



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 21-019	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of platted alley	Planning Commission Date	April 13, 2021	
Deadline for Action	Application Date	March 5, 2021	60 Days	May 4, 2021
	Date Extension Letter Mailed	March 23, 2021	120 Days	July 3, 2021
Location of Subject	930 Swan Lake Rd			
Applicant	Alvin Berg	Contact		
Agent	Dave Evanson	Contact	ALTA Land Survey Company	
Legal Description	See Attached			
Site Visit Date	March 31, 2021	Sign Notice Date	March 30, 2021	
Neighbor Letter Date	March 31, 2021	Number of Letters Sent	22	

Proposal

Applicant requests vacation of a platted unimproved alley in the Duluth Heights Sixth Division located on the property at 930 Swan Lake Road in preparation for construction of a new single-family home.

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant/Undeveloped	Traditional Neighborhood
North	R-1	Vacant/Undeveloped	Traditional Neighborhood
South	R-1	Vacant/Undeveloped	Traditional Neighborhood
East	R-1	Vacant/Undeveloped	Traditional Neighborhood
West	R-1	Vacant/Undeveloped	Traditional Neighborhood

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. 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. Vacating this portion will allow previously unused property to be improved increasing the city’s tax base,

Zoning – Residential-Traditional (R-1): The R-1 district is established to accommodate traditional neighborhoods of single-family detached residences, duplexes and townhouses on moderately sized lots.

Future Land Use – Traditional Neighborhood - Characterized by grid/connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions. 4-8 units/acre, mix of housing types (i.e. town homes and 4-plexes).

History: The alley was part of the original plat in the area. The current road (Swan Lake) was built not with the intention of using a grid-like pattern of development. The alley is not needed for road purposes as the land here is generally not suitable for dense construction.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate the entire length of the 16-foot-wide alley running perpendicular to 930 Swan Lake Road. The alley was platted in the Duluth Heights Sixth Division but never utilized for its intended purpose.
2. The purpose is to vacate the alley in preparation for the construction of a new single-family home.
3. There are no utilities installed in the alley and no utilities are expected to be needed in this corridor according to the City Engineering office.
4. The alley will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth.
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:

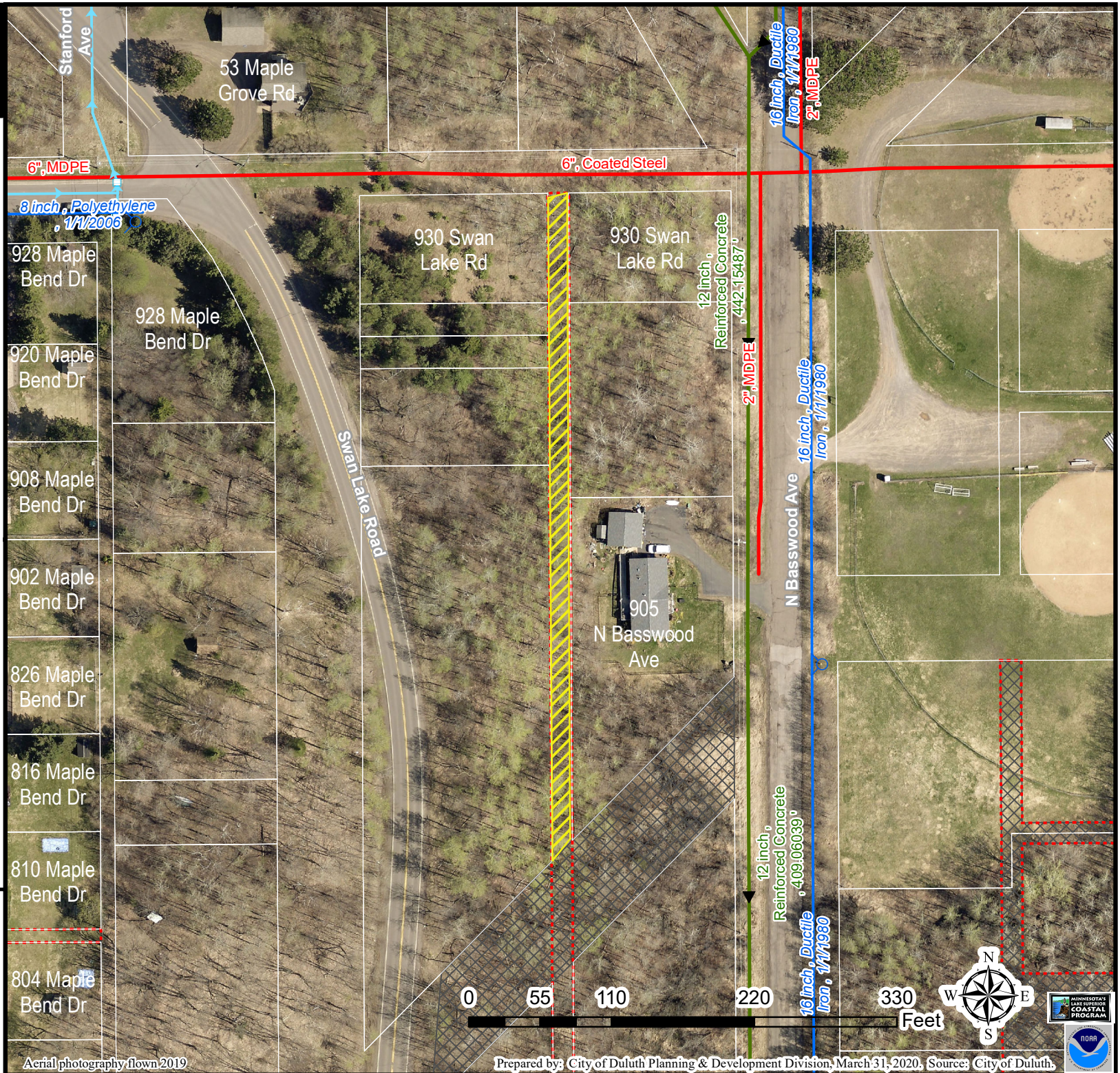
1. The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 21-019
Vacation of Alley
930 Swan Lake 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
- Vacated ROW
- Easement Type
 - Utility Easement
 - Other Easement



Aerial photography flown 2019

Prepared by: City of Duluth Planning & Development Division, March 31, 2020. Source: City of Duluth.

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.

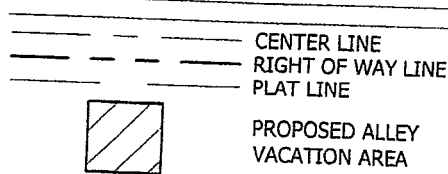


LEGAL DESCRIPTION OF VACATION OF ALLEY

All that part of the 16 foot wide Alley lying within Block 2, DULUTH HEIGHTS SIXTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 8,101 square feet or 0.19 acres.

LEGEND



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

By _____

SURVEYOR'S NOTES

1. 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. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. THIS IS NOT A BOUNDARY SURVEY.

VACATION EXHIBIT

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: 11-03-2020

MN Lic. No. 49505

CLIENT: ALVIN BERG

REVISIONS:

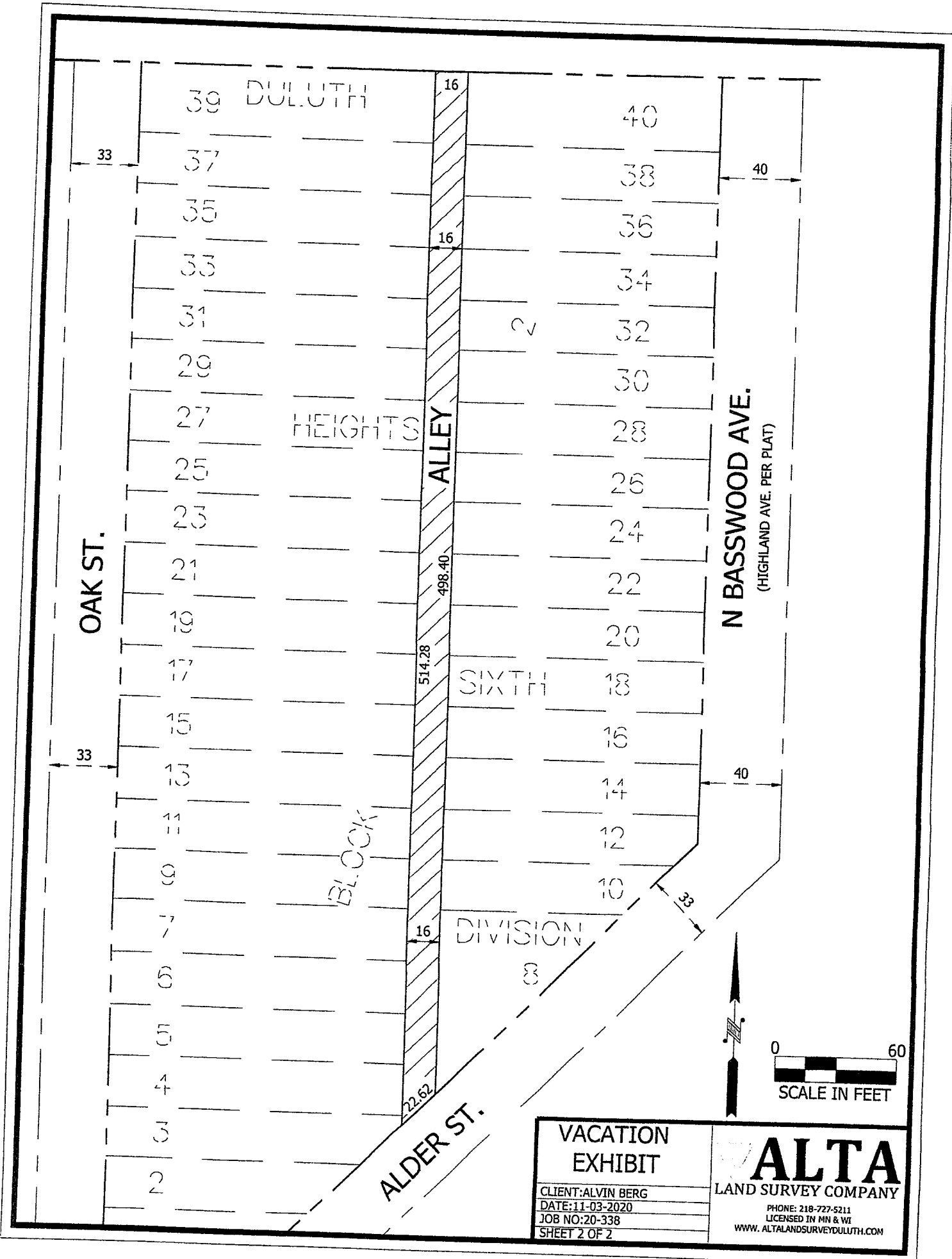
ADDRESS: XXX N BASSWOOD AVENUE
DULUTH, MN 55811

DATE: 11-03-2020

JOB NO: 20-338 SHEET 1 OF 2

ALTA
LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTALANDSURVEYDULUTH.COM



VACATION
EXHIBIT

CLIENT: ALVIN BERG
DATE: 11-03-2020
JOB NO: 20-338
SHEET 2 OF 2

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