



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



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planning@duluthmn.gov

File Number	PL 20-091	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Right-Of-Way	Planning Commission Date		August 11, 2020
Deadline for Action	Application Date	June 11, 2020	60 Days	August 10, 2020
	Date Extension Letter Mailed	July 29, 2019	120 Days	October 9, 2020
Location of Subject		Portion of Calvary Road adjacent to 5 Calvary Road (Moran Rentals)		
Applicant	Moran Rentals	Contact		
Agent	Cindy Voigt	Contact		
Legal Description		See Attached		
Site Visit Date	August 5, 2020	Sign Notice Date		July 28, 2020
Neighbor Letter Date	July 28, 2020	Number of Letters Sent		35

**Proposal**

Moran Rentals is requesting to vacate a portion of Calvary Road adjacent to their street frontage along Calvary Road. St. Louis County has stated that West Calvary Road is County Road #234. This action will not affect the right-of-way of the county road and it has been determined that the area to be vacated is not needed for use by the City or County for street or pedestrian use.

Staff is recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Access/Parking	Neighborhood Commercial
<b>North</b>	R-1	Residential	Neighborhood Commercial
<b>South</b>	MU-N	Street/ Commercial	Neighborhood Commercial
<b>East</b>	MU-N	Commercial/Residential	Neighborhood Commercial
<b>West</b>	MU-N	Commercial	Neighborhood Commercial

**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.

Vacation of the right of way is not needed for use by public and will allow property owner to have more area for access and parking options.

**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.

**Review and Discussion Items:**

Staff finds that:

1. Moran Rentals is requesting to vacate a portion of Calvary Road in proximity to their property located at 5 Calvary Road as shown on the attached exhibit.
2. The proposed vacation of a portion of Calvary Road is trapezoidal in shape and is approximately 1,037 square feet in size. The proposed vacated area is currently utilized for access and parking for the property at located at 5 Calvary Road and is not used by the general public.
3. There are utilities within the area to be vacated. The City Engineering office has reviewed the proposed vacation and has indicated that a utility easement shall be retained over the entire portion of the right of way.
4. Vacating the right of way will not impact or deny access to other property owners.
5. No other public or City comments have been received at the time of drafting this report.
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 with the following conditions:

- 1.) Approval of the vacation shown on the attached exhibit
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-091 Vacation of ROW  
Location Map

**Legend**

Vacated ROW

**Easement Type**

Utility Easement

Other Easement

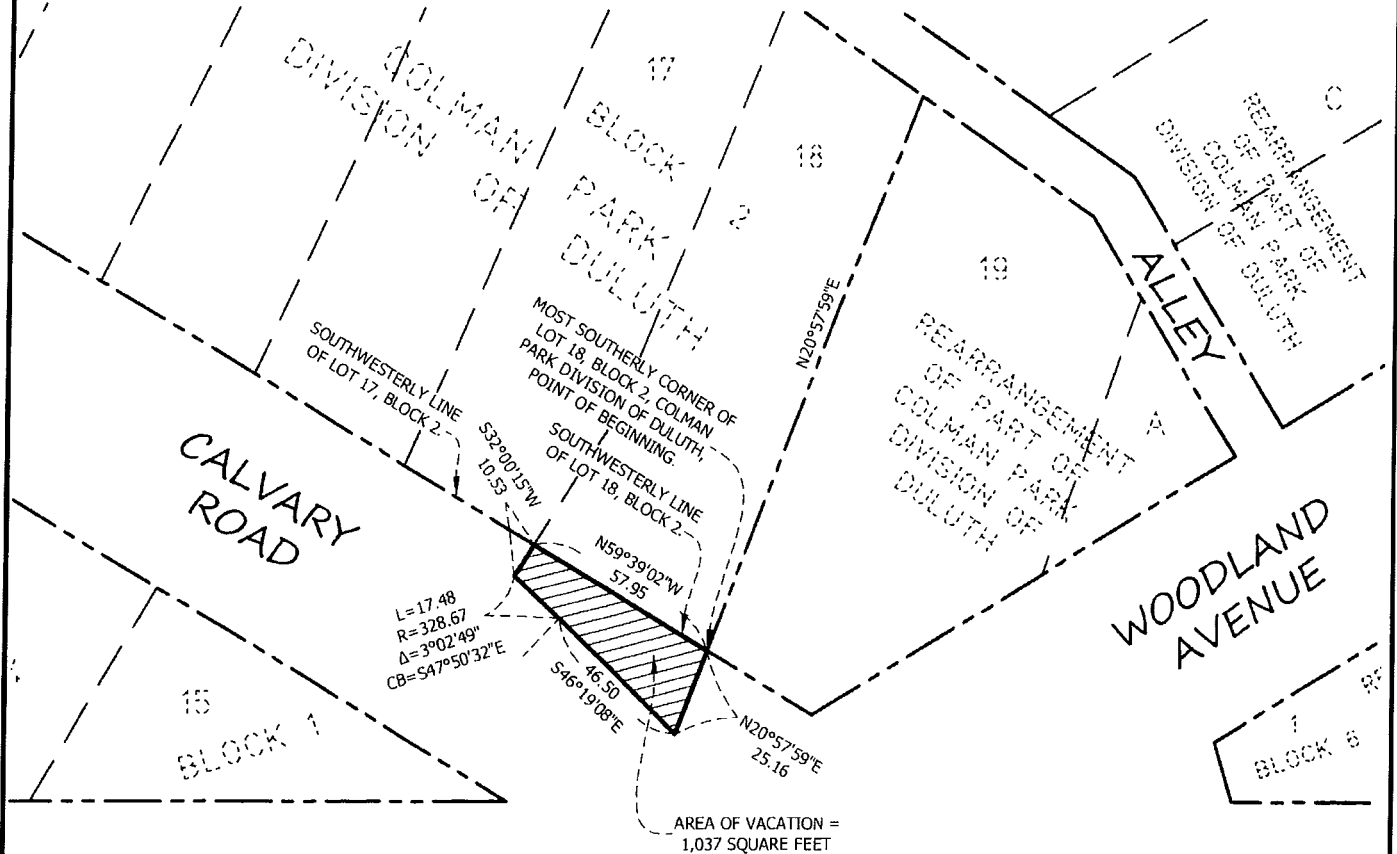
Zoning Boundaries

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.

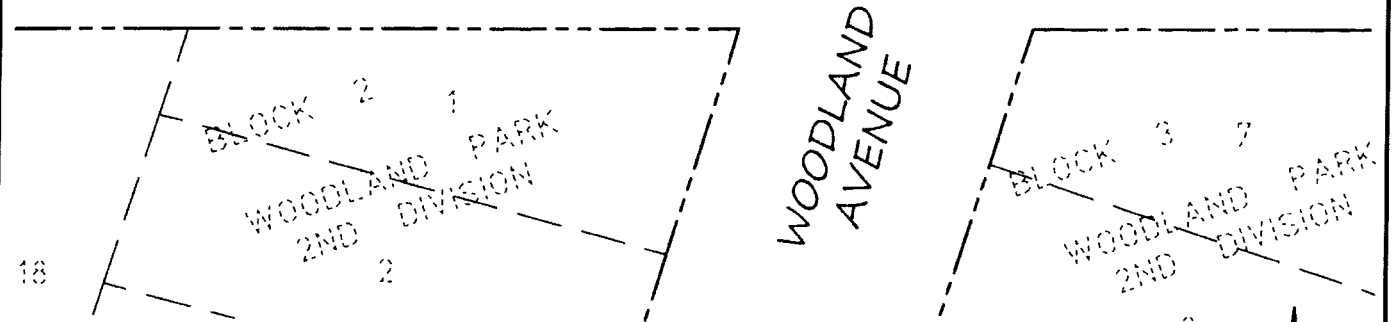




# VACATION AREA



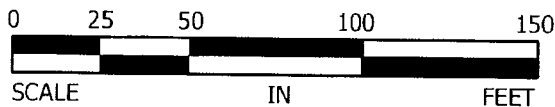
AUSTIN STREET



Approved by:

*[Signature]* 10-7-19  
City Engineer Date

SCALE: 1 INCH = 50 FEET



## NOTE:



Denotes vacation area with utility easement retained.

Orientation of this bearing system is based on the southwesterly line of Lot 18, Block 2, COLMAN PARK DIVISION OF DULUTH to have an assumed bearing of  $N59^{\circ}39'02''W$ .



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## EXHIBIT A

For: The City of Duluth, Minnesota

PROJECT NUMBER

16-334

SHEET NUMBER

2 of 2 Sheets

# VACATION AREA

## VACATION DESCRIPTION:

That part of Calvary Road, as platted and dedicated in COLMAN PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Beginning at the most southerly corner of Lot 18, Block 2, said COLMAN PARK DIVISION OF DULUTH; thence North 59 degrees 39 minutes 02 seconds West, assumed bearing along the southwesterly line of said Lot 18 and along the southwesterly line of Lot 17, said Block 2, a distance of 57.95 feet; thence South 32 degrees 00 minutes 15 seconds West 10.53 feet; thence southeasterly 17.48 feet along a non-tangential curve, concave to the southwest, having a radius of 328.67 feet, a central angle of 3 degrees 02 minutes 49 seconds and a chord which bears South 47 degrees 50 minutes 32 seconds East; thence South 46 degrees 19 minutes 08 seconds East, tangent to said curve 46.50 feet to the intersection with a line bearing South 20 degrees 57 minutes 59 seconds West from the point of beginning; thence North 20 degrees 57 minutes 59 seconds East 25.16 feet to the point of beginning.

## NOTE:

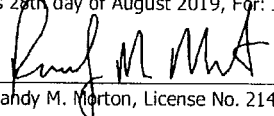
Orientation of this bearing system is based on the southwesterly line of Lot 18, Block 2, COLMAN PARK DIVISION OF DULUTH to have an assumed bearing of N59°39'02"W.

Area of vacation = 1,037 square feet.

## CERTIFICATION:

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.

Signed this 28th day of August 2019, For: JPJ Engineering

  
Randy M. Morton, License No. 21401



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