



## 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

File Number	PL 19-033	Contact	John Kelley, 730-5326	
Type	Vacation of Pedestrian Easement	Planning Commission Date		May 14, 2019
Deadline for Action	Application Date	April 4, 2019	60 Days	June 3, 2019
	Date Extension Letter Mailed	April 18, 2019	120 Days	August 2, 2019
Location of Subject		PID # 010-2970-00050		
Applicant	St. Francis of Assisi, Inc.	Contact		
Agent	Jane Marrone	Contact		
Legal Description		See Attached Exhibit		
Site Visit Date	May 2, 2019	Sign Notice Date		April 30, 2019
Neighbor Letter Date	April 30, 2019	Number of Letters Sent		38

### Proposal

The applicant is requesting to vacate a pedestrian easement on a lot that currently has a portion of the Lakeland Shores Apartments Building located on it. The applicant is offering a replacement pedestrian easement adjacent to the Cambridge Street Alley from North 45<sup>th</sup> Avenue East.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Residential Care Facility	Traditional Neighborhood
<b>North</b>	R-2	Residential Care Facility	Traditional Neighborhood
<b>South</b>	R-2	Residential Care Facility	Traditional Neighborhood
<b>East</b>	P-1	Park	Traditional Neighborhood
<b>West</b>	R-1	Residential	Traditional 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.

**Principle #7 - Create and maintain connectivity:** Connectivity is established through our network of streets and highways, transit system, sidewalks, greenways, bikeways, and trails (local and regional). Non-vehicular transportation should be considered an important component of the overall transportation network. Winter maintenance of sidewalks and other public ways is critical to the creation of usable pedestrian systems.

**Future Land Use- Traditional Neighborhood:** Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects, and neighborhood extensions, and new traditional neighborhood areas.

## **Review and Discussion Items**

Staff Finds that:

1. The applicant is requesting to vacate a 10-foot wide pedestrian easement over Lot 5 of Kelso's Rearrangement of Blocks 1 and 2 of Sargent's Rearrangement of Blocks 16, 17, 18 of the London Addition to Duluth Plat as shown in the attached exhibit.
2. The proposed vacation of the pedestrian easement is 10' x 120' and runs through the center portion of Lot 5. The southern section of the Lakeland Shores Apartment building currently occupies this portion of the lot.
3. The proposed vacated pedestrian easement is not needed for public use. The City Engineering office has reviewed the proposed vacation and easement dedication.
4. This easement is not needed to provide access to any public water. Vacating the pedestrian easement will not impact or deny access to other property owners.
5. The applicant is offering to replace the vacated easement with a 15-foot wide pedestrian easement approximately 160 feet in length running along the north side of the Cambridge Street Alley adjacent to North 45<sup>th</sup> Avenue East.
6. No other public or City comments were received at this 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 of the right of way as shown in the attached vacation exhibit.





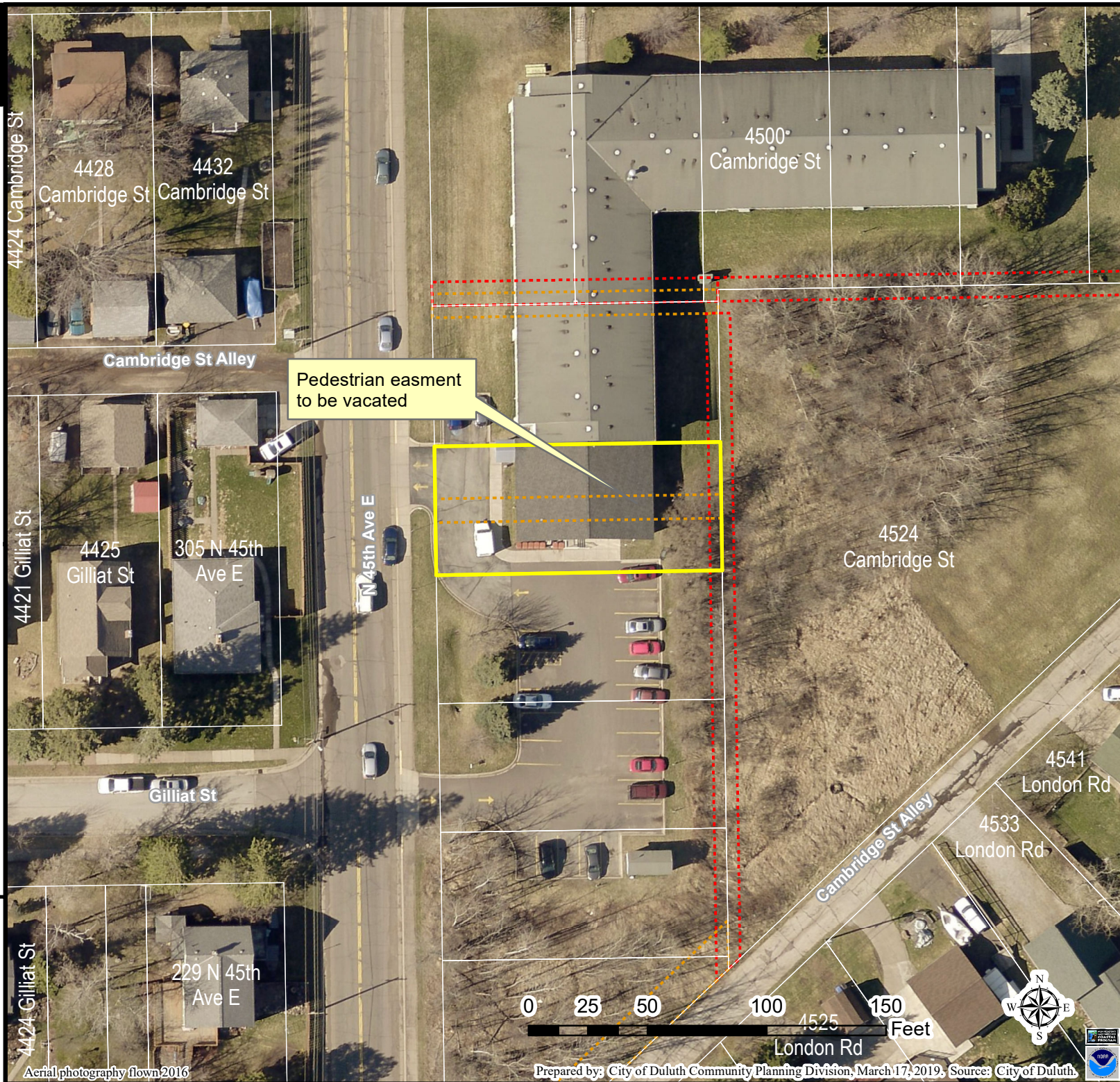
PL 19-033  
Vacation of Easement

**Legend**

**Easement Type**

- Utility Easement
- Other Easement

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.







PL 19-033  
Vacation of Easement

**Legend**

Vacated ROW

**Easement Type**

Utility Easement

Other Easement

Zoning Boundaries

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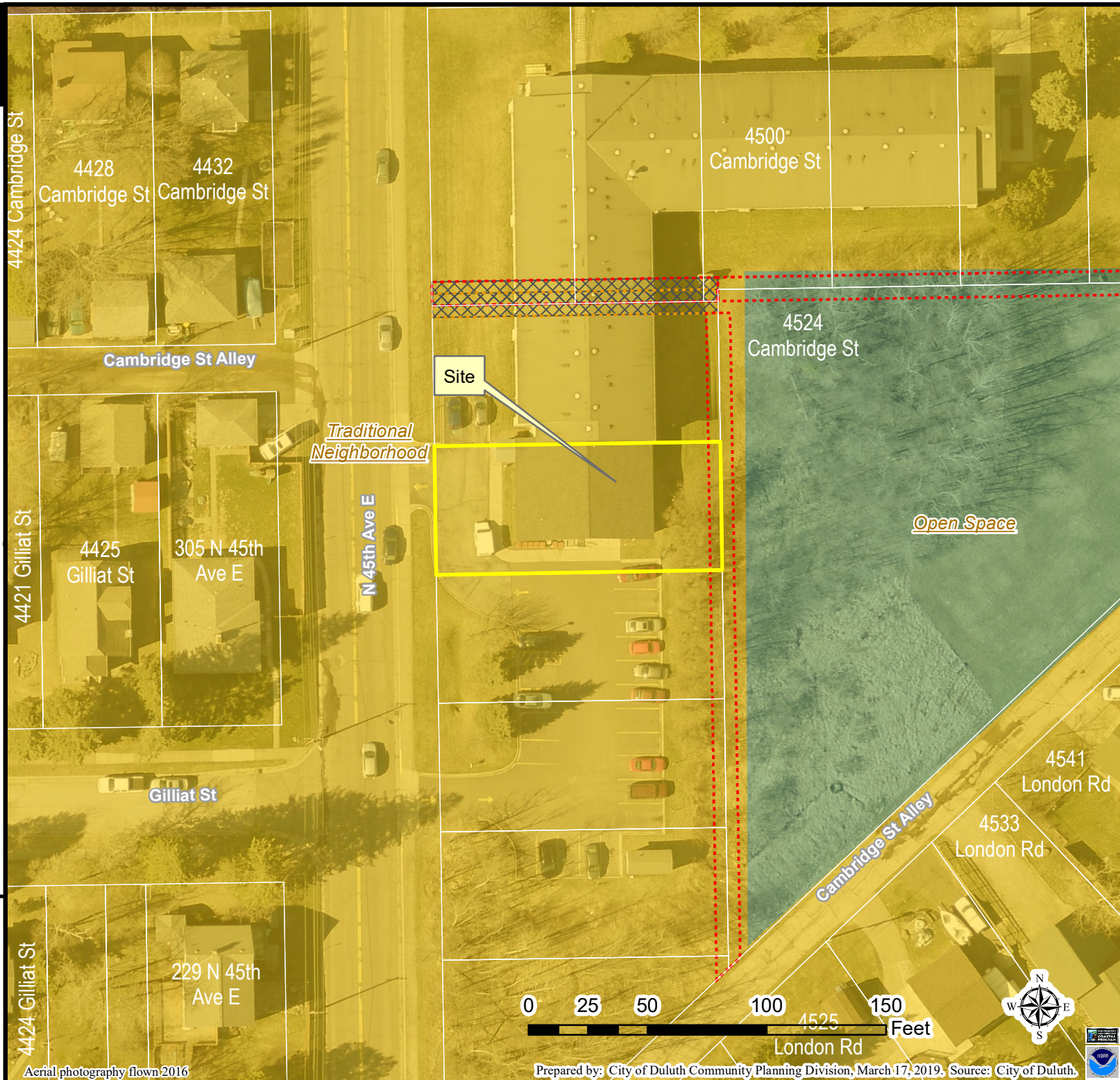


PL 19-033  
Vacation of Easement

**Legend**

- Vacated ROW
- Easement Type**
- Utility Easement
- Other Easement
- 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

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**EXHIBIT B**

City of Duluth / Application for St. Francis of Assisi  
4500 Cambridge St., Duluth MN 55804

**SKETCH & DESCRIPTION**

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**EASEMENT TO BE VACATED**

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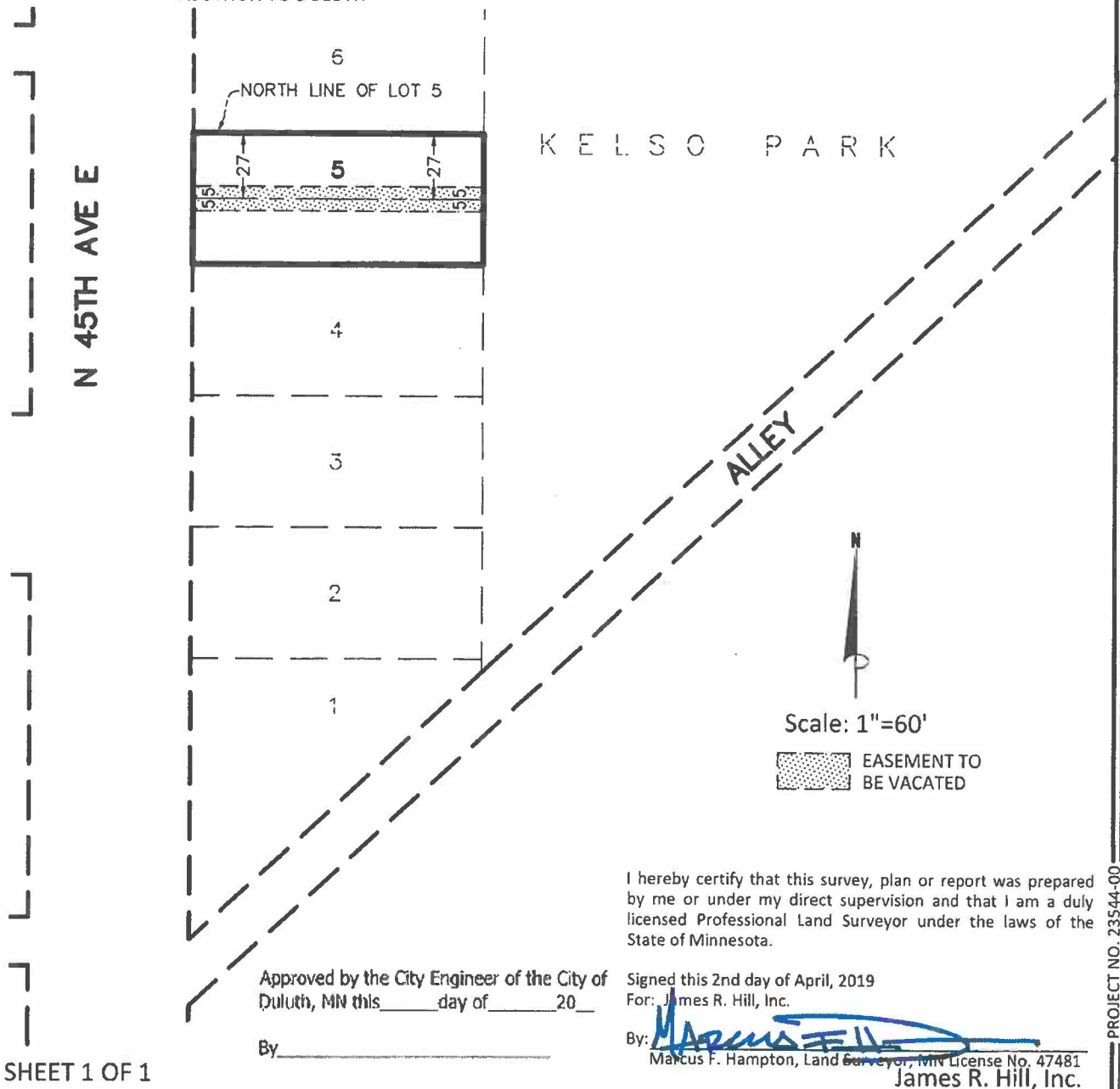
**[ATTACHED]**

## VACATION EXHIBIT

### EASEMENT TO BE VACATED

That particular easement for pedestrian ingress and egress, originally granted in Document No. 475683 and accepted in Document No. 475684, Office of the Register of Deeds, St. Louis County, Minnesota, now to be vacated, described as follows:

A ten foot (10') wide strip of land lying Five feet (5') on either side of a line that is Twenty-seven feet (27') Southerly and parallel to the Northerly line of Lot Five (5), KELSO'S REARRANGEMENT OF BLOCKS 1 AND 2 OF SARGENTS REARRANGEMENT OF BLOCKS 16, 17 AND 18 LONDON ADDITION TO DULUTH



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 Professional Land Surveyor under the laws of the State of Minnesota.

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

Signed this 2nd day of April, 2019  
For: James R. Hill, Inc.

By: Marcus F. Hampton  
Marcus F. Hampton, Land Surveyor, MN License No. 47481  
James R. Hill, Inc.

**EXHIBIT C**

City of Duluth / Application for St. Francis of Assisi  
4500 Cambridge St., Duluth MN 55804

**SKETCH & DESCRIPTION**

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**PEDESTRIAN INGRESS AND EGRESS EASEMENT**

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**[ATTACHED]**



## PEDESTRIAN INGRESS AND EGRESS EASEMENT

An easement for pedestrian ingress and egress over and across that part of Lots 1 and 2, KELSO'S REARRANGEMENT OF BLOCKS 1 AND 2 OF SARGENTS REARRANGEMENT OF BLOCKS 16, 17 AND 18 LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, which lies southeasterly of a line parallel with and 15.00 feet northwesterly of the southeasterly line of said Lot 1, and its northeasterly extension.

