



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 17-111	Contact	Jenn Moses, jmoses@duluthmn.gov
Type	Vacation of Alley	Planning Commission Date	August 8, 2017
Deadline for Action	Application Date		60 Days
	Date Extension Letter Mailed		120 Days
Location of Subject	Northeast Corner of W Central Entrance and Myrtle Street		
Applicant	Launch Properties c/o Scott Moe	Contact	
Agent	Kimley-Horn and Associates	Contact	Brian Wurdeman
Legal Description	PIDs 010-0890-08890, 010-0890-08930, 010-0890-08890, 010-0890-09120		
Site Visit Date	July 19, 2017	Sign Notice Date	July 24, 2017
Neighbor Letter Date	July 25, 2017	Number of Letters Sent	27

Proposal

Applicant proposes to vacate an undeveloped alley between Myrtle Street and Teak Street, running parallel to West Central Entrance, in Duluth Heights Sixth Division. A utility easement would be retained over the eastern portion of the alley.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant	Neighborhood Mixed Use
North	R-1	Undeveloped	Traditional Neighborhood
South	MN-N	Residential	Neighborhood Mixed Use
East	MU-N	Residential	Neighborhood Mixed Use
West	MU-C	Commercial	Neighborhood Mixed Use

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.

UDC Section 50-37.6C. The Planning Commission shall review the proposed vacation, and the 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 #7 – Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

History: The development site formerly contained two houses; one has been moved to another location and another house was demolished.

Note that this application has not been deemed complete due to outstanding wetland permitting in progress.

Review and Discussion Items

Staff finds that:

- 1) Applicant is proposing to vacate an undeveloped alley running parallel to W Central Entrance. Although platted in 1891, this alley has never been developed or needed for a public purpose other than the provision of utilities.
- 2) All properties abutting the alley have access via existing public streets.
- 3) A gas line currently exists within this alley. The city will retain a utility easement over the eastern portion of the alley, where the gas line serves existing property. Applicant will work with City Engineering to remove the gas line within the alley on the western portion, and utilities for any development on this site will be private.
- 4) Staff has coordinated with Minnesota Power, who has power lines within the alley. Minnesota Power is working with the applicant on designs for relocation of any existing power lines outside the retained utility easement.
- 5) With retention of a utility easement, this right of way 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.
- 6) This right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 7) No public, agency, or City comments have been received.
- 8) Vacations of streets 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 the Planning Commission recommend approval of the vacation and retention of a utility easement, with the following conditions:

1. Applicant pay for and relocate any remaining and needed Minnesota Power lines per Minnesota Power direction.
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; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



City Planning
PL 17-110, 111, 121
Central Entrance &
Anderson Rd/Myrtle St

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.

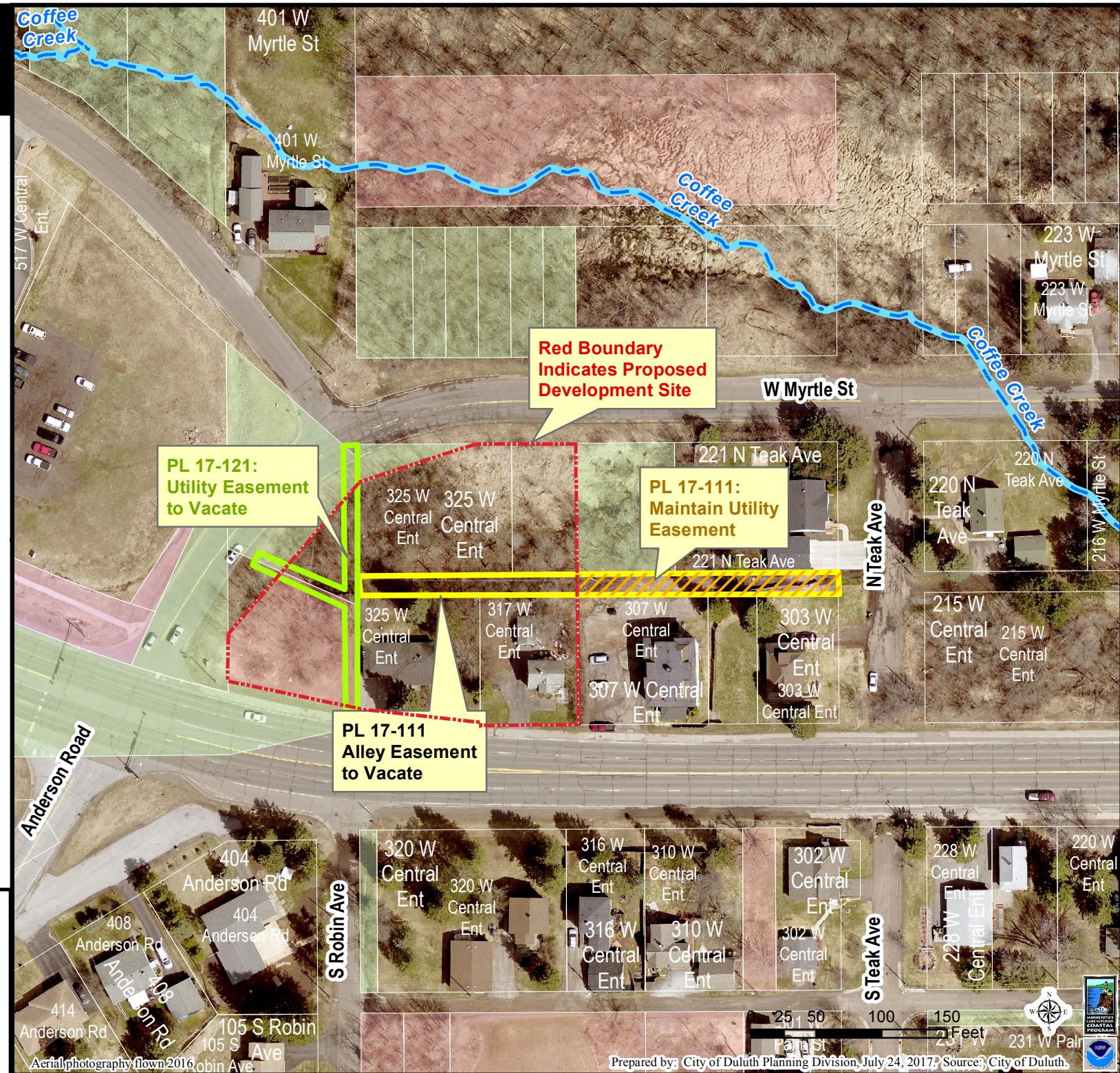
Aerial photography flown 2016





City Planning

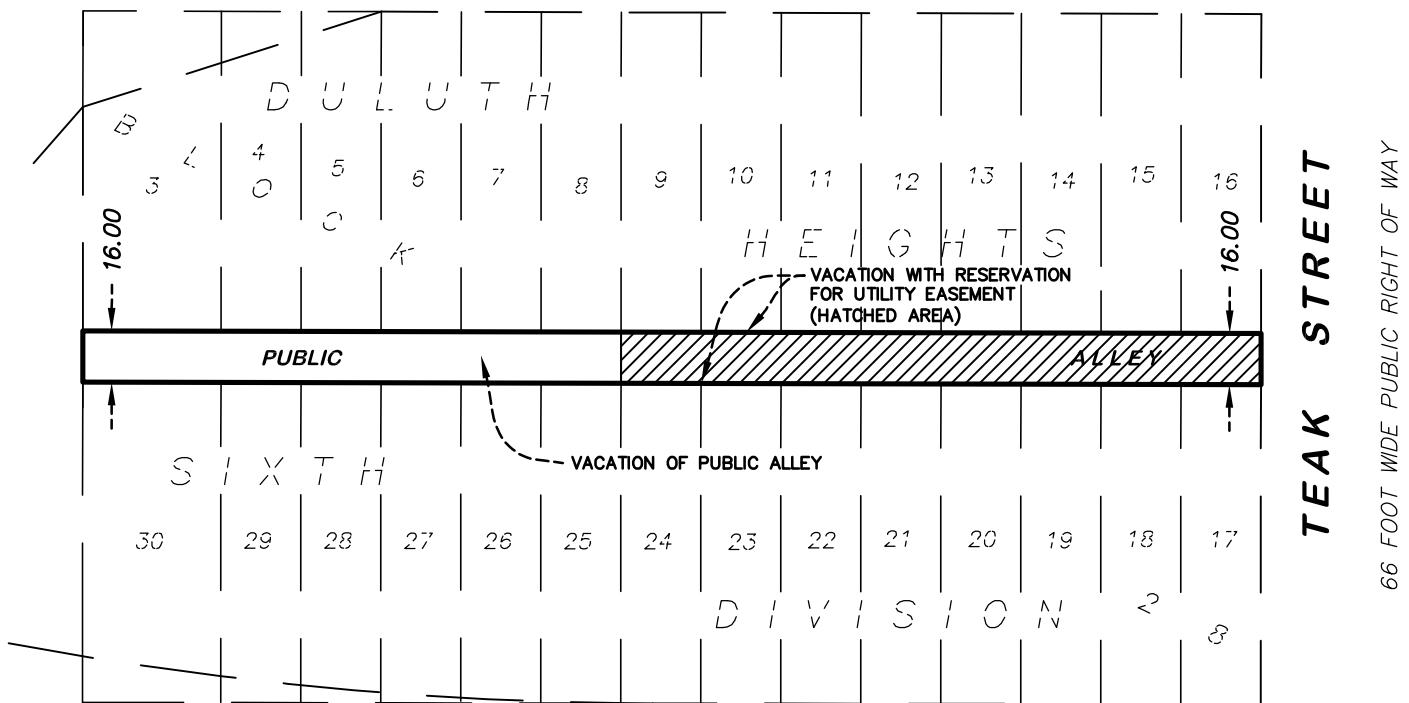
PL 17-110, 111, 121
Central Entrance &
Anderson Rd/Myrtle S



ALLEY VACATION EXHIBIT

MYRTLE STREET

66 FOOT WIDE PUBLIC RIGHT OF WAY



WEST CENTRAL ENTRANCE TRUNK HIGHWAY NO. 194

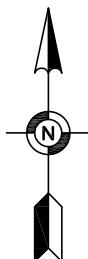
VARIABLE WIDTH PUBLIC RIGHT OF WAY

DESCRIPTION OF ALLEY TO BE VACATED:

All that part of the 16.00 foot wide alley dedicated in Block 28, DULUTH HEIGHTS, SIXTH DIVISION. Reserving a utility easement over all that part of said vacated alley lying easterly of the east line of Lot 25 and its northerly extension.

Approved this _____ day of _____, 2017.

Approved by: _____, City of Duluth Engineer



ALLEY VACATION EXHIBIT FOR:

**Kimley-Horn and
Associates, Inc.**

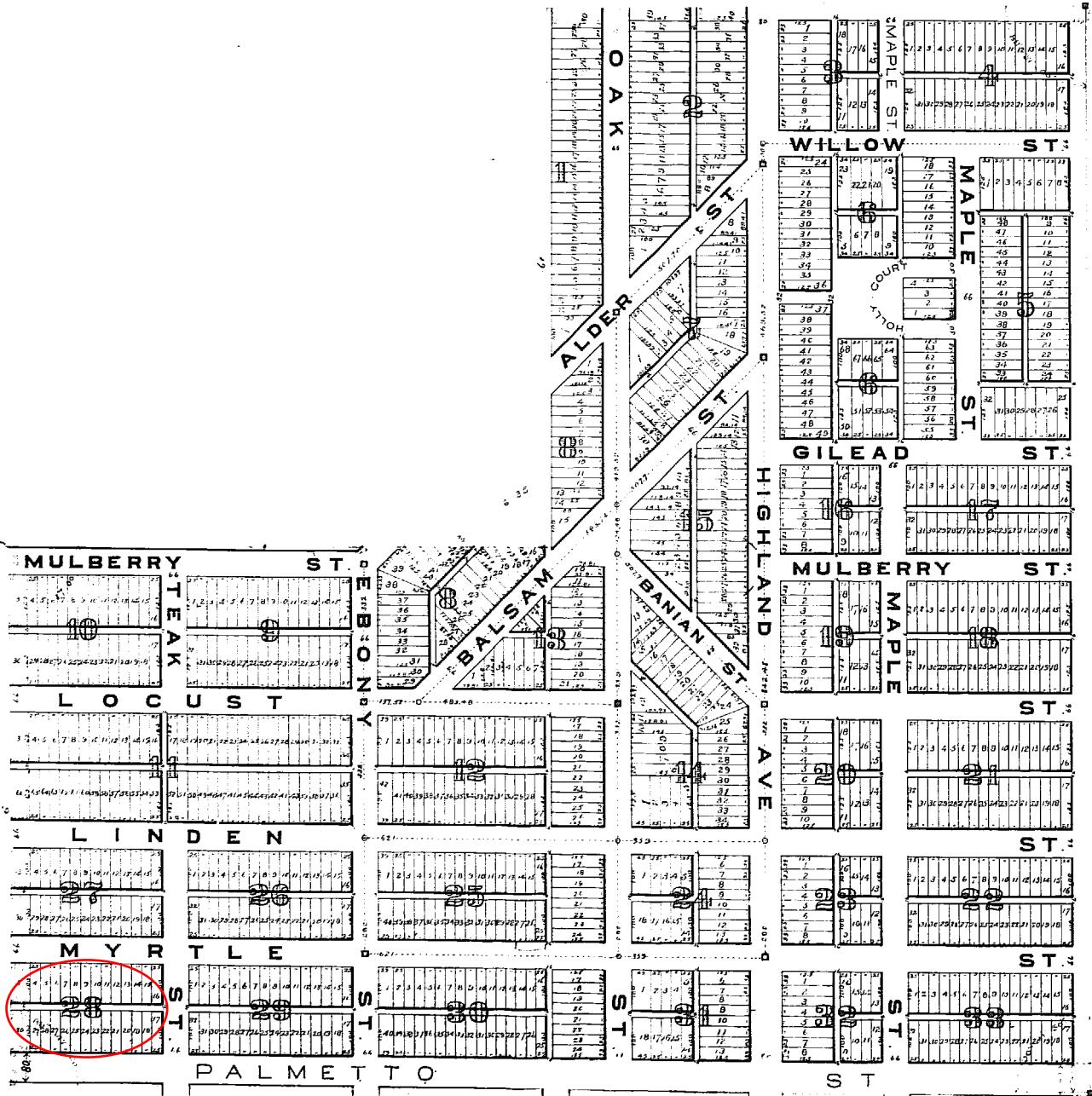
SITE LOCATION: 317 & 325 West Central Entrance
Duluth, Minnesota 55811



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DULUTH HEIGHTS, SIXTH DIVISION.

SCALE, 1 INCH - 200 FT - S. L. RICE, C.E.



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KNOW ALL MEN BY THESE PRESENTS, that the Highland Improvement Company, a corporation organized under the laws of the state of Minnesota, has caused to be surveyed and platted into lots, blocks, streets, avenues and alleys, that tract or parcel of land lying and being in the City of Duluth, County of St. Louis, State of Minnesota and described as follows, to wit: Being the East one half (E½) of the North-east one quarter (NE¼) of section 20 T. 50 N. R. 14 W., excepting a portion of land included in the following, viz: beginning at the East Post of section 20, T. 50, R. 14 W. thence west along the east and west center line of said section to the center of said section, thence north along the north and south center line 87.1 feet, thence east to a point on the east section line of said section, 76.4 feet north of the East Post of said section 20, thence south to the place of beginning.

The streets, avenues, and alleys contained on the annexed plat are hereby dedicated to public use and said plat being a plat of the above described land is also made for the same purpose:

IN WITNESS WHEREOF, the same Highland Improvement Company hath caused this instrument to be drawn up and signed by its Vice President and its corporate seal to be hereunto affixed by its secretary, this 24th day of October - A. D. 1891.

One in presence of

C. L. Rice

B. A. Scott

Chas. P. Craig Vice President

Chas. M. Gray Secretary

State of Minnesota } S. S.
County of St. Louis } S. S.

On this 24th day of November - A. D. 1891, before me a Notary Public

Chas. P. Rice and Chas. M. Gray, to me personally known to be the identical persons whose signatures are affixed to the above certificate, who, being by me duly and soberly sworn did say that they are respectively the Vice President and the Secretary of the Highland Improvement Co. of Duluth Minn., that the foregoing instrument was signed and sealed in behalf of said Highland Improvement Company, by authority of its Board of Directors, that its official seal inscribed thereon is the corporate seal of said corporation and said C. L. Rice and C. M. Gray acknowledged said plat and said certificate to be the true act and deed of said corporation.

I the undersigned surveyor hereby certify that at the request of the Highland Improvement Company I have surveyed the land described on their foregoing certificate and represented on the plat annexed hereto and that said plat is a true and accurate copy of such survey.

Instrument has been filed when presented on said plat in

conformance with the law and to make permanent said survey and plat.

W. L. Clement

C. P. Rice

Surveyor

State of Minnesota } S. S.
County of St. Louis } S. S.

On this 21st day of November - A. D. 1891, before me a Notary

Chas. L. Rice to me personally known and to this day unacquainted with the person or persons

and acknowledged the same to be his own, true act and deed,

John C. Gossage

Notary Public

W. L. Wilson

W. L