



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 18-58	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Vacation of alley	Planning Commission Date	June 12, 2018	
Deadline for Action	Application Date	May 8, 2018	60 Days	July 7, 2018
	Date Extension Letter Mailed	May 22, 2018	120 Days	September 5, 2018
Location of Subject	XXXX Clyde Avenue			
Applicant	Scott and Beth Nelson	Contact		
Agent	Calzion Construction	Contact	Dan Buerskin	
Legal Description	That part of alley in Block 10, Ironton 4 th Div. lying south of Lot 36			
Site Visit Date	May 26, 2018	Sign Notice Date	May 22, 2018	
Neighbor Letter Date	May 25, 2018	Number of Letters Sent	9	

Proposal

The applicant is requesting the vacation of an alley in order to unify property they own on both sides to allow for the construction of a new dwelling on the north side of the alley.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Traditional Neighborhood
North	R-1	Vacant	Traditional Neighborhood
South	R-1	Vacant	Traditional Neighborhood
East	R-1	Vacant	Traditional Neighborhood
West	R-1	Vacant	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):

Governing Principle #5 – Promote reinvestment in neighborhoods.

Governing Principle #7 - Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

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

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community.

Principle #12 - Create efficiencies in delivery of public services

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 that the City vacate the subject alley to unify property that they own on both sides of the alley to allow the extension of utilities to the site of a new home on the north side of the alley.
- 2) The alley has not been improved for public use. The City Engineering office has review the proposed vacation and has indicated it is not needed for street or utility purposes.
- 3) The pattern of platted streets and alleys in this area was done without regard to the topography and it is not likely that the City would want to try to extend the alley as platted due to the rolling topography.
- 4) The alley is not needed to provide public recreational access to water.
- 5) No new citizen comments have been received on this project
- 6) 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 alley as shown in the attached vacation exhibit.



PL 18-058
Vacation of Alley
Scott & Beth Nelson

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- Subdivision Boundaries

Boundary Lines

- <all other values>

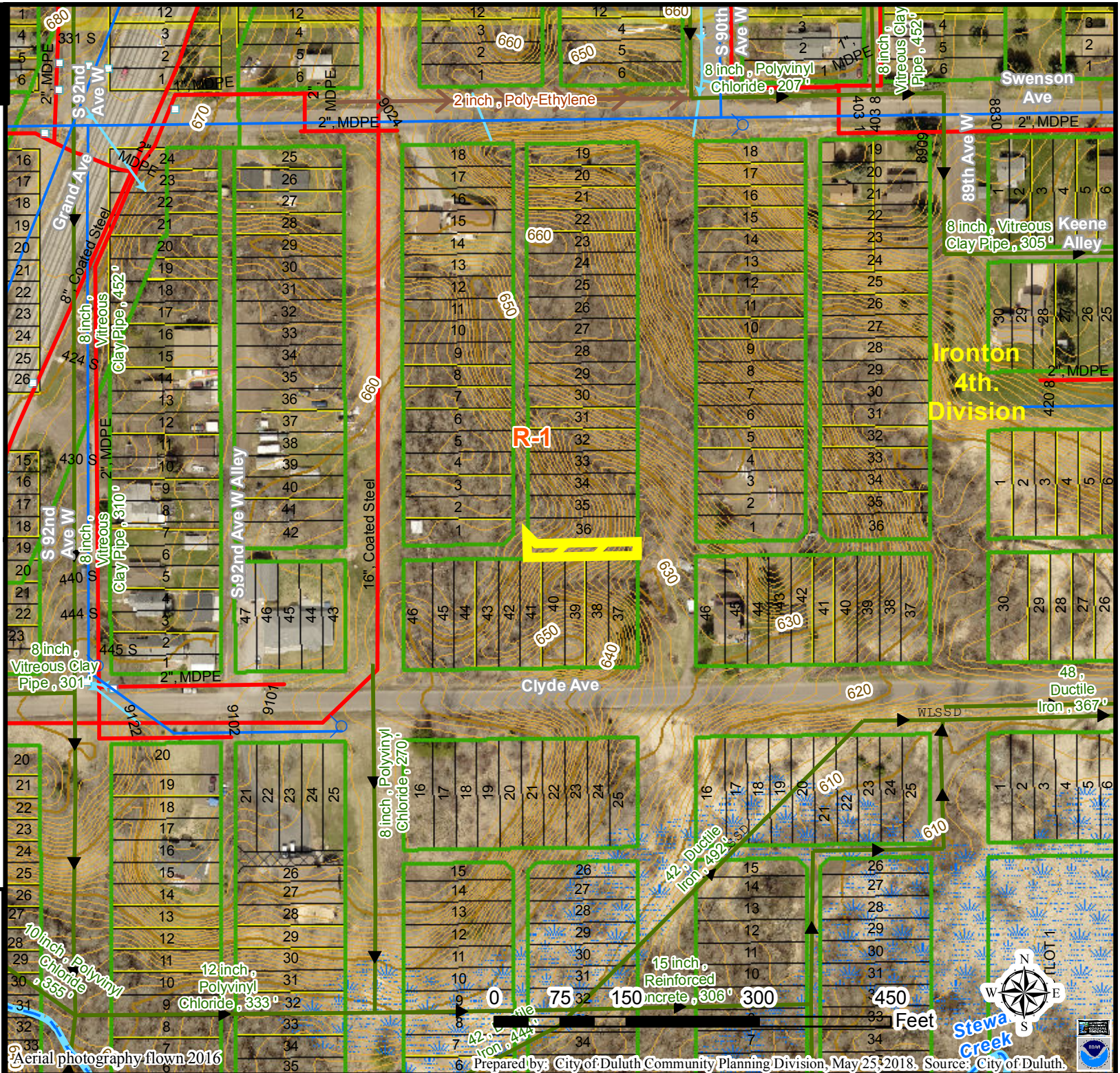
Subtype, ROW_TYPE

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

Easement Type

- Utility Easement
- Other Easement
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR)

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

Prepared by: City of Duluth Community Planning Division, May 25, 2018. Source: City of Duluth.



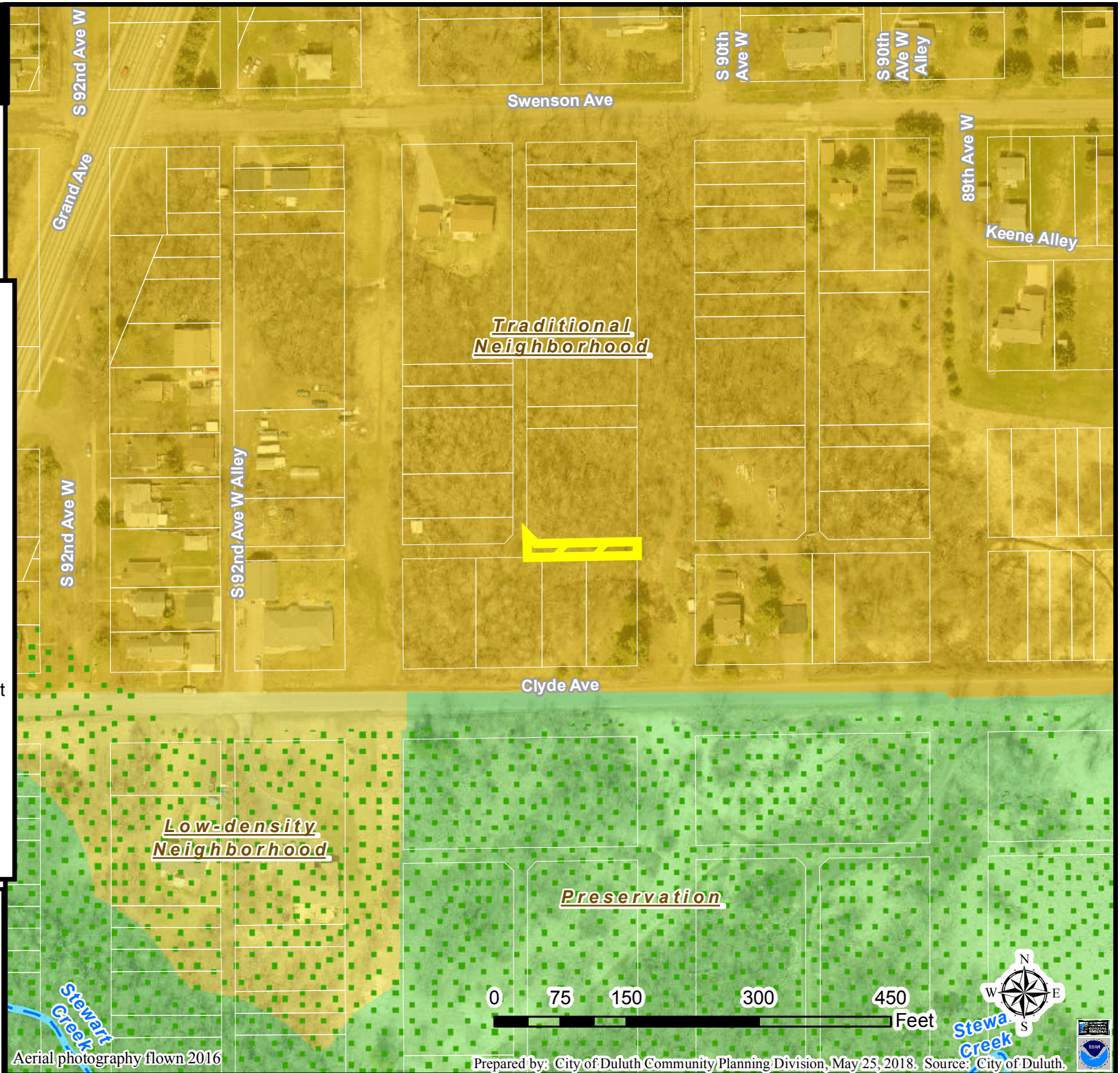
PL 18-058
 Vacation of Alley
 Scott & Beth Nelson
 Future Land Use

Legend

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

Future Land Use - Plus

- 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
- Sensitive Lands Overlay



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Aerial photography flown 2016



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05/04/2016



S 91ST AVE W
(FOURTH ST. PER PLAT)

S 90TH AVE W
(THIRD ST. PER PLAT)

CLYDE AVE
(HOWARD AVE. PER PLAT)


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

By _____

SURVEYORS NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. 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.

LEGEND

- RIGHT OF WAY LINE
-  PROPOSED RIGHT OF WAY VACATION

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that part of the platted Alley located in Block 10, IRONTON FOURTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, lying between the East line of said Block 10 and a line parallel with and distant 125.00 feet West of said East line of Block 10. Said right of way vacation contains 2,050 square feet or 0.05 acres.

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.

David R. Evanson

Date: APRIL 30, 2018

MN Lic. No. 49505

RIGHT OF WAY VACATION EXHIBIT

CLIENT: WAUSAU HOMES	REVISIONS: XXX
DATE: APRIL 30, 2018	
ADDRESS: XXXX CLYDE AVE DULUTH, MN	
JOB NUMBER: 18-097	



LAND SURVEY COMPANY

- * LAND SURVEYING
 - * LAND DEVELOPMENT
 - * PLATTING
 - * LEGAL DESCRIPTIONS
 - * CONSTRUCTION STAKING
- PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW.ALTLANDSURVEYDULUTH.COM