



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 20-145	Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Vacation of Right-Of-Way	Planning Commission Date		November 10, 2020
Deadline for Action	Application Date	September 9, 2020	60 Days	November 8, 2020
	Date Extension Letter Mailed	September 24, 2020	120 Days	January 21, 2021
Location of Subject		Unimproved Portion of Wicklow Street west of Atlantic Avenue and adjacent to 645 Atlantic Avenue (Applicant)		
Applicant	Blake Shippee	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	November 3, 2020	Sign Notice Date	September 29, 2020	
Neighbor Letter Date	October 29, 2020	Number of Letters Sent	21	

Proposal

The applicant is requesting to vacate an unimproved portion of Wicklow Street adjacent to their street frontage along Atlantic Avenue.

Recommended Action

Staff recommends a recommendation of approval with conditions. Final action on vacations is by the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Unimproved right of way	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Vacant land	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	RR-1	School	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. 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 #7 – Create and maintain connectivity. Vacations of streets should be supported only if the right of way or easement is not needed for connectivity.

Governing Principle #12 – Create efficiencies in delivery of public services. The costs of public services must be included in land use decisions. This includes decisions about whether to build future infrastructure or convert rights of way to private use.

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys Parks and open space areas are scattered through or adjacent to the neighborhood.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of the platted right of way for Wicklow Street in proximity to their property located at 645 Atlantic Avenue as shown on the attached exhibit.
2. The proposed vacation of a portion of Wicklow Street is approximately 278 feet by 66 feet, and is 0.42 acres in size. The platted street ends at ISD 709 property to the west, so would not provide connectivity further west even if it was improved. ISD 709 has provided correspondence indicating support for the proposed vacation, attached.
3. The applicant owns all the property on the south side of the street. A majority of the property on the north side of the street has an owner who has signed the vacation petition, and who has access to the property from Atlantic Avenue and the Wellington Street Alley. The remaining two parcels are tax forfeit. An adjacent owner sale is anticipated for the two tax forfeit lots; if sold as stand-alone parcels, alternative access plans will necessitate construction of an extensive and engineered driveway system to overcome extreme topographic variation, which would be necessary whether or not the right-of-way were present.
4. The City 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.
5. 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 portion of the right of way with the storm sewer catch basins. This easement is shown in the attached exhibit.
6. No other public or City comments have been received at the time of drafting this report.
7. 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.) 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.

270000010

WINKLESKY
GARY F
034000200

JENSEN
ELIJAH J
034000235

JENSEN 034000280
ELIJAH J

PERFETTI
KAREN M
034000430

LINNELL
STEVEN L
034000460

INDEPENDENT
SCHOOL
DISTRICT #709

RR-1 (Rural
Residential 1)

PERFETTI
KAREN M

ST OF MN
C278 L35

PERFETTI
KAREN M

Tax forfiet

Tax forfiet

034000340

034000380

034000340

PERFETTI
KAREN M

ST OF
MN C278
L35

034000340

ROW to be vacated

Atlantic Ave

Wellington St Alley

POSTAL
GERALD B

034000510

LINNELL
STEVEN L

034000550

R-1 (Residential
Traditional)

Wicklow St

SHIPPEE
BLAKE M

034000600

POSTAL
GERALD B

034000760

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that portion of Wicklow Street adjacent to and abutting Block 3 and Block 5, BRYANT ADDITION TO DULUTH SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, lying between the extended East and West lines of said Blocks 3 and 5
Said right of way vacation contains 18,301 Sq. Feet or 0.42 Acres.

LEGAL DESCRIPTION OF RETAINED UTILITY EASEMENT

All that portion of Wicklow Street adjacent to and abutting Block 3 and Block 5, BRYANT ADDITION TO DULUTH SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southeast corner of said Block 3; thence South, along the Southerly extension of the East line of said Block 3 for a distance of 13.00 feet to a line parallel with and distant 13.00 feet South of the South line of said Block 3, said point being the point of beginning of said easement; thence West, deflecting 90 degrees 00 minutes 00 seconds to the right 10.00 feet to a line parallel with and distant 10.00 feet West of the Southerly extension of the East line of said Block 3; thence South, deflecting 90 degrees 00 minutes 00 seconds to the left 40.00 feet to a line parallel with and distant 13.00 feet North of the North line of said Block 5; thence East, deflecting 90 degrees 00 minutes 00 seconds to the left 10.00 feet to the Northerly extension of the East line of said Block 5; thence North, deflecting 90 degrees 00 minutes 00 seconds to the left, along the extended East lines of said Block 3 and said Block 5 for a distance of 40.00 feet to the point of beginning.

Said easement contains 400 square feet.

Approved by the City Engineer of the City
of Duluth, MN this 26 day
of OCT 20 20
By C. Wef

RIGHT OF WAY VACATION EXHIBIT

<small>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.</small>	
CLIENT:BLAKE SHIPPEE	REVISIONS:
ADDRESS:645 ATLANTIC AVENUE	
DULUTH, MN 55806	
MN Lic. No. 49505	JOB NO:20-275
DATE:08-31-2020	SHEET 1 OF 2



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

645 Atlantic Ave. - Lot purchase

David Spooner <david.spooner@isd709.org>

Mon, Aug 3, 2020 at 4:27 PM

To: Blake Shippee <blakeshippee@gmail.com>

Cc: Catherine Erickson <catherine.erickson@isd709.org>, Jacqueline Dolentz <jacqueline.dolentz@isd709.org>

Hello Blake,

As per our conversation, the District has no issue with your pursuit to purchase City of Duluth land adjacent to the Districts property on the lower side of Lincoln Park Middle School.

Thanks!

Dave

David J. Spooner, C.P.E.

Manager of Facilities

Mail to: 215 North 1st Ave East, Duluth, MN 55802

Office: 730 East Central Entrance, Duluth, MN 55811

Phone: 218.336.8700 X-3232 - Cell: 218.343.0275



On Wed, Jul 29, 2020 at 12:30 PM Blake Shippee <blakeshippee@gmail.com> wrote:

Hi Dave -

As discussed we are looking to purchase a lot north of us from the city of Duluth so we can build a garage. This lot is an extension of Wicklow St. They explained that the first thing would be to reach out to any neighbors of the vacant lot to get their blessing. The school district has an adjacent lot on the west side. Just wanted to make sure there would be no objection from the district's end for our family to purchase this lot.

Thanks again for your time and consideration.

Regards,

Blake Shippee
cell: 218-310-3693

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View of Wicklow Street Looking West from Atlantic Avenue

