



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 18-079	Contact	Steven Robertson, 218-730-5295	
Type	Vacation of Platted Right of Way	Planning Commission Date		July 10, 2018
Deadline for Action	Application Date	June 8, 2018	60 Days	August 7, 2018
	Date Extension Letter Mailed	July 2, 2018	120 Days	October 6, 2018
Location of Subject	South of the intersection of Grand Avenue and Warwick Street			
Applicant	Spirit Valley Land Company	Contact	Brad Johnson	
Agent	LHB	Contact	Paul Vogel	
Legal Description	See Attached			
Site Visit Date		Sign Notice Date		June 25, 2018
Neighbor Letter Date	June 28, 2018	Number of Letters Sent		10

Proposal

Vacate platted, but unimproved right of way, in preparation for a replatting of the subject area, with subsequent dedication of new right of way and utility and drainage easements.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Residential/Undeveloped	General Mixed, Preservation, Urban Res
North	MU-N, R-1, P-1	Residential, Recreation	Neighborhood Commercial, Pres, Rec
South	I-G, R-1	Undeveloped, Railroad/Trail	Preservation
East	I-G	Undeveloped, Residential	Preservation
West	R-1, R-2	Residential	Preservation, Recreation, Urban Resid

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):

2006 Governing Principle #7 – Create and maintain connectivity.

2006 Governing Principle #8 - Encourage mix of activities, uses, and densities.

Future Land Use- General Mixed Use. The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

Future Land Use- Neighborhood Commercial. Small- to moderate scale commercial, serving primarily the adjacent neighborhood(s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

Future Land Use – Urban Residential. Greatest variety of 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.

Future Land Use – Preservation. Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

Previous Actions:

- Riverside Small Area Plan was adopted on October 26, 2015. It addressed land use and other related topics for the Riverside area, which included much of the area being platted as Kayak Bay.
- Wetland delineation was approved on in November 2015, and a wetland replacement plan showing impacts of approximately 24,000 square feet on the 27-acre site was approved on May 31, 2018.
- Property was rezoned (PL 16-105) from R-1, R-2, MU-N and I-G, to MU-P (Mixed Use Planned); approved by the City Council on February 13, 2017, effective March 15, 2017. The rezoning included a concept plan, which showed the uses, height, and density of the proposed plan.
- A preliminary plat was approved by the Planning Commission (PL 17-028) with conditions, on March 14, 2017.
- An EAW was conducted for this project (PL 17-085). On January 9, 2018, the Planning Commission made a negative declaration and did not require the preparation of an EIS for the project.

Review and Discussion Items

- 1) The applicant is proposing to vacate existing platted, but unimproved, right of way in conjunction with replatting the property for future development. See attached exhibit and legal description.
- 2) The proposed “Kayak Bay” plat will create several lots that have frontage on Grand Avenue, or the proposed Kayak Bay Drive, while a few of the residential lots proposed in the SW corner of the development will be served by a private road. The streets proposed for vacation will not be needed to serve proposed future development of the land in the plat and are not required for connectivity to other streets in the area.
- 3) The streets proposed for vacation will not be needed for pedestrian connections. The Willard Munger Trail runs through the development, roughly parallel to Grand Avenue, providing cross access (at Kayak Bay Drive) for pedestrians.
- 4) The proposed plat dedicates a utility easement for some of the required public utilities needed for development and the applicant will dedicate any additional utility easements needed at the time of development. The streets proposed for vacation will no longer be needed for utility purposes.

- 5) None of the streets proposed for vacation are needed to provide public recreational access to water. The proposed Kayak Bay Drive will provide access to the water and a new public park.
- 6) The rights of way proposed for vacation will not otherwise be needed to promote the public health, safety, or welfare of the citizens of Duluth when the proposed replatting of the property into the "Kayak Bay" plat is completed.
- 7) City staff had comments (technical corrections) on both the plat exhibit and the vacation exhibits, which were still being made/corrected at the time that this staff report was written. No other comments were received from city, agency or public comments.
- 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 Planning Commission recommend approval of the proposed Vacation of streets with the following conditions:

1. The vacations shall not be final until the plat of Kayak Bay is recorded in the office of the St. Louis County Recorder, such recording to be done concurrently with filing of the plat.
2. The vacations must be recorded within 90 days of final approval by City Council or such approval will lapse.



W Skyline Pkwy

Commonwealth Ave

Grand Avenue Estates

Orchards of Morgan Park

Morgan Park Estates

Kayak Bay

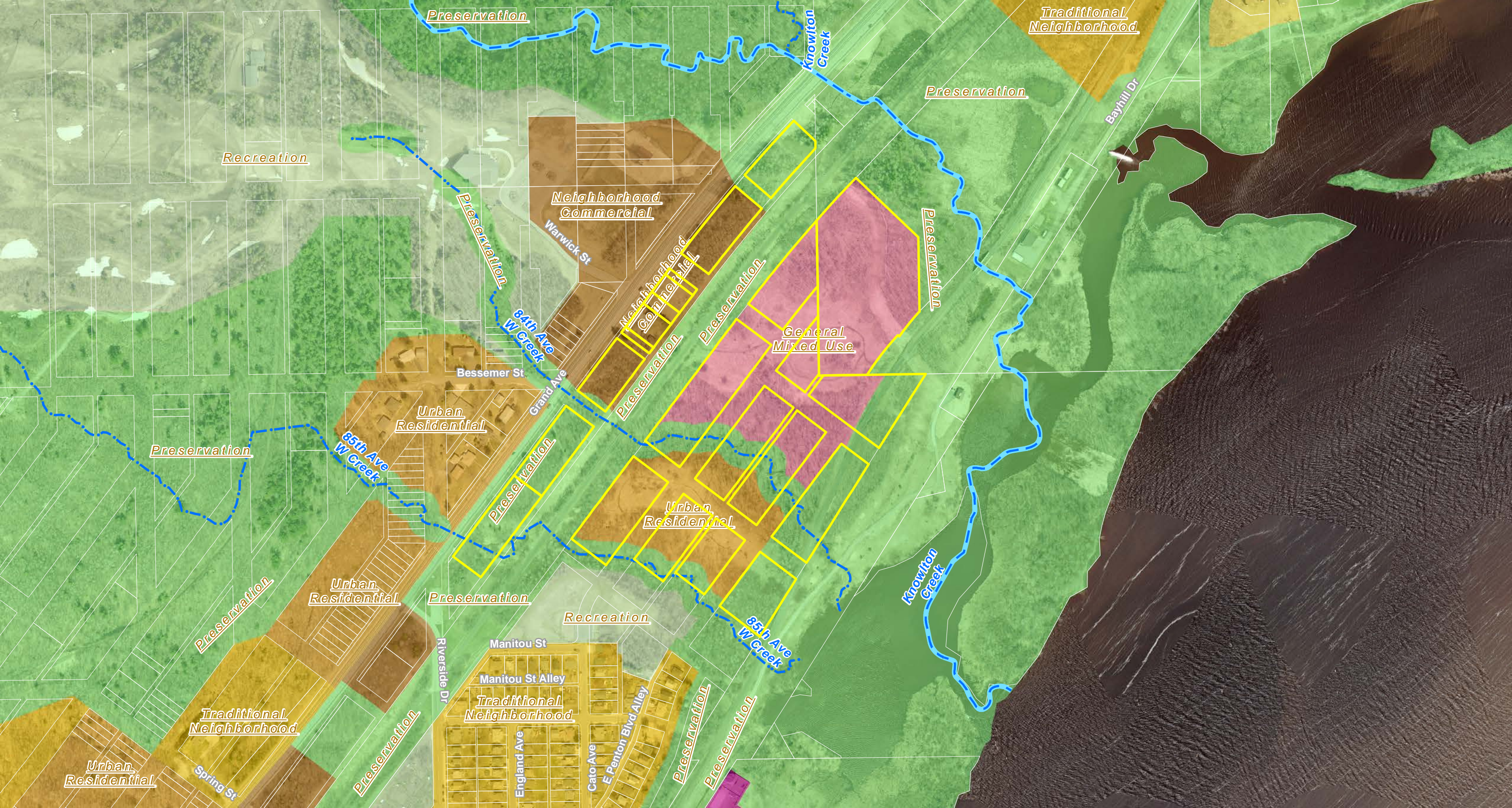


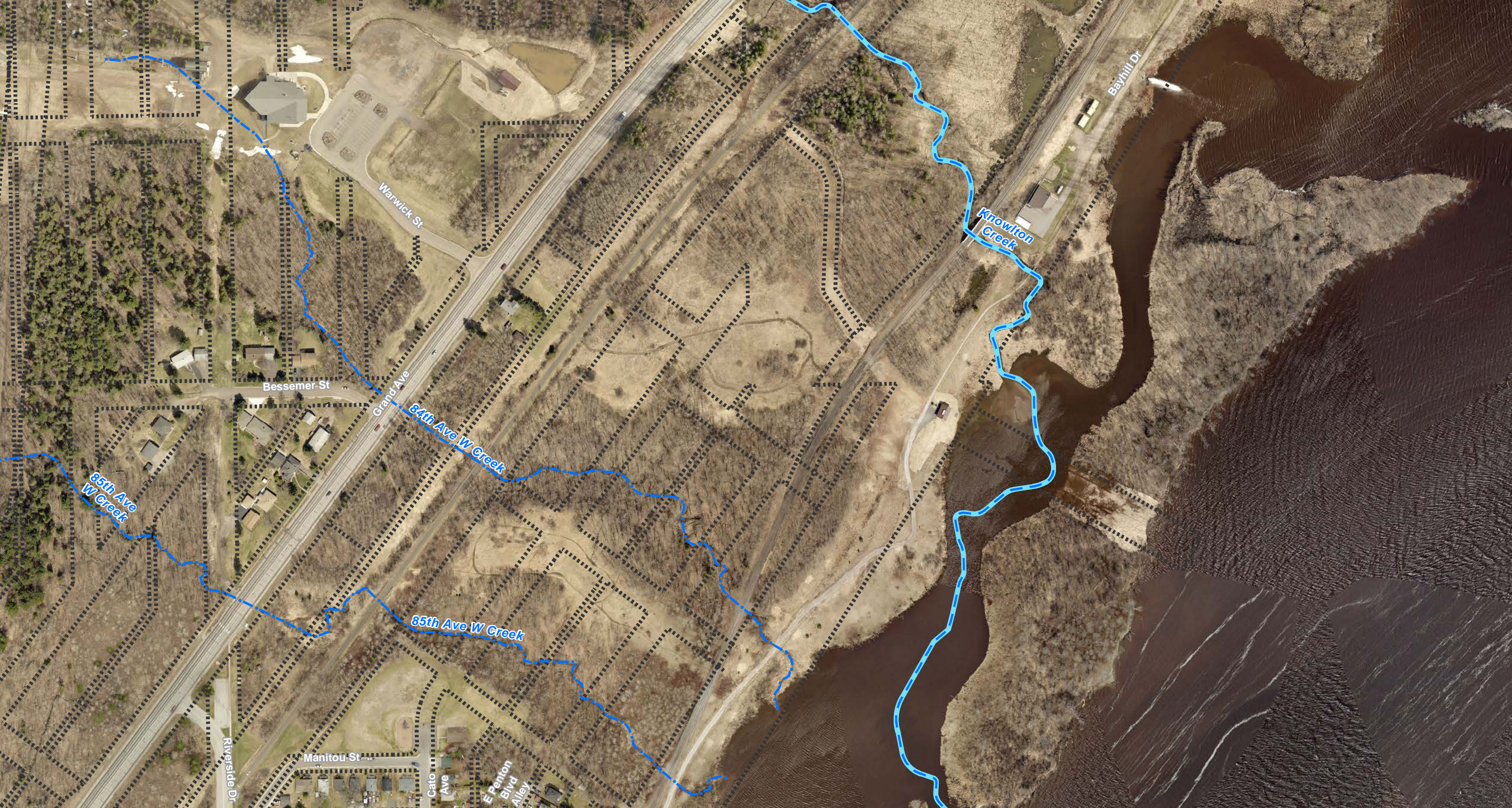


Legend

- 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.





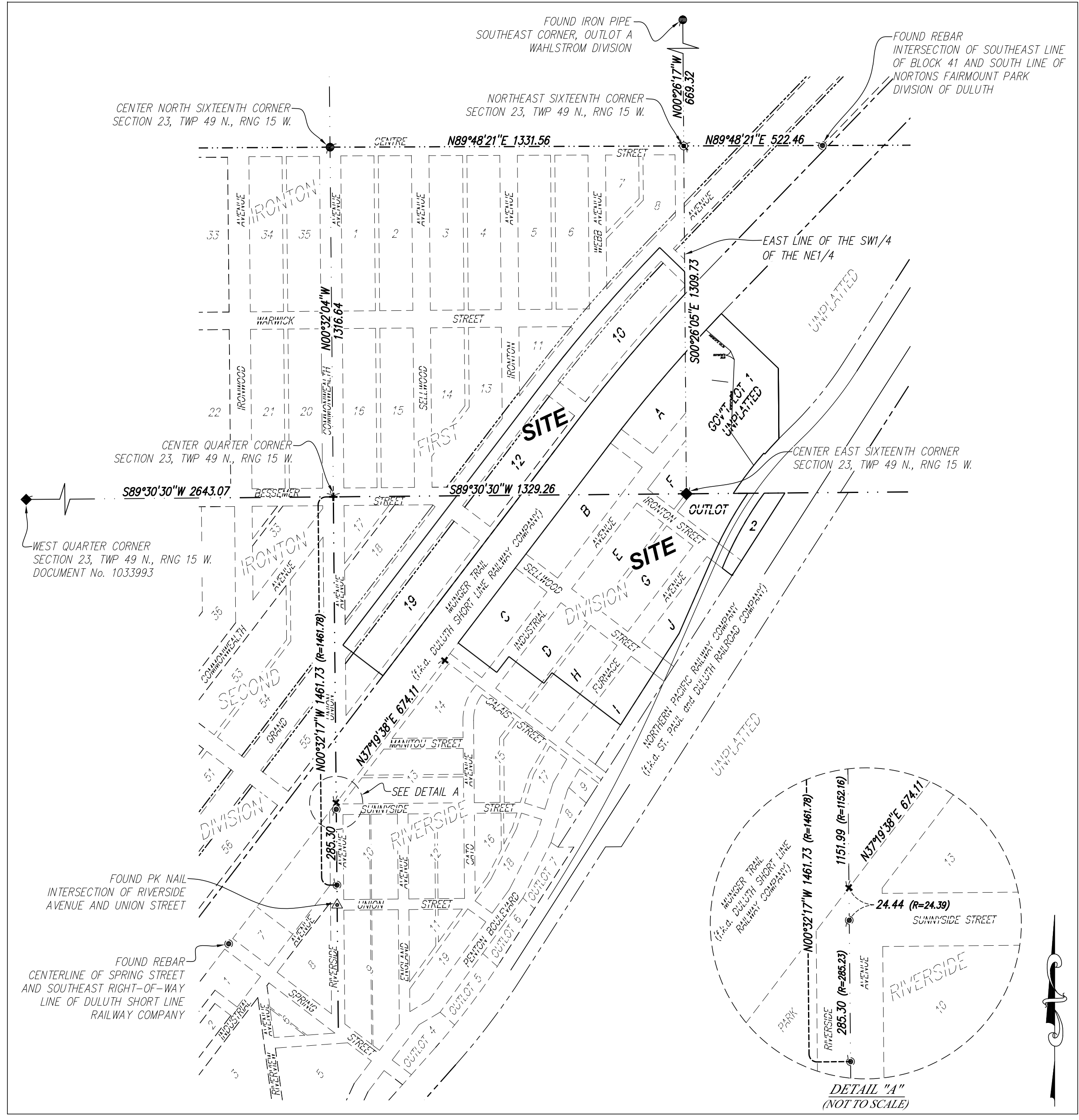


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KAYAK BAY

being a portion of *IRONTON FIRST DIVISION* and *GOVERNMENT LOT 1*
Section 23, Township 49 North, Range 15 West of the 4th Principal Meridian
City of Duluth, St. Louis County, Minnesota

SECTION SUBDIVISION (NO SCALE)



ST. LOUIS COUNTY RECORDER

I hereby certify that this plat of KAYAK BAY was filed in the office of the County Recorder for public record on this _____ day of _____, 20____.

at _____ o'clock _____ .M. as Document No. _____.

Mark A. Monacelli
County Recorder Deputy

ST. LOUIS COUNTY REGISTRAR OF TITLES

I hereby certify that this plat of KAYAK BAY was filed in the office of the Registrar of Titles for public record on this _____ day of _____, 20____.

at _____ o'clock _____ .M. as Document No. _____ affecting public Certificate(s) of Title No. 333786, 341778, 342392, 338586, 342393, 341756, and 341758.

Mark A. Monacelli
County Recorder Deputy

ST. LOUIS COUNTY AUDITOR

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, and to Minnesota Statutes, Section 272.12, taxes payable in the year 20____ on this land hereinbefore described have been paid; there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Donald Dicklich
County Auditor Deputy

KNOW ALL PERSONS BY THESE PRESENTS:

That SPIRIT VALLEY LAND COMPANY, A LIMITED LIABILITY CORPORATION, owners of the following described property situated in St. Louis County, Minnesota, to wit:

TORRENS CERTIFICATE OF TITLE 333786

ALL THAT PART IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE INTERSECTION OF THE DIVIDING LINE BETWEEN LOTS 2 AND 3, IN BLOCK C, WITH THE SE'LY LINE OF THE RIGHT-OF-WAY OF DULUTH SHORT LINE (ST P & D R R) AS SHOWN ON SAID PLAT; THENCE RUNNING SE'LY ALONG THE AFORESAID DIVIDING LINE AND AN EXTENSION THEREOF TO THE CENTER LINE OF INDUSTRIAL AVENUE; THENCE RUNNING NE'LY ALONG THE CENTER LINE OF INDUSTRIAL AVENUE TO THE EXTENDED DIVIDING LINE BETWEEN LOTS 5 AND 6 OF BLOCK D; THENCE RUNNING SE'LY ALONG THE LAST MENTIONED LINE TO THE CENTER LINE OF THE ALLEY BETWEEN BLOCKS D AND H; THENCE RUNNING NE'LY ALONG THE CENTER LINE EXTENDED OF SAID ALLEY AND ALONG THE EXTENDED CENTERLINE OF THE ALLEY BETWEEN BLOCKS E AND G TO THE CENTER LINE OF IRONTON AVENUE; THENCE NW'LY ALONG THE CENTER LINE OF IRONTON AVENUE EXTENDED TO THE CENTER LINE OF INDUSTRIAL AVENUE; THENCE RUNNING NE'LY ALONG THE CENTER LINE OF INDUSTRIAL AVENUE TO THE EXTENDED CENTER LINE OF THE STREET BETWEEN BLOCKS B AND A; THENCE NW'LY ALONG THE EXTENDED CENTER LINE OF SAID STREET TO THE SE'LY LINE OF THE AFORESAID RIGHT-OF-WAY; THENCE SW'LY ALONG SAID RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING; EXCEPT MINERALS.

TORRENS CERTIFICATE OF TITLE 341778

LOTS 6 TO 19, BLOCK 19, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA, EXCEPT THE NORTHWESTERLY 10 FEET THEREOF; LOTS 1 TO 16, BLOCK "G", IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; LOTS 8 TO 16, BLOCK "H", IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; LOTS 8 TO 16, BLOCK "I", IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; ALL EXCEPT ALL THAT PORTION LYING WITHIN 50 FEET OF THE AN IMMEDIATELY ADJACENT TO THE NORTHWESTERLY LINE OF THE 200 FOOT RIGHT OF WAY STRIP OF LAND OF THE NORTHERN PACIFIC RAILWAY COMPANY HEREBEFORE REFERRED TO AS CONVEYED BY EUGENE MARSHALL, WHICH SAID 50 FOOT STRIP WAS HERETOFORE CONVEYED BY THE ST. LOUIS BAY LAND COMPANY TO THE DULUTH TRANSFER RAILWAY COMPANY BY DEED DATED AUGUST 23, 1982 AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS IN BOOK 77 OF DEEDS, PAGE 603; ALL EXCEPT MINERALS.

TORRENS CERTIFICATE OF TITLE 342392

LOTS 1 TO 14, BLOCK "A", IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; LOTS 1 TO 10, BLOCK "F", IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; ALL EXCEPT MINERALS.

TORRENS CERTIFICATE OF TITLE 338586

LOTS 1 THROUGH 9, EXCEPT THE NORTHWEST 10 FEET, BLOCK 12, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; LOTS 18 THROUGH 21, EXCEPT THE NORTHWEST 10 FEET, BLOCK 12, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; LOTS 20 THROUGH 31, EXCEPT THE NORTHWEST 10 FEET, BLOCK 19, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; ALL EXCEPT MINERALS.

TORRENS CERTIFICATE OF TITLE 342393

LOTS 12, 13 AND 15, EXCEPT THE NORTHWEST 10 FEET THEREOF, BLOCK 12, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; LOTS 16 AND 17, EXCEPT THE NORTHWEST 10 FEET, BLOCK 12, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; ALL EXCEPT MINERALS.

TORRENS CERTIFICATE OF TITLE 341756

ALL OF OUTLOT 2, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA, EXCEPT THAT PORTION THEREOF DESCRIBED AS A STRIP OF LAND 50 FEET IN WIDTH, THROUGH SAID OUTLOT 2, SAID STRIP OF LAND BEING 18 FEET UPON THE W'LY SIDE AND 32 FEET UPON THE E'LY SIDE OF THE CENTER LINE OF RAILROAD OF DULUTH TRANSFER RAILWAY COMPANY, AS THE SAME WAS SURVEYED, STAKED OUT AND LOCATED THROUGH, OVER AND UPON SAID OUTLOT 2, ON NOVEMBER 4TH, 1892; EXCEPT MINERALS.

TORRENS CERTIFICATE OF TITLE 341758

LOTS 1 TO 12, BOTH INCLUSIVE, EXCEPT THE NORTHWESTERLY 10 FEET; AND LOTS 15 TO 24, BOTH INCLUSIVE, EXCEPT THE NORTHWESTERLY 10 FEET; BLOCK 10, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA; EXCEPT MINERALS.

ABSTRACT

LOTS 13 AND 14, BLOCK 10, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA, EXCEPT THE NORTHWESTERLY 10 FEET THEREOF; EXCEP MINERALS.

ABSTRACT

LOTS 10, 11 AND 14, BLOCK 12, IRONTON FIRST DIVISION, ST. LOUIS COUNTY, MINNESOTA, EXCEPT THE NORTHWESTERLY 10 FEET THEREOF; EXCEPT MINERALS.

ABSTRACT

THAT PART OF THE WEST 350.00 FEET OF THE GOVERNMENT LOT 1, SECTION 23, TOWNSHIP 49 NORTH, RANGE 15 WEST OF THE FOURTH PRINCIPAL MERIDIAN, ST. LOUIS COUNTY, MINNESOTA, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID GOVERNMENT LOT 1 AND THE SOUTHERLY RIGHT OF WAY OF THE NORTHERN PACIFIC SHORT LINE RAILROAD; THENCE NORTHEASTERLY ALONG SAID RAILROAD RIGHT OF WAY A DISTANCE OF 200.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLES WITH SAID RAILROAD RIGHT OF WAY, TO THE INTERSECTION WITH A LINE WHICH LIES 350.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID GOVERNMENT LOT 1; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE TO THE NORTHERLY RIGHT OF WAY LINE OF THE FORMER OLD DULUTH TRANSFER RAILWAY; THENCE SOUTHWESTERLY ALONG SAID RAILROAD RIGHT OF WAY TO THE SOUTH LINE OF SAID GOVERNMENT LOT 1; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 1 TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 1; THENCE NORTHERLY ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1 TO THE POINT OF BEGINNING AND THERE TERMINATING; EXCEPT MINERALS.

Have caused the same to be surveyed and platted as KAYAK BAY and do hereby dedicate to the public for public use the public ways, utility and drainage easements as shown on this plat.

IN WITNESS WHEREOF has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

SPIRIT VALLEY LAND COMPANY, A MINNESOTA CORPORATION

By: _____
Bradley C. Johnson, Chief Manager

STATE OF MINNESOTA }
COUNTY OF ST. LOUIS } SS

The instrument was acknowledged before me this _____ date of _____, 20____, by Bradley C. Johnson, Chief Manager of SPIRIT VALLEY LAND COMAPANY, a Minensota Corporation, on behalf of the corporation.

Notary Public, _____ County, Minnesota
My Commission Expires _____

SURVEYOR'S CERTIFICATION

I hereby certify that I have surveyed and platted the land described on this plat as KAYAK BAY and that this plat is a correct representation of the boundary survey; that all distances are correct on said plat in figures denoting feet and hundredths of feet; that all monuments depicted on the plat are correctly placed in the ground as shown on the plat; that there are no wet lands, as designated on said plat other than as shown thereon and that the outside boundary lines are correctly designated on this plat, and that this plat has been prepared in accordance with the requirements of Minnesota Statutes 505.021, as of the date of this certificate are shown and labeled on this plat; and public ways are shown and labeled on this plat.

Paul A. Vogel, Professional Land Surveyor
Minnesota License No. 44075

STATE OF MINNESOTA }
COUNTY OF ST. LOUIS } SS

The instrument was acknowledged before me this _____ date of _____, 20____, by Paul A. Vogel, Minnesota License No. 44075.

Notary Public, _____ County, Minnesota
My Commission Expires _____

CITY OF DULUTH PLANNING COMMISSION

Approved by the Planning Commission of the City of Duluth, Minnesota, at a regular meeting thereof, on the _____ day of _____, 20____.

President, Duluth City Planning Commission

Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this _____ day of _____, 20____.

Nick C. Stewart
County Surveyor

Deputy

SHEET 1 of 3 SHEETS

KAYAK BAY

being a portion of IRONTON FIRST DIVISION and GOVERNMENT LOT 1
Section 23, Township 49 North, Range 15 West of the 4th Principal Meridian
City of Duluth, St. Louis County, Minnesota

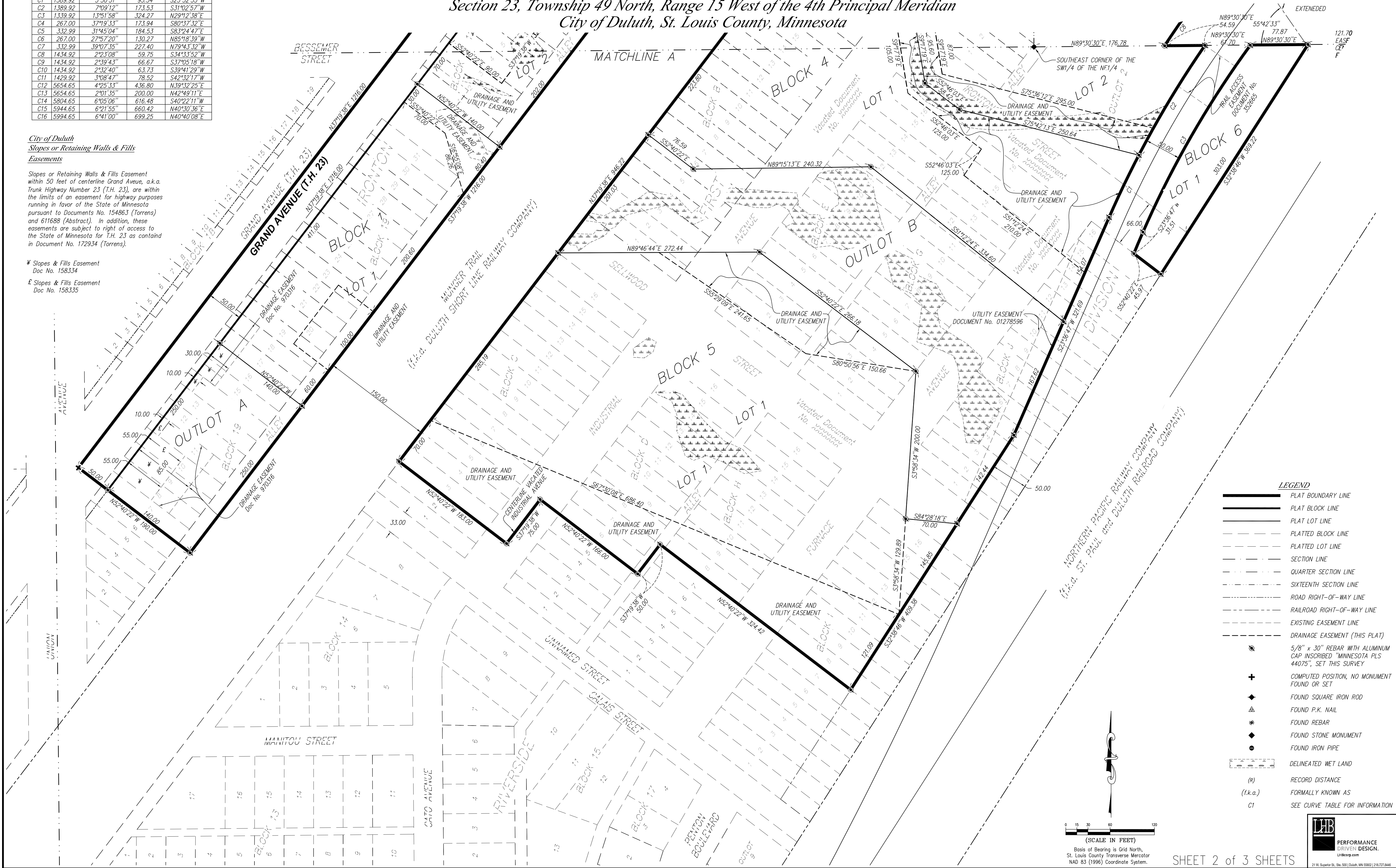
CURVE TABLE				
CURVE	RADIUS	CENTRAL ANGLE	ARC LENGTH	CHORD BEARING
C1	1389.92	3°50'51"	93.34	S25°32'55"W
C2	1389.92	7°09'12"	173.53	S31°02'57"W
C3	1339.92	13°51'58"	324.27	N29°12'38"E
C4	267.00	37°19'33"	173.94	S80°37'32"E
C5	332.99	31°45'04"	184.53	S83°24'47"E
C6	267.00	27°57'20"	130.27	N85°18'39"W
C7	332.99	39°07'35"	227.40	N79°43'32"W
C8	1434.92	2°23'08"	59.75	S34°33'52"W
C9	1434.92	2°39'43"	66.67	S37°05'18"W
C10	1434.92	2°32'40"	63.73	S39°41'29"W
C11	1429.92	3°08'47"	78.52	S42°32'17"W
C12	5654.65	4°25'33"	436.80	N39°32'25"E
C13	5654.65	2°01'35"	200.00	N42°49'11"W
C14	5804.65	6°05'06"	616.48	S40°22'11"W
C15	5944.65	6°21'55"	660.42	N40°30'36"E
C16	5994.65	6°41'00"	699.25	N40°40'08"E

City of Duluth
Slopes or Retaining Walls & Fills
Easements

Slopes or Retaining Walls & Fills Easement
within 50 feet of centerline Grand Avenue, a.k.a.
Trunk Highway Number 23 (T.H. 23), are within
the limits of an easement for highway purposes
running in favor of the State of Minnesota
pursuant to Documents No. 154863 (Torrens)
and 611688 (Abstract). In addition, these
easements are subject to right of access to
the State of Minnesota for T.H. 23 as containd
in Document No. 172934 (Torrens).

✱ Slopes & Fills Easement
Doc No. 158334

✱ Slopes & Fills Easement
Doc No. 158335



LEGEND

- PLAT BOUNDARY LINE
- PLAT BLOCK LINE
- PLAT LOT LINE
- PLATTED BLOCK LINE
- PLATTED LOT LINE
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- ROAD RIGHT-OF-WAY LINE
- RAILROAD RIGHT-OF-WAY LINE
- EXISTING EASEMENT LINE
- DRAINAGE EASEMENT (THIS PLAT)
- 5/8" x 30" REBAR WITH ALUMINUM CAP INSCRIBED "MINNESOTA PLS 44075", SET THIS SURVEY
- COMPUTED POSITION, NO MONUMENT FOUND OR SET
- FOUND SQUARE IRON ROD
- FOUND P.K. NAIL
- FOUND REBAR
- FOUND STONE MONUMENT
- FOUND IRON PIPE
- DELINEATED WET LAND
- (R) RECORD DISTANCE
- (f.k.a.) FORMALLY KNOWN AS
- C1 SEE CURVE TABLE FOR INFORMATION

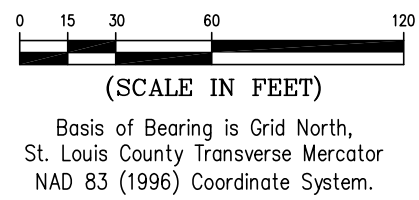
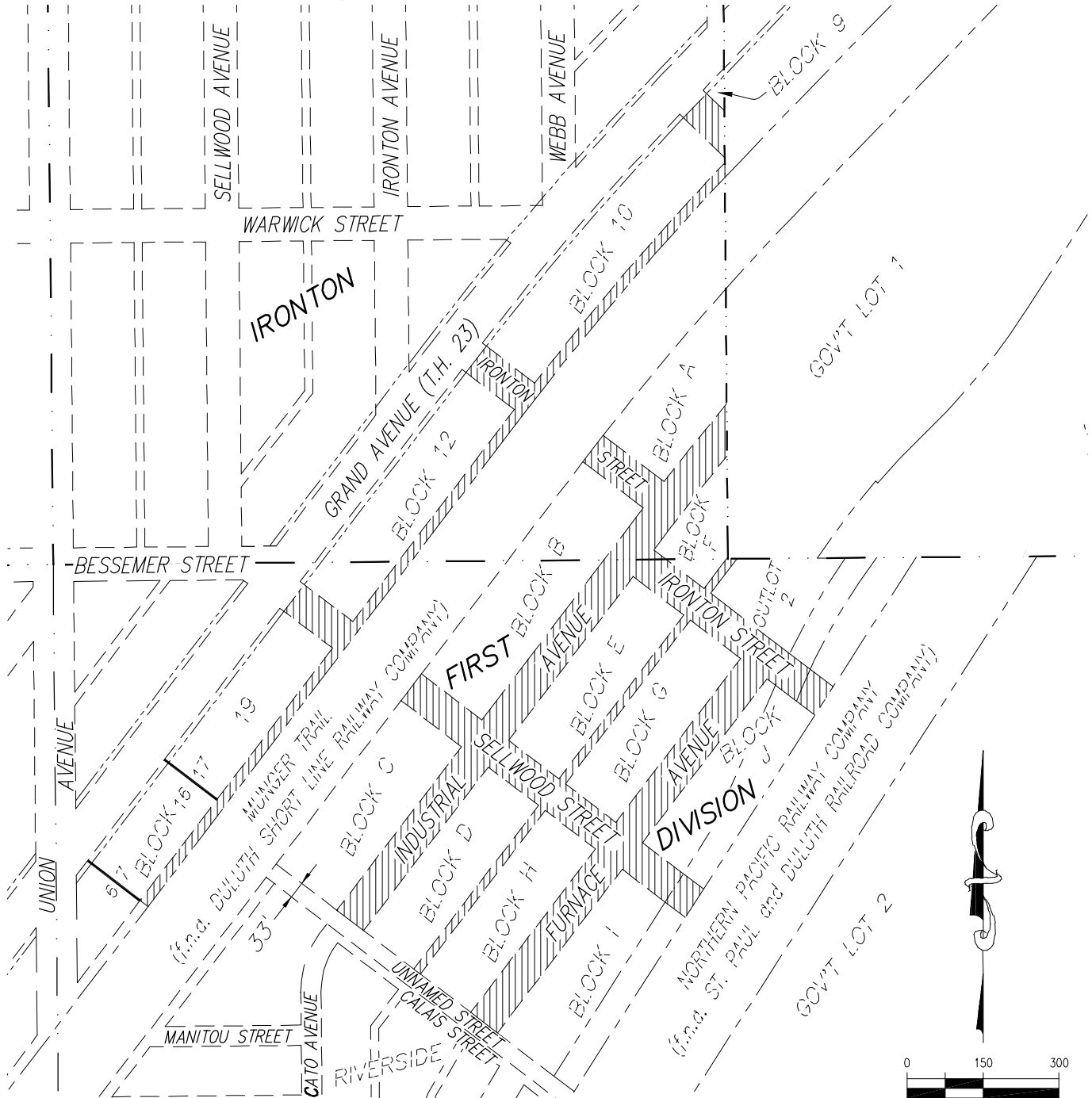


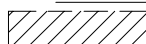
EXHIBIT B

VACATION EXHIBIT

part of IRONTON FIRST DIVISION




LEGEND

 = VACATION AREA

I hereby certify that this plan, specification, 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.

Print Name: Paul A. Vogel

License # 44075

Signature: 

Date: 06/07/2018

DATE PREPARED: 06/07/18

PROJ NO: 160239

FILE: 160239vStree

SHEET 1 of 1 SHEETS



**PERFORMANCE
DRIVEN DESIGN.**

LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

EXHIBIT

KAYAK BAY VACATION DESCRIPTION

DESCRIPTION:

All streets, avenues and alleys lying southeasterly of a line 10 feet southeasterly of, and parallel with, the northwesterly lines of Block 9, Block 10, Block 12 and that part of Lots 7 thru 31, Block 19, IRONTON FIRST DIVISION, City of Duluth, St. Louis County, Minnesota, said line hereinafter referred to as "Line A", excepting a 33 foot wide un-named street abutting Blocks C, D, H and I of said IRONTON FIRST DIVISION as shown on the attached Exhibit B.

TOGETHER WITH

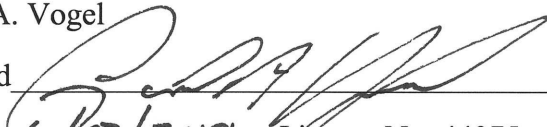
All easements in favor of the City of Duluth for Slopes or Retaining Walls and Fills affecting those portions of Block 9, Block 10, Block 12 and Block 19 lying northeasterly of the southwesterly line of Lot 17, said Block 19, all in IRONTON FIRST DIVISION, City of Duluth, St. Louis County, Minnesota, lying southeasterly of the aforementioned Line A.

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.

Paul A. Vogel

Signed

Date


6/07/2018

License No. 44075

