



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 19-159	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Vacation of Right-Of-Way	<b>Planning Commission Date</b>		December 10, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	October 30, 2019	<b>60 Days</b>	December 29, 2019
	<b>Date Extension Letter Mailed</b>	November 8, 2019	<b>120 Days</b>	February 27, 2019
<b>Location of Subject</b>	Portion of Austin Street adjacent to 4023 Woodland Avenue			
<b>Applicant</b>	City of Duluth	<b>Contact</b>		
<b>Agent</b>	Cindy Voigt	<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	November 26, 2019	<b>Sign Notice Date</b>	November 26, 2019	
<b>Neighbor Letter Date</b>	November 26, 2019	<b>Number of Letters Sent</b>	33	

**Proposal**

The City of Duluth is requesting to vacate a portion of Austin Street adjacent to 4023 Woodland Avenue and the intersection of Calvary Road. St. Louis County has undertaken a street reconstruction project in the immediate area and have 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>	MU-N	Street/Commercial	Neighborhood Commercial
<b>South</b>	MU-N	Commercial	Neighborhood Commercial
<b>East</b>	MU-N	Street/Commercial	Neighborhood Commercial
<b>West</b>	MU-N	Street/Parking	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.

**Transportation Chapter Policy #2** – Reduce infrastructure costs through innovation and wholesale design change

**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. The City of Duluth is requesting to vacate a portion of Austin Street in proximity to the intersection of Calvary Road as shown on the attached exhibit.
2. The proposed vacation of a portion of Austin Street is triangular in shape and is approximately 1,140 square feet in size. The proposed vacated area is currently utilized for access and parking for the property located at 4023 Woodland Avenue.
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. No other public or City comments have been received at the time of drafting this report.
5. 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:

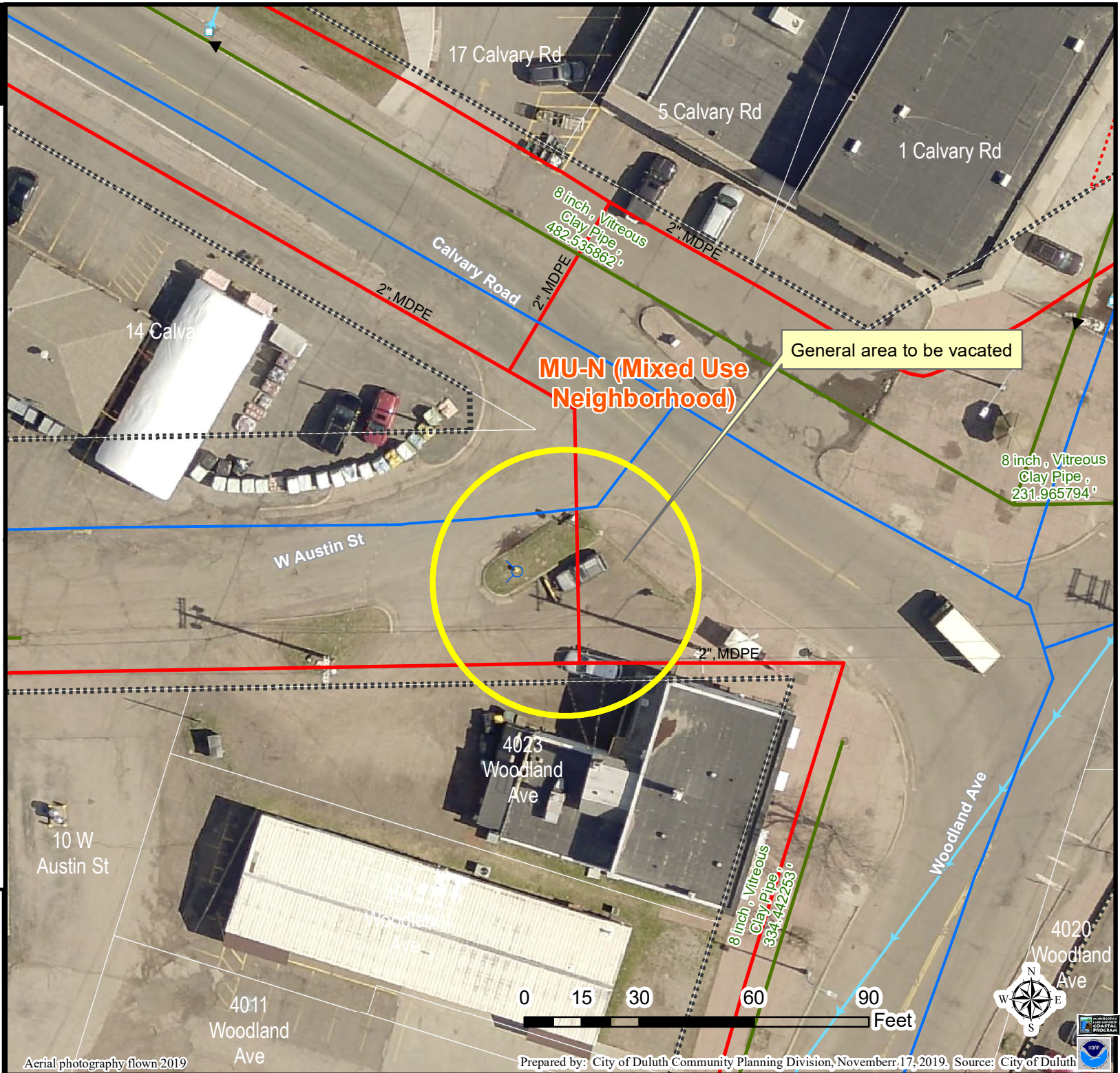
- 1.) Approval of the vacation shown on the attached exhibit
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance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



PL 19-159  
Vacated ROW

### 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
- Road or Alley ROW
- Vacated ROW
- Easement Type**
  - Utility Easement
  - Other Easement
  - Zoning Boundaries
  - Trout Stream (GPS)
  - Other Stream (GPS)

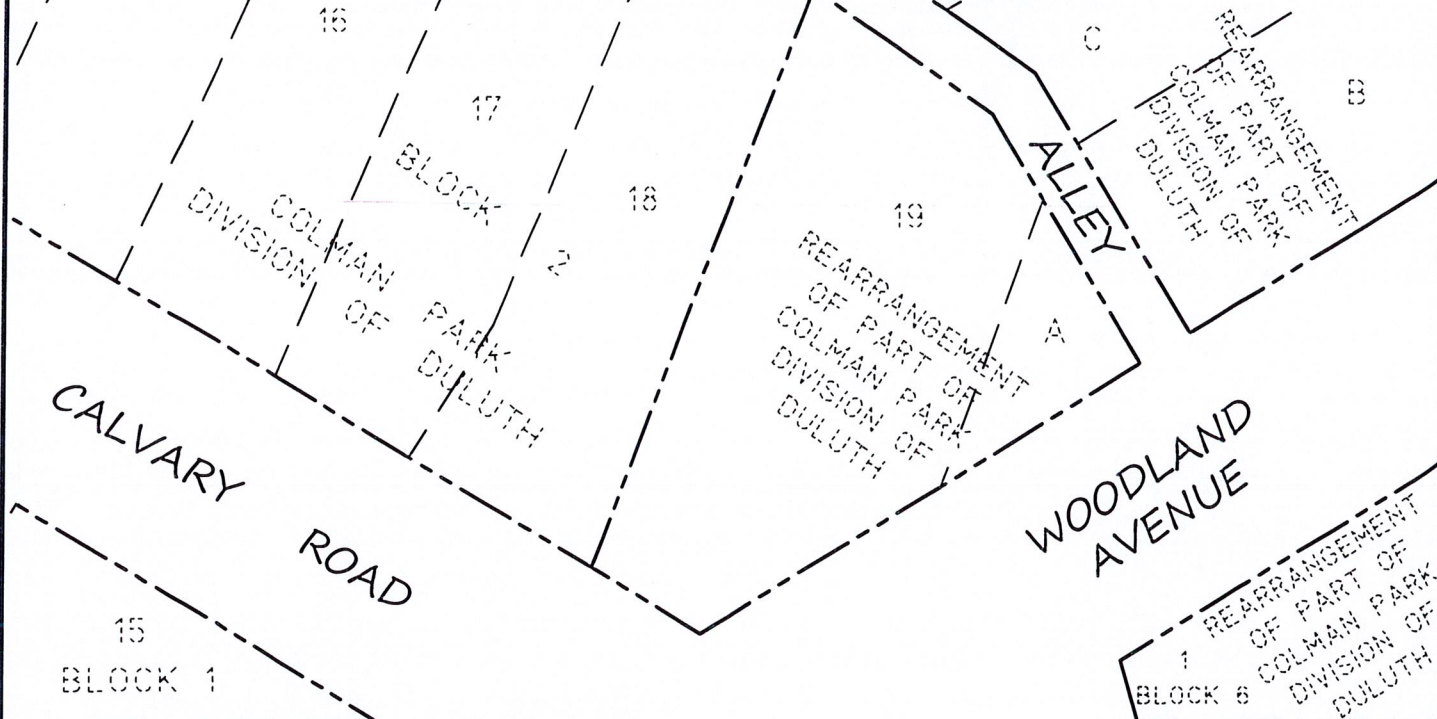


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2019

Prepared by: City of Duluth Community Planning Division, November 17, 2019, Source: City of Duluth

# VACATION AREA



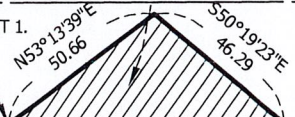
AREA OF VACATION = 1,140 SQUARE FEET

NW CORNER OF LOT 1, BLOCK 2, WOODLAND PARK 2ND ADDITION.

NORTH LINE OF LOT 1.  
POINT OF BEGINNING.

NORTH LINE OF LOT 1, BLOCK 2, WOODLAND PARK 2ND DIVISION.

59.63 N89°25'07"E  
76.21 S89°25'07"W



AUSTIN STREET

WOODLAND AVENUE

WOODLAND PARK 2ND DIVISION

Approved by:

*[Signature]*  
City Engineer

10-7-19  
Date

NOTE:

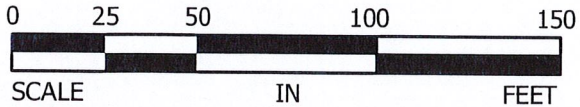


Denotes vacation area with utility easement retained.

Orientation of this bearing system is based on the north line of Lot 1, Block 2, WOODLAND PARK 2ND ADDITION to have an assumed bearing of N89°25'07"E.



SCALE: 1 INCH = 50 FEET



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## EXHIBIT A

For: The City of Duluth, Minnesota

PROJECT NUMBER

16-334

SHEET NUMBER

2 of 2 Sheets

C:\Users\rmorton\Desktop\Woodland Sketch & Description\16-334 Ly Lai V Sketch.dwg 8/28/2019 12:02 PM

# VACATION AREA

## VACATION DESCRIPTION:

That part of Austin Street, as platted and dedicated in WOODLAND PARK 2ND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Commencing at the northwest corner of Lot 1, Block 2, said WOODLAND PARK 2ND DIVISION; thence North 89 degrees 25 minutes 07 seconds East, assumed bearing along the north line of said Lot 1, a distance of 59.63 feet to the point of beginning of the tract to be described; thence North 53 degrees 13 minutes 39 seconds East 50.66 feet; thence South 50 degrees 19 minutes 23 seconds East 46.29 feet to the north line of said Lot 1; thence South 89 degrees 25 minutes 07 seconds West along said north line 76.21 feet to the point of beginning.

## NOTE:

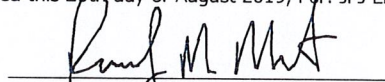
Orientation of this bearing system is based on the north line of Lot 1, Block 2, WOODLAND PARK 2ND ADDITION to have an assumed bearing of N89°25'07"E.

Area of vacation = 1,140 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 28<sup>th</sup> day of August 2019, For: JPJ Engineering

  
Randy M. Morton, License No. 21401



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