



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 22-118	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Platted Right of Way	Planning Commission Date		August 9, 2022
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject		Platted right of way, including street and alley, west of Grand Avenue in the recorded plat of Centredale Addition to Duluth, adjacent to the Wheeler Athletic Complex in the Denfeld neighborhood.		
Applicant	Brent Dahlstrom	Contact		
Agent		Contact		
Legal Description		See Attached		
Site Visit Date	July 29, 2022	Sign Notice Date		July 26, 2022
Neighbor Letter Date	July 28, 2022	Number of Letters Sent		27

Proposal

The applicant is requesting to vacate an unimproved 40-foot wide portion of the platted right of way for Cherry Street west of Grand Avenue, a 33 foot wide unimproved platted right of way north of Cherry Street with 16.5 feet retained for a utility easement, and a portion of a 16 foot unimproved wide alley, all in the recorded plat of Centredale Addition to Duluth, located in the Denfeld neighborhood.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant land	Open Space/General Mixed Use
North	R-1	Vacant land	Open Space
South	MU-N	Vacant land	Neighborhood Commercial
East	MU-B	Street	General Mixed Use
West	P-1	Park land	Open Space

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. The vacation will allow for existing vacant parcels to be reconfigured for the development of a multifamily apartment building.

Future Land Use – Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: city parks and recreation areas, primary viewsheds, shorelands of the lake and streams, wetlands and floodplains, and high-value habitat.

History - The site is the location of a former Holiday Gas Station. After the gas station closed, the site has remained vacant. DEDA has currently acquired the site from the Holiday Company, along with some surrounding parcels from St. Louis County and the City of Duluth, to create an approximate 2-acre site for the development of an affordable multi-family housing complex. The site has recently been transferred to the developer via a Land Sale Agreement in order to facilitate an affordable housing development. DEDA, with assistance from the EPA, has completed a Phase I environmental assessment prior to conveyance to confirm that there are no environmental concerns on the site that need to be addressed.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of a platted street (Cherry Street) and two alley rights of way west and north Grand Avenue in the Centredale Addition to Duluth plat, adjacent to the Wheeler Athletic Complex in the Denfeld neighborhood, as shown on the attached exhibit.
2. The proposed vacation will help create an approximate 2-acre site for the development of an affordable multi-family housing complex.
3. There is an existing water line located on the western portion of the right of way to be vacated. A utility easement will need to be retained over that vacated portion of the right of way.
4. The street and alley right of ways will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since City Engineering does not expect to need it in the future.
5. The City has determined that the rights of way are not needed for street or pedestrian use. Vacating the right of ways will not impact or deny access to other property owners. Applicant has proposed a 16.5-foot wide utility easement; City Engineering instead requests that a 20-foot wide utility easement be retained along the west side of the platted right of way to be vacated. A 20-foot utility easement will be granted to the City for the watermain relocation on DEDA parcel 010-2700-0010 along the entire southwest side.
6. Applicant will be required to amend the exhibit to incorporate the above requests from Engineering; once Engineering signs the approved exhibit the application will be considered complete and will be forwarded to council for approval.
7. Other than City Engineering, 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 must be recorded within 90 days of final approval by City Council or such approval will lapse.
- 2.) Applicant to submit a revised exhibit showing retained utility easements for review and approval prior to recording.
- 3.) 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; however, no such administration approval shall constitute a variance from the provisions of Chapter 50.



PL 22-118
Vacation of Right of Way

Legend

- Road or Alley ROW
- ☒ Vacated ROW

Easement Type

- ▨ Utility Easement
- ▨ Other Easement
- ▨ Zoning Boundaries
- ▨ Trout Stream (GPS)
- ▨ Other Stream (GPS)

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

R-1 (Residential Traditional)

Right of Way to be vacated

MU-N (Mixed Use Neighborhood)

MU-B (Mixed Use Business Park)

0 45 90 180 270 Feet



Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.



LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All the part of Cherry Street and the 33-foot-wide un-named platted right of way lying adjacent to and abutting Lots 1 through 12, Block 4 and the 16-foot-wide platted Alley lying adjacent to and abutting Lots 1 through 10, Block 3 and Lots 1 through 10 and Lots 13 and 14, Block 4, CENTREDALE ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, said right of way to be vacated is described as follows:

Beginning at the Southwest corner of said CENTREDALE ADDITION TO DULUTH; thence on an assumed bearing of North 00 degrees 39 minutes 32 seconds West, along the West line of said CENTREDALE ADDITION TO DULUTH 181.00 feet to the West extension of the South line of Block 3, said CENTREDALE ADDITION TO DULUTH; thence North 89 degrees 13 minutes 48 seconds East, along said West extension and along said South line of Block 3 for a distance of 283.24 feet to the Southerly extension of the East line of Lot 10, said Block 3; thence South 00 degrees 46 minutes 12 seconds East, along said Southerly extension 8.00 feet to a line parallel with and distant 8.00 feet South of the South line of said Block 3; thence North 89 degrees 13 minutes 48 seconds East, along said parallel line 10.88 feet to a line parallel with and distant 8.00 feet Northwesternly of the Northwesternly line of Block 4, said CENTREDALE ADDITION TO DULUTH; thence North 43 degrees 47 minutes 38 seconds East 21.65 feet to the Northwesternly extension of the Northeastly line of Lot 14, said Block 4; thence South 46 degrees 12 minutes 22 seconds East, along said Northwesternly extension 8.00 feet to the Northwesternly line of said Block 4; thence South 43 degrees 47 minutes 38 seconds West, along said Northwesternly line of Block 4 for a distance of 25.00 feet to the North line of said Block 4; thence South 89 degrees 13 minutes 48 seconds West, along said North line 264.54 feet to the Northwest corner of said Block 4; thence South 00 degrees 39 minutes 32 seconds East, along the West line of said Block 4 for a distance of 125.00 feet to the Southwest corner of said Block 4; thence North 89 degrees 13 minutes 48 seconds East, along the South line of said Block 4 for a distance of 317.11 feet to the Southeastly line of said Block 4, said line also being the Northwesternly line of Grand Avenue; thence South 43 degrees 47 minutes 38 seconds West, along said Northwesternly line of Grand Avenue 56.14 feet to the South line of CENTREDALE ADDITION TO DULUTH; thence South 89 degrees 13 minutes 48 seconds West, along said South line 310.76 feet to the point of beginning.

Said right of way to be vacated contains 22,161 square feet or 0.51 acres.

LEGAL DESCRIPTION OF RETAINED UTILITY EASEMENT

All that part of the 33-foot-wide un-named platted right of way, CENTREDALE ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, said retained utility easement is described as follows:

The Westerly 16.50 feet of the un-named 33-foot-wide right of way which lies between the Westerly extension of the South line of Block 3, said CENTREDALE ADDITION TO DULUTH and the South line of said CENTREDALE ADDITION TO DULUTH.

Said retained utility easement contains 2,987 square feet or 0.07 acres.

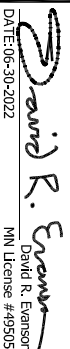
SURVEYOR'S NOTES

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. THIS IS NOT A BOUNDARY SURVEY.

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

By _____

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. Emerson
MIN License #49505

DATE: 06-30-2022

VACATION EXHIBIT

CLIENT: NCE

REVISIONS:

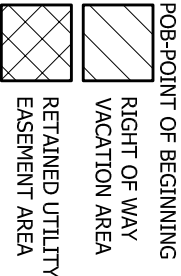
ADDRESS: 3401 GRAND AVENUE
DULUTH, MN 55807

DATE: 06-30-2022

JOB NO: 22-039 SHEET 1 OF 2


ALTA
LAND SURVEY COMPANY

PHONE: 218-722-5211
LICENSED IN MN & WI
WWW.ALTLANDSURVEYDULUTH.COM



LEGEND

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S00°46'12"E	8.00	L4	S46°12'22"E	8.00
L2	N89°13'48"E	10.88	L5	S43°47'38"W	25.00
L3	N43°47'38"E	21.65			

VACATION EXHIBIT

CLIENT: NCE	REVISIONS:
ADDRESS: 3401 GRAND AVENUE DULUTH, MN 55807	
DATE: 06-30-2022	JOB NO: 22-039 SHEET 2 OF 2

