



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 20-106	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Right-Of-Way	Planning Commission Date		August 11, 2020
Deadline for Action	Application Date	June 3, 2020	60 Days	August 2, 2020
	Date Extension Letter Mailed	July 24, 2019	120 Days	October 1, 2020
Location of Subject		Portion of Calvary Road and Woodland Avenue adjacent to 1 Calvary Road (Falks Woodland Pharmacy)		
Applicant	Falks Woodland Pharmacy	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	31

Proposal

Falks Woodland Pharmacy is requesting to vacate a portion of Calvary Road and Woodland Avenue adjacent to their street frontage along both right of ways. 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.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Access/Parking	Neighborhood Commercial
North	R-1	Residential	Neighborhood Commercial
South	MU-N	Street/ Commercial	Neighborhood Commercial
East	MU-N	Commercial/Residential	Neighborhood Commercial
West	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. Falks Woodland Pharmacy is requesting to vacate a portion of Calvary Road in proximity to their property located at 1 Calvary Road as shown on the attached exhibit.
2. The proposed vacation of a portion of Calvary Road and Woodland Avenue is irregular in shape and is approximately 6,464 square feet in size. The proposed vacated area is currently utilized for access and parking for the property at located at 1 Calvary Road.
3. The City and County has determined that this portion of the right of way is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
4. 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.
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 20-106 Vacation of ROW
Location Map


Legend

 Vacated ROW

Easement Type

 Utility Easement

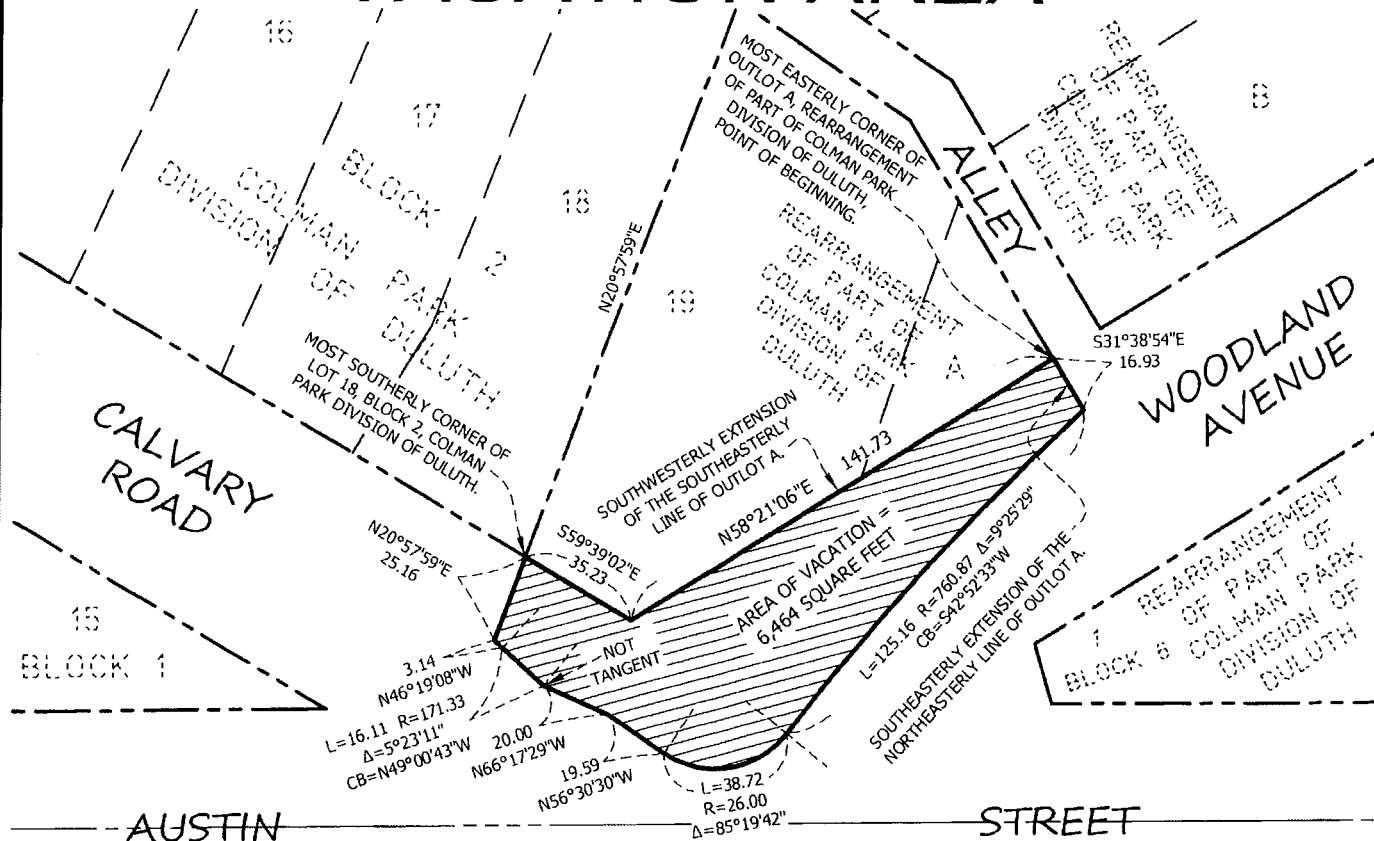
 Other Easement

 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

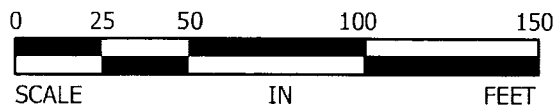


Approved by:

[Signature]
City Engineer

10-7-19
Date

SCALE: 1 INCH = 50 FEET



NOTE:



Denotes vacation area with utility easement retained.

Orientation of this bearing system is based on the northeasterly line of Outlot A, REARRANGEMENT OF PART OF COLMAN PARK DIVISION OF DULUTH to have an assumed bearing of $S31^{\circ}38'54''E$.



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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 Woodland Avenue, as platted and dedicated in REARRANGEMENT OF PART OF COLMAN PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and 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 easterly corner of Outlot A, said REARRANGEMENT OF PART OF COLMAN PARK DIVISION OF DULUTH; thence South 31 degrees 38 minutes 54 seconds East, assumed bearing along the southeasterly extension of the northeasterly line of said Outlot A, a distance of 16.93 feet; thence southwesterly 125.16 feet along a non-tangential curve, concave to the southeast, having a radius of 760.87 feet, a central angle of 9 degrees 25 minutes 29 seconds and a chord which bears South 42 degrees 52 minutes 33 seconds West; thence westerly 38.72 feet along a reverse curve, concave to the north, having a radius of 26.00 feet and a central angle of 85 degrees 19 minutes 42 seconds; thence North 56 degrees 30 minutes 30 seconds West, tangent to said last described curve 19.59 feet; thence North 66 degrees 17 minutes 29 seconds West 20.00 feet; thence northwesterly 16.11 feet, along a non-tangential curve, concave to the northeast, having a radius of 171.33 feet, a central angle of 5 degrees 23 minutes 11 seconds and a chord which bears North 49 degrees 00 minutes 43 seconds West; thence North 46 degrees 19 minutes 08 seconds West, tangent to said last described curve 3.14 feet to the intersection with a line bearing South 20 degrees 57 minutes 59 seconds West from the most southerly corner of Lot 18, Block 2, said COLMAN PARK DIVISION OF DULUTH; thence North 20 degrees 57 minutes 59 seconds East 25.16 feet to the most southerly corner of said Lot 18; thence South 59 degrees 39 minutes 02 seconds East, along the southwesterly line of Lot 19, Block 2, said REARRANGEMENT OF PART OF COLMAN PARK DIVISION OF DULUTH a distance of 35.23 feet to the intersection with the southwesterly extension of the southeasterly line of said Outlot A; thence North 58 degrees 21 minutes 06 seconds East, along said last described extended line 141.73 feet to the point of beginning.

NOTE:

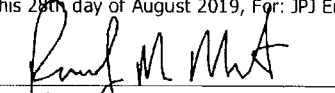
Orientation of this bearing system is based on the northeasterly line of Outlot A, REARRANGEMENT OF PART OF COLMAN PARK DIVISION OF DULUTH to have an assumed bearing of S31°38'54"E.

Area of vacation = 6,464 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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