


EXHIBIT B



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

 218-730-5580

 planning@duluthmn.gov

File Number	PLVAC-2407-0003	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of Alley Right of Way	Planning Commission Date		August 20, 2024
Deadline for Action	Application Date	July 7, 2024	60 Days	N/A
	Date Extension Letter Mailed	July 15, 2024	120 Days	N/A
Location of Subject	Near 52 nd Ave. W and Wadena St.			
Applicant	Center City Housing Corp.	Contact		
Agent	Hanft Fride	Contact	Terri Crossmon	
Legal Description	That part of the 10 foot wide east/west Alley affecting Lots 23-28, Block 169, WEST DULUTH 7TH DIVISION, City of Duluth, St. Louis County, Minnesota as shown in the attached exhibit.			
Site Visit Date	July 31, 2024	Sign Notice Date	August 6, 2024	
Neighbor Letter Date	July 23, 2024	Number of Letters Sent	31	

Proposal

The applicant is requesting to vacate a portion of a 10-foot platted alley lying between 52nd Avenue West and the north south alley, running parallel to Wadena Street.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Vacant/Undeveloped	Urban Residential
North	R-P	Vacant/Undeveloped	Urban Residential
South	R-P	Vacant/Undeveloped	Urban Residential
East	R-P	Vacant/Undeveloped	Urban Residential
West	R-P	Vacant/Undeveloped	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 #1 – Reuse previously developed lands- Reuse of previously developed lands... strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

The vacation will allow for the property owner to build a multifamily structure with surface parking.

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.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate part of the 10 foot wide east/west easement affecting Lots 23-28, Block 169, West Duluth 7th Division. The vacation will terminate at the east line of the 16 foot wide north/south alley abutting and adjacent to said Block 169.
2. The proposed vacation will allow the adjacent property owner to build a multifamily structure on the parcel.
3. The alley was platted but never utilized for its intended purpose.
4. 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.
5. The City has determined that this portion of the alley is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the alley for future utilities.
7. No other public or City comments have been received at the time of drafting this report.
8. 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. The vacation and easements must be recorded within 90 days of final approval by City Council or such approval will lapse.

EXHIBIT A

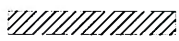
UTILITY VACATION EXHIBIT

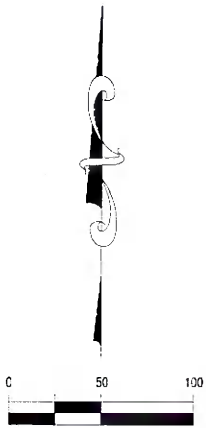
VACATION DESCRIPTION:

That part of the retained utility easement in the 10 foot wide east/west vacated Alley affecting Lots 23-28, Block 169, WEST DULUTH 7th DIVISION, City of Duluth St. Louis County, Minnesota. The west sideline terminating at the east line of the 16 foot wide north/south alley abutting and adjacent to said Block 169.

APPROVED BY:

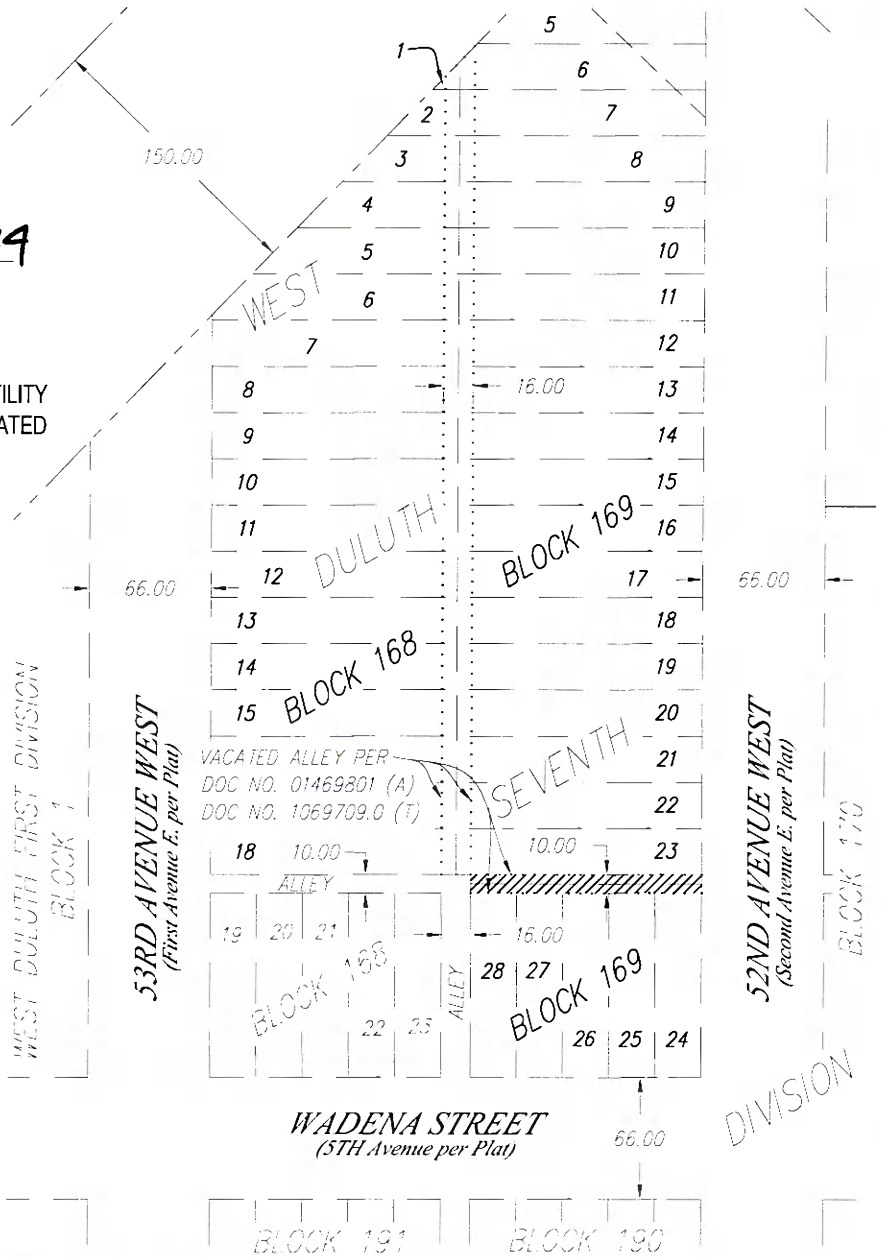
[Signature] 7-24-24
CITY ENGINEER

 = AREA OF RETAINED UTILITY EASEMENT TO BE VACATED



(SCALE IN FEET)

Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.



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: *[Signature]* Date: 7/24/2024

DATE PREPARED: 07/24/24

PROJ NO: 230100

FILE: 230100vExhib

SHEET 1 of 1 SHEETS



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