



CITY OF DULUTH

Planning Division

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

STAFF REPORT

File Number	PL 15-178	Contact	Steven Robertson, 218-730-5295	
Application Type	Vacation of Platted Alley	Planning Commission Date	December 8, 2015	
Deadline for Action	Application Date	November 23, 2015	60 Days	January 22, 2016
	Date Extension Letter Mailed	November 25, 2015	120 Days	March 22, 2016
Location of Subject	Between 40 and 41st Avenue East, and Jay and Dodge Street			
Applicant	One Roof Housing, City of Duluth	Contact	Clifford Knettel, Deputy Director	
Agent	Julie Hillman	Contact	jhillman@1roofhousing.org	
Legal Description	See attached			
Site Visit Date	November 21, 2015	Sign Notice Date	November 23, 2015	
Neighbor Letter Date	November 25, 2015	Number of Letters Sent	57	

Proposal

The applicant is proposing to vacate a approximately 400 feet of the platted right of way for the unimproved alley between 40th and 41st Avenue East and Jay and Dodge Street.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped (Former City Site)	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

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.

II. E-1

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

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.

Current History: The City initially acquired this property via a condemnation plat in 1923, for "the erection of a gas tank and a unit of the gas plat system of the city of Duluth". In 1998 the Council passed a resolution transferring this property from water and gas to the parks and recreation department for "park and/or recreation use". In 2014, the council passed a resolution offering the property for sale (with support from the Parks and Recreation Commission), and also changed the future land use designation from Recreation to Traditional Neighborhood (it was already zoned R-1).

There is a existing public water main in the "highway easement" in the northwest corner of the development. Historically the placement of public utilities in a street easement was permissible as part of the street easement.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

-Proposal: Applicant is proposing to vacate a approximately 400 feet of the platted right of way for the unimproved alley.

-Issue/Item for Review: Vacation of the city's ability/right to use platted right of way can only be approved by City Council (via resolution), after a public hearing is conducted, and a recommendation is made, by the Planning Commission.

1) The applicant is proposing to vacate the unimproved alley that is within Block 104 of London Addition to Duluth, which was platted in 1871. The applicant has indicated that they will pursue a housing development project (approximately 9 new single family homes) next year. The applicant has submitted a second zoning application (PL15-177, Minor Subdivision) along with this application, to be heard at the December 2015 Planning Commission meeting.

2) Applicant owns (along with the City) all the private property directly adjacent to and abutting the proposed right of way to be vacated. The vacation would not impact any other private property owners.

3) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, and will not result in any dead-ends.

4) Staff believe this portion of 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; the portion of the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

5) No public, agency, or City comments were received. There are no existing city underground utilities in the platted street right of way.

6) Vacations are approved by the City Council via a resolution. Vacations lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the partial vacation of the street public right of way, without conditions.



Legend

- Trout Stream (GPS)
- Other Stream (GPS)

Zoning Boundaries

- Zoning Boundaries
- Vacated ROW

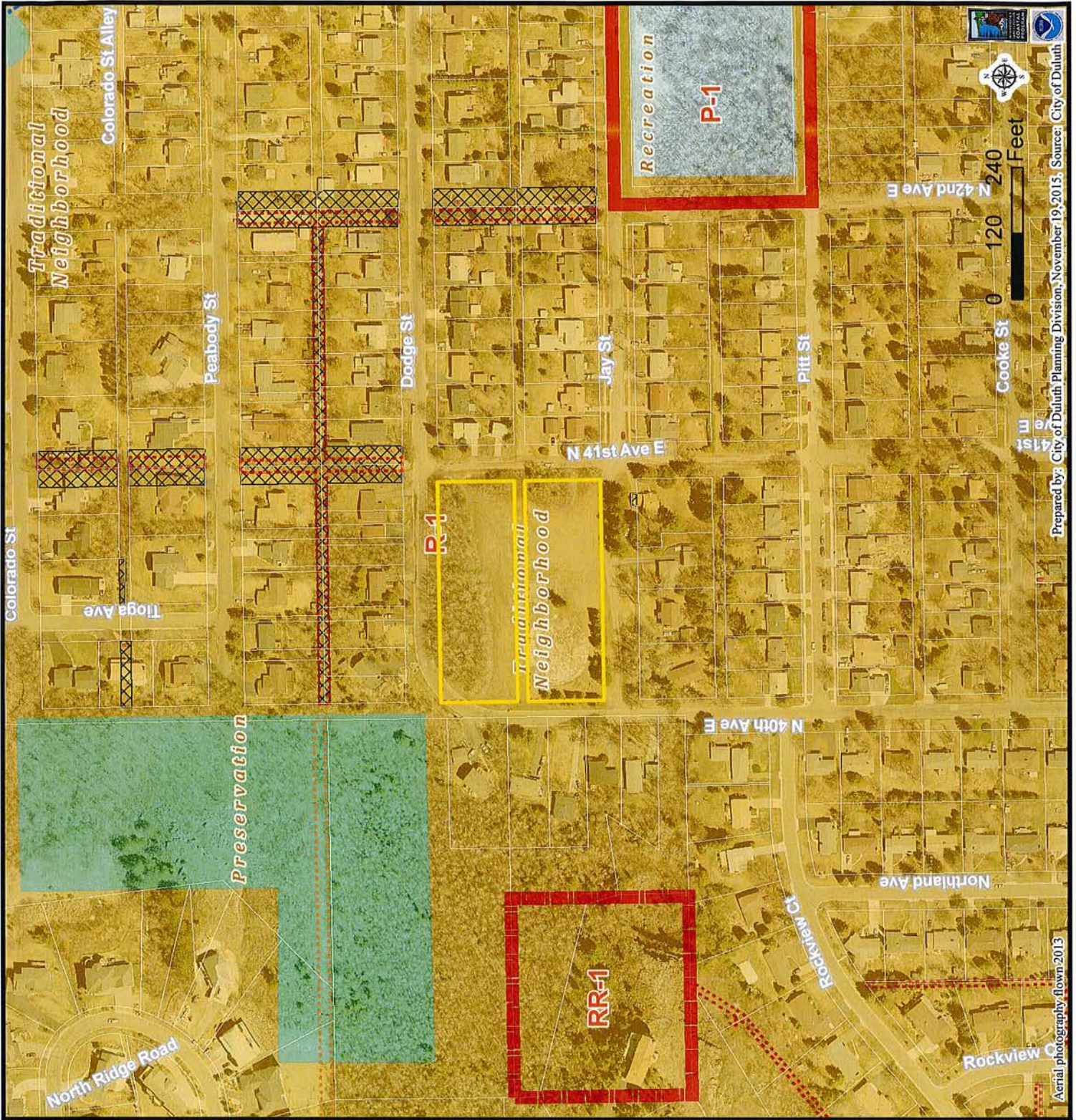
Easement Type

- Utility Easement
- Other Easement

Future Land Use

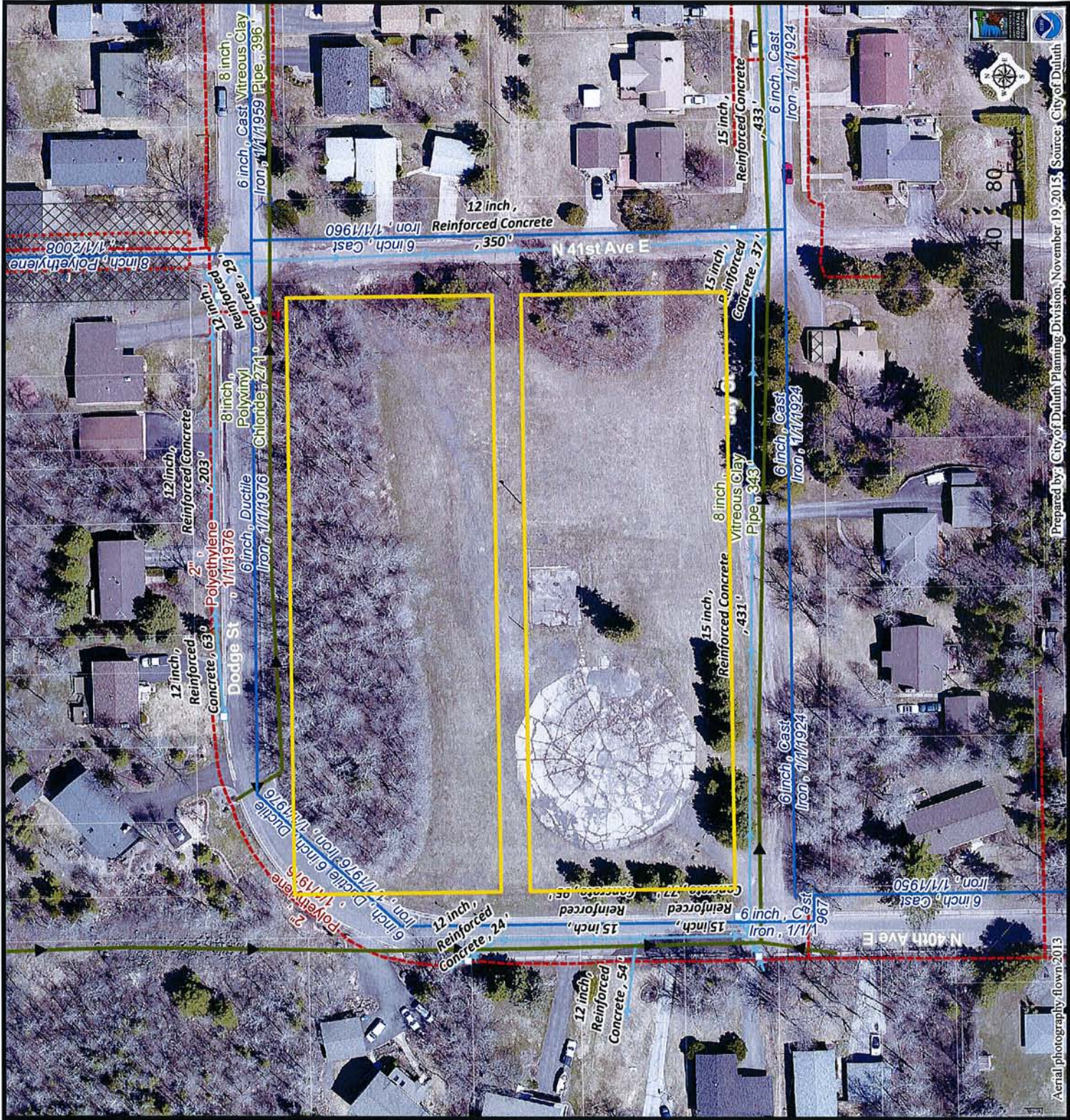
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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.



Legend

- Hydrant
- Water Main
- Network Structure**
- Subtype
 - Storage Basin
 - Pump Station
- Sanitary Gravity Mains**
- Owner
 - CITY OF DULUTH
 - WLSSD; PRIVATE; RICE LAKE TWP
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin
- Subtype
 - Storm Sewer Pipe
 - Gas Distribution Main
- Material
 - Coated Steel
 - Plastic
- Easement Type
 - Vacated ROW
 - Utility Easement
 - Other Easement



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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, November 19, 2013. Source: City of Duluth

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

Boundary Lines

<all other values>

Subtype, ROW_TYPE

- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary

Lots

- Parcels
- Vacated ROW

- Easement Type**
- Utility Easement
- Other Easement

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6-5







© 2013 P

2-7



LEGEND



ALLEY TO BE VACATED

LEGAL DESCRIPTION OF ALLEY VACATION

The 20.00 foot wide alley lying in Block 104, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

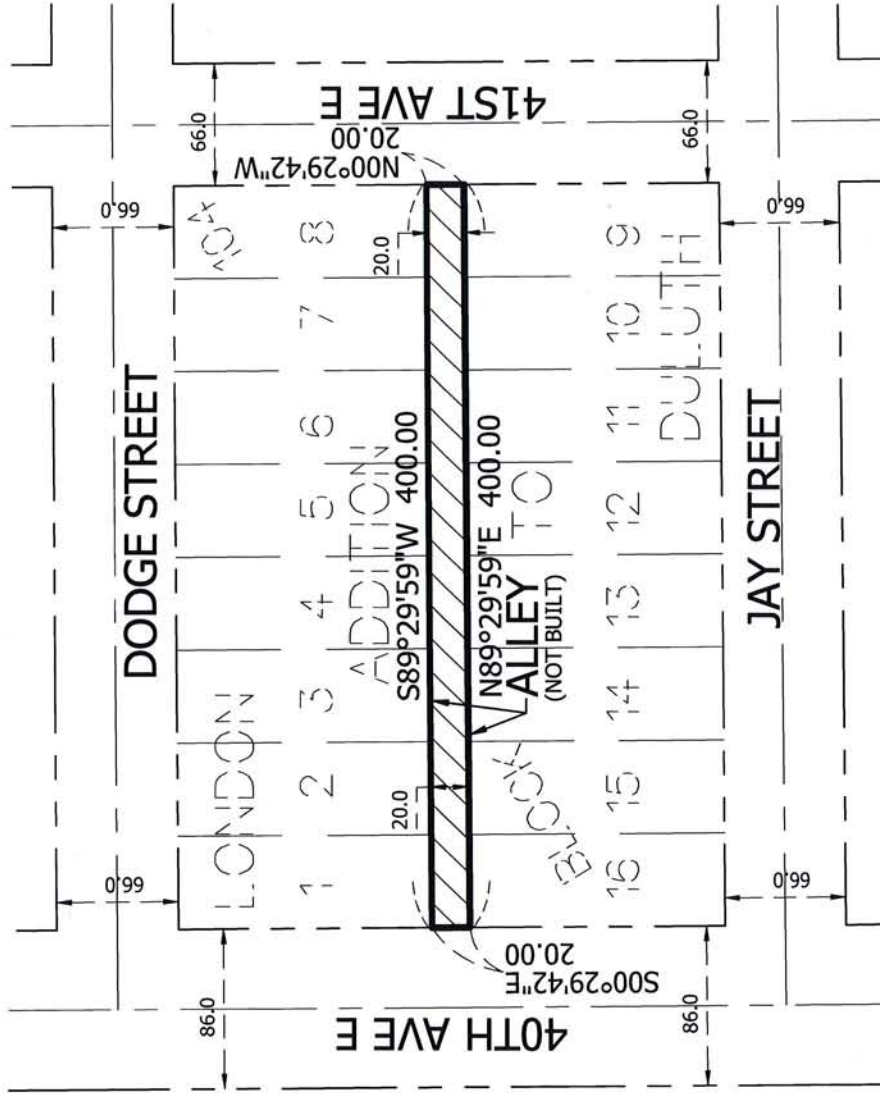
Said Alley vacation contains 8000 sq. ft. or 0.18 acres.

Approved by the City Engineer of the City of Duluth, MN.
this _____ day of _____, 20____

By _____

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.



ALLEY VACATION EXHIBIT

CLIENT: NORTHLAND CONSULTING

ENGINEERS

DATE: 11-20-2015

ADDRESS: XXX

JOB NUMBER: 15-249

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.

Date: 11-20-2015

David R. Evans

David R. Evans MN License No. 49505



LAND SURVEY COMPANY

PHONE: 218-727-5211

LICENSED IN MN & WI

CERTIFIED FEDERAL SURVEYOR

WWW.ALTAANDSURVEYDULUTH.COM

LEGAL DESCRIPTIONS

CONSTRUCTION STAKING

8-3

Scale 400 ft = 1 inch.

RESERVED
FOR USE

Register of Books
By David H. Harvey, Deputy.



E-10



11-3



E-12