



**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

<b>File Number</b>	PL 19-005	<b>Contact</b>	Chris Lee, 730-5304	
<b>Type</b>	Vacation of Right of Way	<b>Planning Commission Date</b>	February 12, 2019	
<b>Deadline for Action</b>	<b>Application Date</b>	January 18, 2019	<b>60 Days</b>	March 19, 2019
	<b>Date Extension Letter Mailed</b>	January 28, 2019	<b>120 Days</b>	May 18, 2019
<b>Location of Subject</b>	4831 London Rd			
<b>Applicant</b>	Tom Kolar	<b>Contact</b>		
<b>Agent</b>	Dave Evanson	<b>Contact</b>		
<b>Legal Description</b>	See Attached, north of PIN: 010-3010-03250			
<b>Site Visit Date</b>	January 28, 2019	<b>Sign Notice Date</b>	January 29, 2019	
<b>Neighbor Letter Date</b>	February 1, 2019	<b>Number of Letters Sent</b>	47	

**Proposal**

The applicant is requesting to vacate an unimproved portion of Gladstone Street. This portion of Gladstone Street is currently being used as a driveway access and parking for the care facility located at 4831 London Road.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential	Neighborhood Commercial/ Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood/ Neighborhood Commercial
<b>South</b>	R-1	Residential	Traditional Neighborhood/ Neighborhood Commercial
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Railroad	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):**

**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.

**Housing Policy #4** – Improve the quality of the city’s housing stock and neighborhoods

**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.

**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 an unimproved portion of the platted right-of-way of Gladstone Street as shown in the attached exhibit. This section of Gladstone Street is currently used by the applicant as a driveway to access the parking areas for the residential care facility.
2. The proposed vacation is 66' x 216.75' x 133.74' x 106.06'. With a utility easement in place, the vacated right-of-way contains 11,556 square feet.
3. The proposed vacated portion of Gladstone Street is not needed for public use. The City Engineering office has reviewed the proposed vacation and has indicated that a full-width utility easement shall be created over the existing sanitary sewer line in the right-of-way.
4. This portion of the right of way is not needed to provide access to any public water. Vacating the right of way will not have impacted or deny access to other property owners.
5. No other public or City comments have been received at this 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 of the right of way as shown in the attached vacation exhibit.



PL 19-005: 4831 London Rd



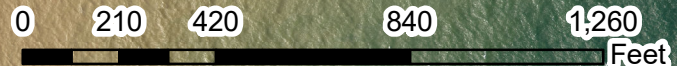
**Legend**



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.

Aerial photography: flown 2016





PL 19-005: 4831 London Rd

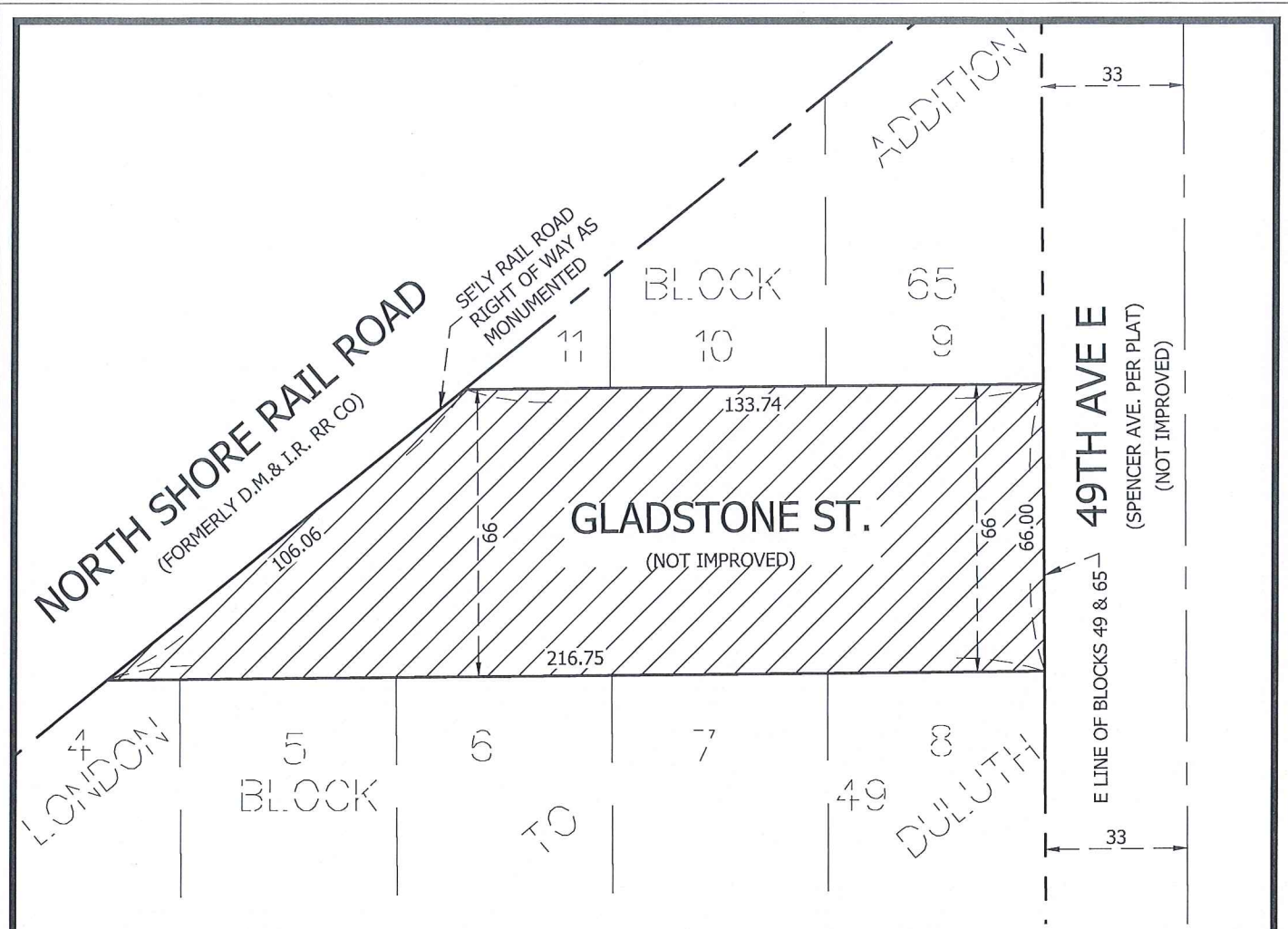
**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLSSD; PRIVATE
  - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Zoning Boundaries

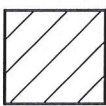


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**LEGEND**



PROPOSED RIGHT OF WAY VACATION WITH RETAINED UTILITY EASEMENT

--- RIGHT OF WAY LINE  
 \_\_\_\_\_ PLAT CENTER LINE

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

By \_\_\_\_\_

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION WITH RETAINED UTILITY EASEMENT

All that portion of Gladstone Street adjacent to and abutting Block 49 and Block 65, LONDON ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying between the East line of Blocks 49 and 65 and the Southeasterly right of way line of the North Shore Rail Road (formerly Duluth, Missabe & Iron Range Railway Company).

Said right of way vacation with retained utility easement contains 11,566 Sq. Feet or 0.27 Acres.

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.

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*  
 David R. Evanson

Date: 1-17-2019 MN Lic. No. 49505

**RIGHT OF WAY VACATION EXHIBIT**

CLIENT: TOM KOLAR	REVISIONS: XXX
DATE: 1-17-2019	
ADDRESS: GLADSTONE ST DULUTH, MN	
JOB NUMBER: 19-006	



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



PL 19-005: 4831 London Rd

**Legend**

- 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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Prepared by: City of Duluth Community Planning Division, January 17, 2019. Source: City of Duluth.



