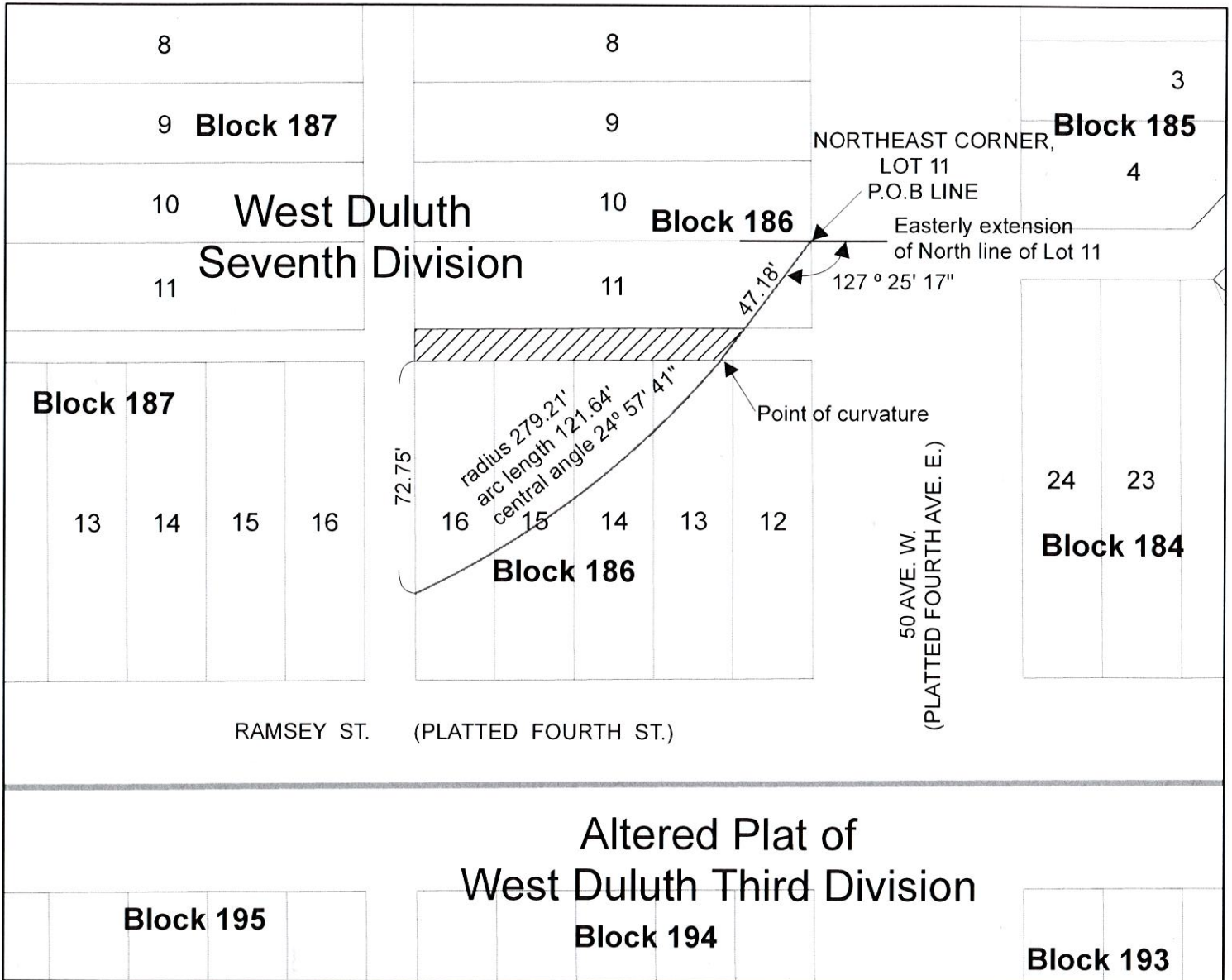


Exhibit A



Vacation Area with Retained Utility Easement



Vacation of right of way, reserving an easement for utility purposes, in that part of the alley that lies south of Lot 11 and north of Lots 12 through 16, Block 186 of West Duluth Seventh Division according to the recorded plat thereof in St. Louis County, Minnesota, that lies west of a line described as:

Beginning at the northeast corner of said Lot 11; thence deflecting to the southwest 127 degrees 25 minutes 17 seconds from the easterly extension of the north line of Lot 11 a distance of 47.18 feet to a tangential curve; thence 121.64 feet more or less along said curve, radius 279.21 feet, central angle 24 degrees, 57 minutes, 41 seconds, concave to the northwest, to a point on the west line of said Lot 16 that is 72.75 feet south of the northwest corner of Lot 16, and there terminating.



 APPROVED BY CITY ENGINEER

9-2-21

 DATE