



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 21-128		Contact	Steven Robertson	
Type	Vacation of Public Right of Way/Easement		Planning Commission Date		August 10, 2021
Deadline for Action	Application Date		July 27, 2021	60 Days	N/A
	Date Extension Letter Mailed		N/A	120 Days	N/A
Location of Subject		Ralston Drive (Also Known As Stebner Road), Between Airport Road and Private Drive			
Applicant	City of Duluth		Contact		
Agent			Contact		
Legal Description	See Attached				
Site Visit Date	July 28, 2021		Sign Notice Date		July 28, 2021
Neighbor Letter Date	July 28, 2021		Number of Letters Sent		2 (Including Hermantown)

Proposal

The City of Duluth, acting as the applicant, is requesting vacation of platted public right of way (66 feet) and a utility easement (13 feet) in the Airport Division of Duluth, just south of the Duluth International Airport.

Staff recommend that the Planning Commission recommend approval of the vacation to the City Council (via resolution).

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Industrial	General Industrial
North	MU-B	Industrial	General Mixed Use
South	Hermantown	Federal Prison	Hermantown
East	MU-B	Industrial	General Industrial
West	MU-B	Industrial	General Industrial

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 #3 – Support existing economic base. Vacating this right of way will be a benefit to Cirrus and their operations.

Governing Principle #7 – Create and maintain connectivity. Vacating this right of way will not reduce connectivity with the business campus.

Zoning – Mixed Use-Business Park (MU-B) - intended to accommodate modern light industrial and technology-based developments of attractive integrated design and function. Future Land Use – General Industrial. Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure

History: The public right of way was dedicated by the plat was recorded in 1986. A similar public right of way vacation roughly 500 feet west of this project site was approved by the City in 2015 (PL 15-048). The area was rezoned from MU-N (Mixed Use Neighborhood) to MU-B (Mixed Use Business Park) in 2015 (PL 15-004).

Review and Discussion Items:

- 1) The City of Duluth, acting as the applicant, is requesting vacation of platted public right of way (66 feet) and a utility easement (13 feet) in the Airport Division of Duluth, near the Airport.
- 2) A portion of the public right of way has been improved (paved), but it is not to city standards, and is not used by the public.
- 3) If the right of way and utility easement were vacated, it would allow Cirrus to potentially expand their operations on site.
- 4) The public right of way and utility easement are 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 since the alley is currently unimproved and City Engineering does not expect to need it in the future.
- 5) There was an earlier proposal to vacate a second utility easement running parallel to Airport Road, but it was removed from consideration due to its importance and active use.
- 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.

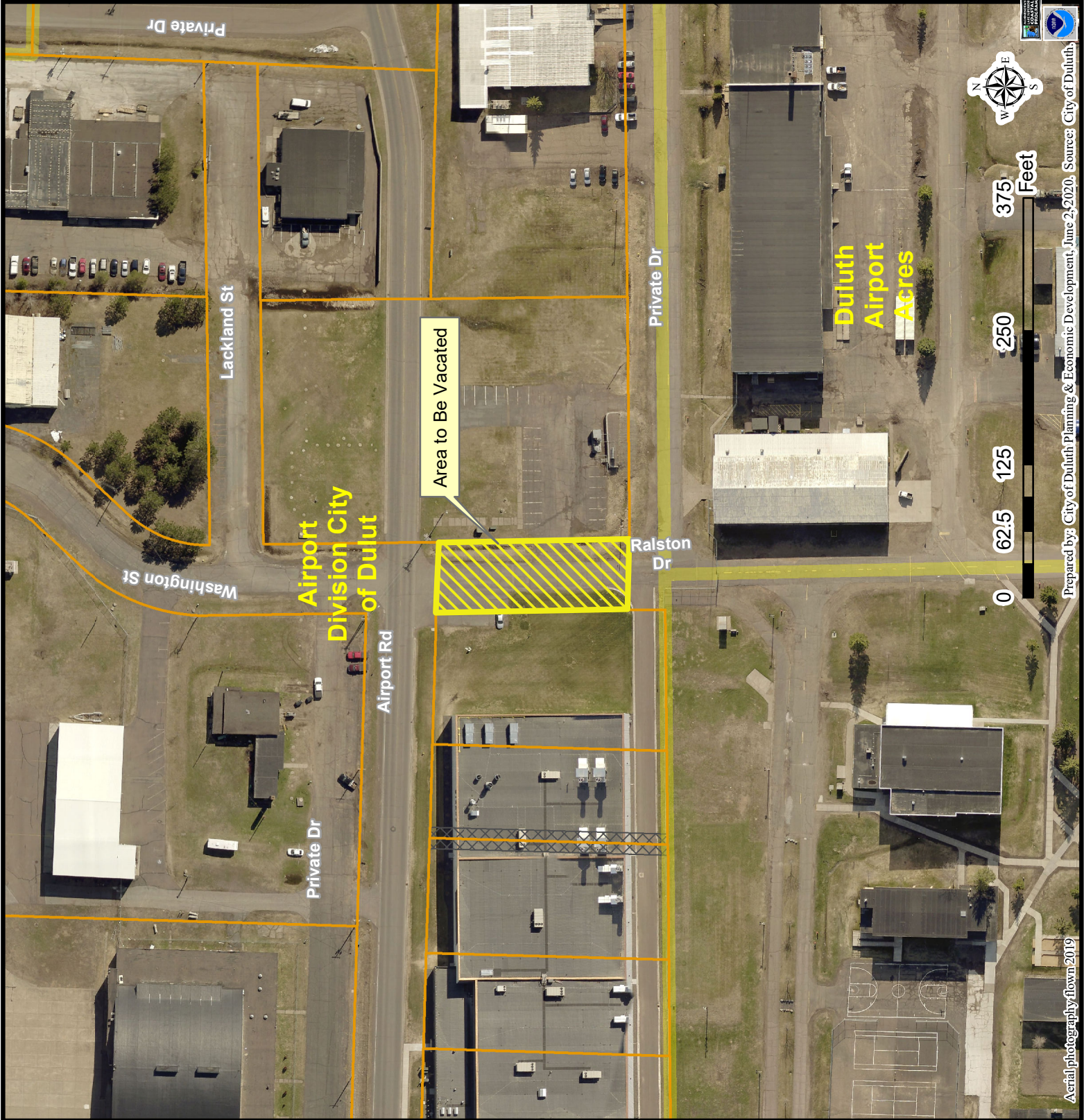
Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:


- 1) The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



Vacation of ROW PL 21-128



Legend

-  Parcels
-  Subdivision Boundaries
-  Vacated ROW

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 of ROW PL 21-128

Legend

- Gas Main
- Water Main
- Hydrant

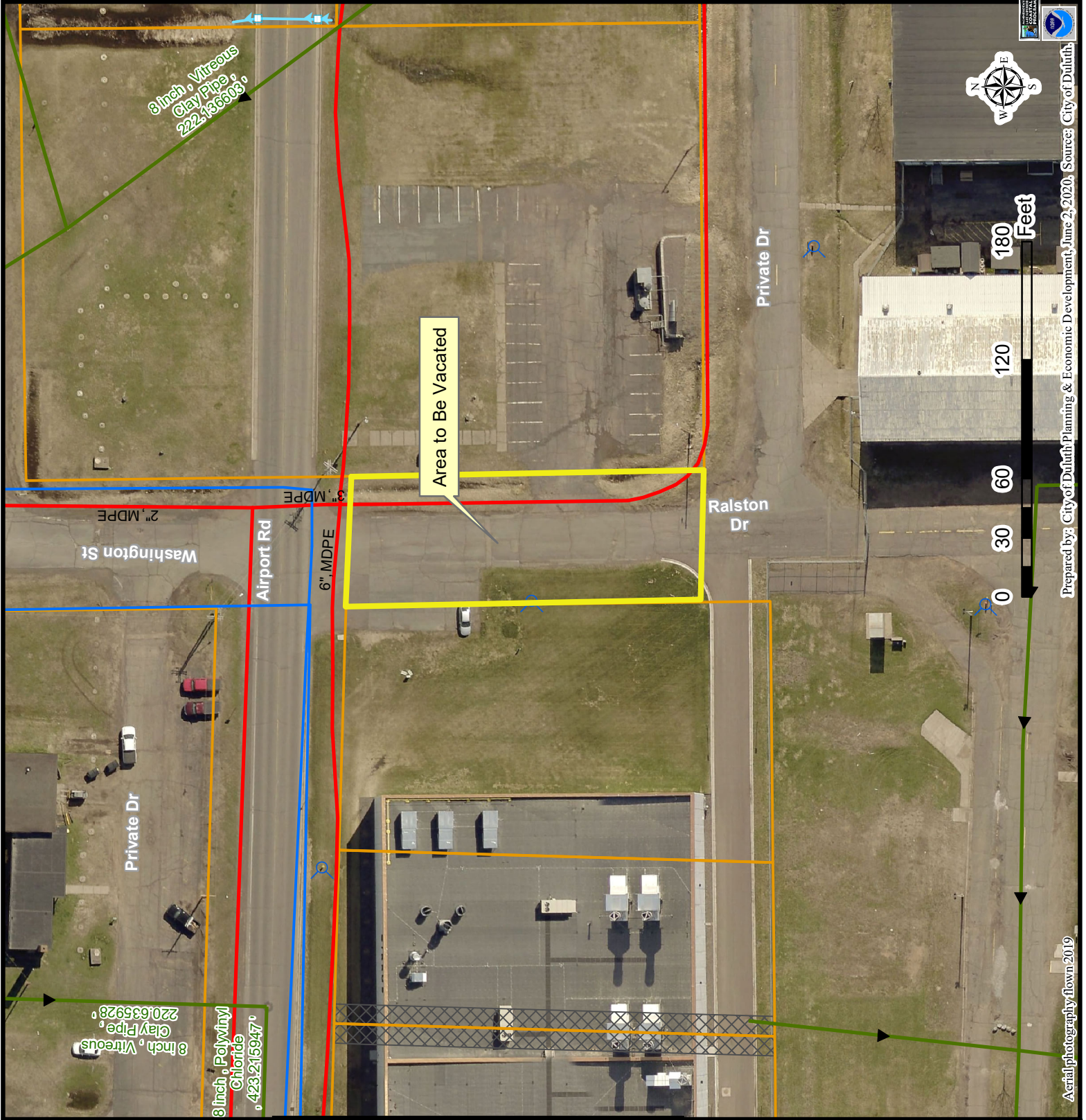
Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE

- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
- Storm Sewer Pipe
- Storm Sewer Catch Basin

- Parcels
- Vacated ROW

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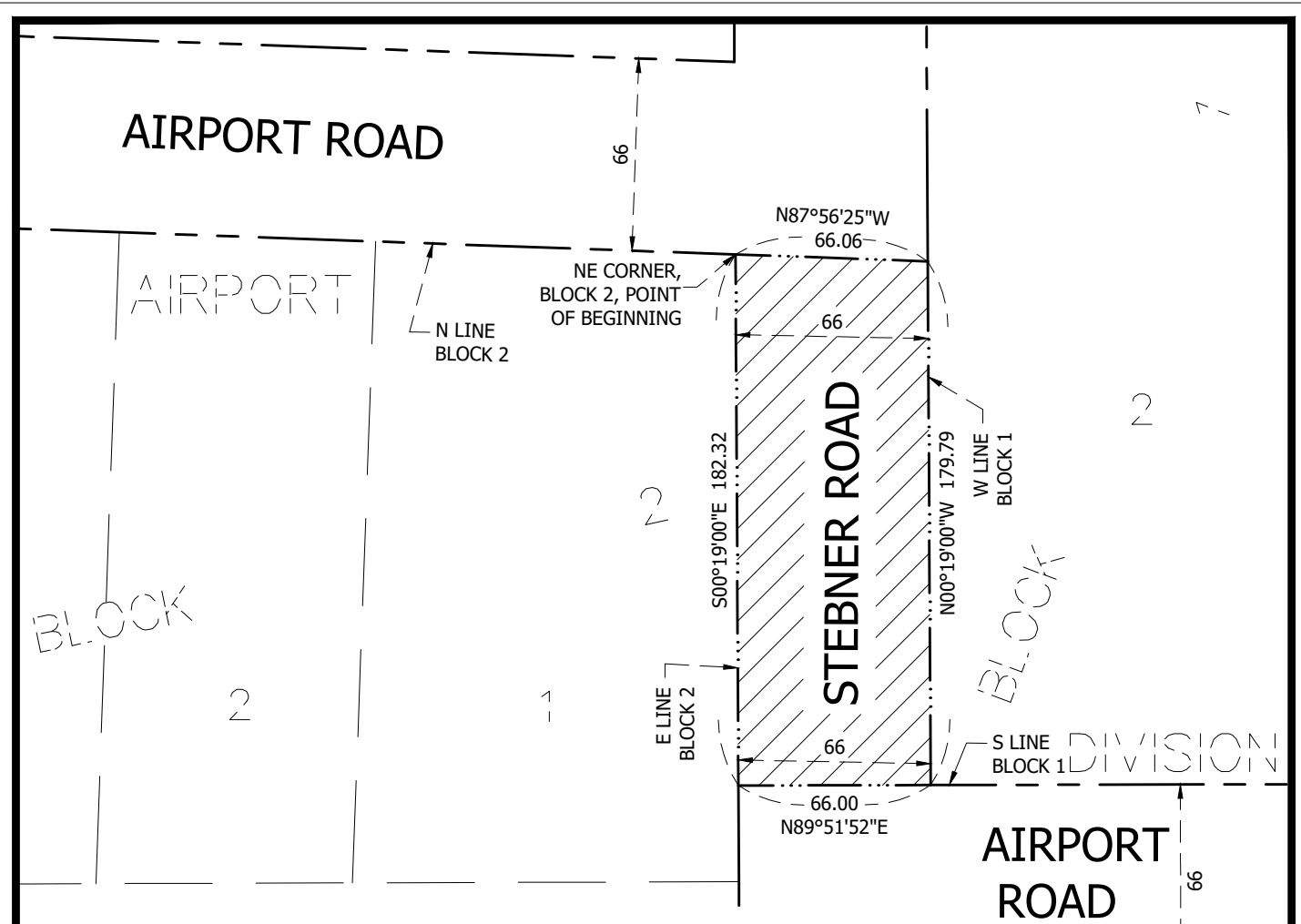


Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, June 2, 2020; Source: City of Duluth.

Stebner Road/Ralston Drive





LEGEND

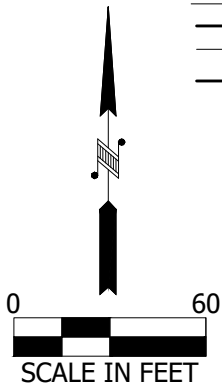
- RIGHT OF WAY LINE
- EXISTING PLAT LINE
- PROPOSED RIGHT OF WAY VACATION LINE
- PROPOSED RIGHT OF WAY VACATION AREA

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

By _____

LEGAL DESCRIPTION OF VACATION OF STEBNER ROAD

All that part of Stebner Road adjacent to and abutting Blocks 1 and 2, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows: Beginning at the Northeast corner of said Block 2; thence on a assumed bearing of South 00 degrees 19 minutes 00 seconds East, along the East line of said Block 2 for distance of 182.32 feet to the Westerly extension of the South line of said Block 1 across said Stebner Road; thence North 89 degrees 51 minutes 52 seconds East, along said Westerly extension 66.00 feet to the West line of said Block 1; thence North 00 degrees 19 minutes 00 seconds West, along said West line 179.79 feet to the Easterly extension of the North line of said Block 2 across said Stebner Road; thence North 87 degrees 56 minutes 25 seconds West, along said Easterly extension 66.06 feet to the point of beginning. Said area to be vacated contains 11,950 square feet or 0.27 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.

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.

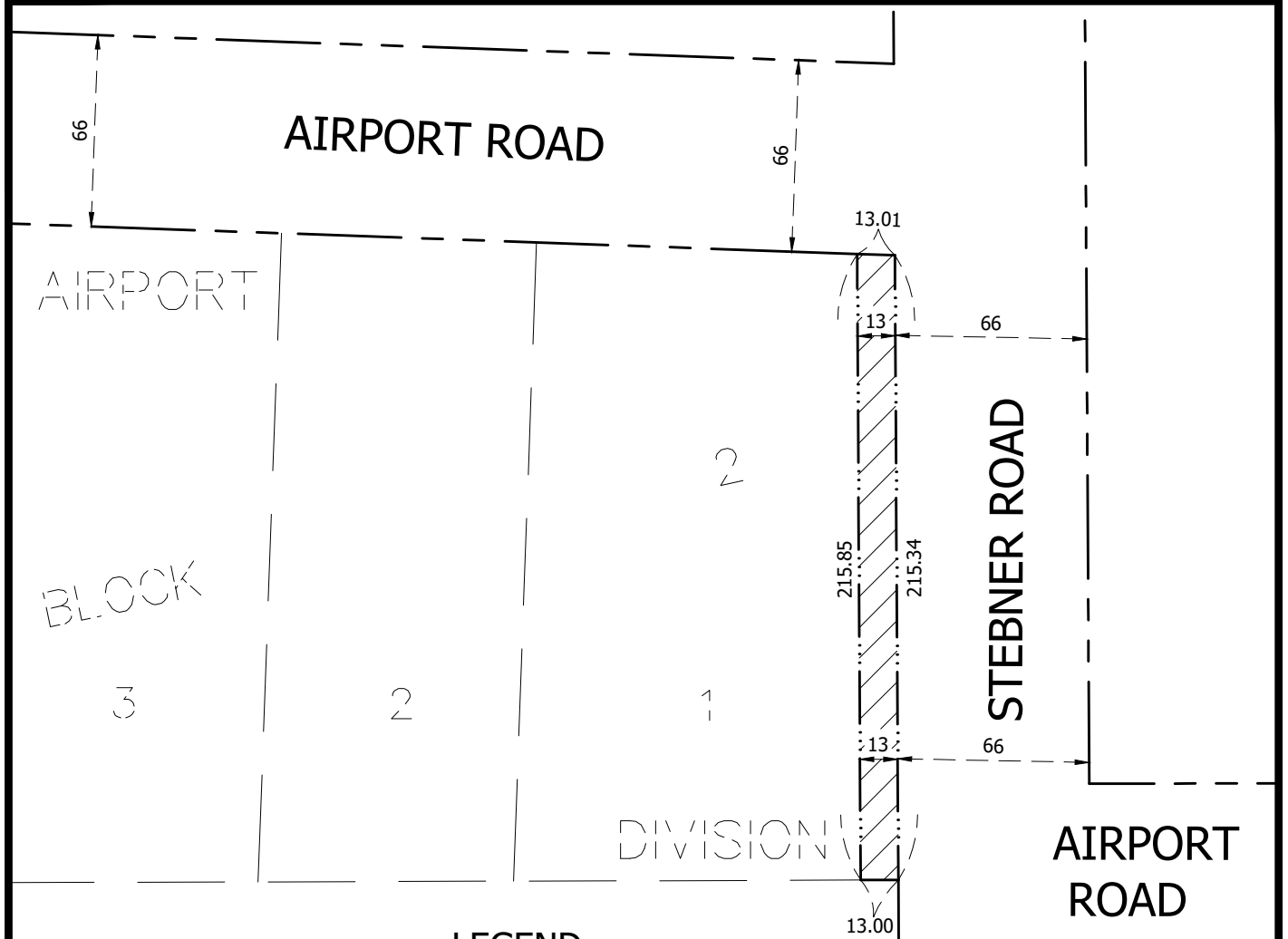
David R. Evanson
 David R. Evanson
 MN License #49505
 DATE: 07-06-2021

RIGHT OF WAY VACATION EXHIBIT

CLIENT: NCE	REVISIONS:
ADDRESS: STEBNER ROAD/AIRPORT ROAD DULUTH, MN 55811	
DATE: 07-06-2021	JOB NO: 21-076 SHEET 1 OF 1

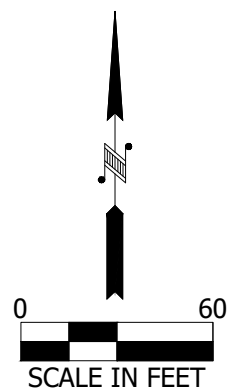
ALTA
 LAND SURVEY COMPANY

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



LEGEND

- RIGHT OF WAY LINE
- EXISTING PLAT LINE
- PROPOSED UTILITY EASEMENT VACATION LINE
- PROPOSED UTILITY EASEMENT VACATION AREA



LEGAL DESCRIPTION OF PROPOSED UTILITY EASEMENT VACATION

All that part of the 13 foot wide utility easement lying within Lot 1, Block 2, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.
Said utility easement vacation contains 2,803 square feet or 0.06 acres.

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

By _____

SURVEYOR'S NOTE

1. THIS IS NOT A BOUNDARY SURVEY.

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
MN License #49505
DATE: 07-06-2021

UTILITY EASEMENT VACATION EXHIBIT

CLIENT: NCE	REVISIONS:
ADDRESS: STEBNER ROAD/AIRPORT ROAD DULUTH, MN 55811	
DATE: 07-06-2021	JOB NO: 21-076 SHEET 1 OF 1

ALTA
LAND SURVEY COMPANY

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

AIRPORT

DIVISION

IN PART OF THE SW 1/4 OF SW 1/4, SECTION 1 & PART OF THE S 1/2 OF SE 1/4, SECTION 2, T. 50 N., R. 15 W.

PLAT DEDICATION AIRPORT DIVISION
DULUTH, ST. LOUIS COUNTY, MINNESOTA

KNOW ALL MEN BY THESE PRESENTS: That City of Duluth, a Municipal Corporation, and United States of America being the owners and proprietors of the following described property situated in the City of Duluth, County of St. Louis, State of Minnesota to wit:

Those parts of the Southwest Quarter of the Southwest Quarter (SW-1/4) of SW-1/4, Section One (1) and the South Half of the Southeast Quarter (S-1/2) of SE-1/4, Section Two (2), Township Fifty (50) North, Range Fifteen (15) West of the Fourth Principal Meridian, according to the United States Government Survey thereof, described as follows: Beginning at the South-east corner of said Section Two (2), thence South 89°-20'-29" West (assumed bearing), along the South line of said Section Two (2) a distance of 2088.24 feet; thence North 1°-34'-16" East a distance of 328.12 feet; thence North 88°-25'-44" West a distance of 58.00 feet; thence North 1°-34'-16" East a distance of 660.10 feet; thence South 88°-24'-24" East, along a line 1000.00 feet distant and parallel with the centerline of the East-West runway, a distance of 2052.65 feet; thence North 1°-35'-02" East a distance of 150.00 feet; thence South 88°-24'-24" East, along a line 850.00 feet distant and parallel with said centerline of the East-West runway a distance of 546.94 feet; thence South 88°-42'-00" East a distance of 708.86 feet; thence Southerly a distance of 161.72 feet along a non-tangential curve concave to the West having a radius of 135.00 feet, a central angle of 68°-38'-16" and the chord of said curve bears South 3°-24'-08" East; thence South 30°-55'-00" West a distance of 272.77 feet; thence Southerly a distance of 99.19 feet along a tangential curve concave to the East having a radius of 180.00 feet, a central angle of 31°-34'-23"; thence South 0°-39'-23" East a distance of 86.86 feet to the South line of said Southwest Quarter of the Southwest Quarter (SW-1/4) of SW-1/4; thence South 89°-20'-37" West, along said South line, a distance of 1039.58 feet to the point of beginning, containing 66.41 acres of land, more or less; have caused the same to be surveyed and platted as AIRPORT DIVISION and do hereby denote and dedicate to the public for public use forever the roads and also dedicating the easements for the purposes as shown on this plat.

IN WITNESS WHEREOF said City of Duluth and United States of America has caused their presents to be signed by its proper officers this 9 day of December 1985.

OWNERS

City of Duluth

John A. Fedo
John A. Fedo, Mayor

Jeffrey J. Cox
Jeffrey J. Cox, Clerk

State of Minnesota)
County of St. Louis) ss

United States of America

Gary D. Blair
By: Gary D. Blair, Chief Real Estate Division
Omaha District, U.S. Army Corps of Engineers
Douglas County, State of Nebraska

The foregoing instrument was acknowledged before me this 9 day of December, 1985 by John A. Fedo, Mayor, City of Duluth and Jeffrey J. Cox, Clerk, City of Duluth, a Municipal Corporation, on behalf of the Corporation.



State of Nebraska)
County of Douglas) ss

The foregoing instrument was acknowledged before me 9th day of December, 1985 by Gary D. Blair, Chief, Real Estate Division, Omaha District, U.S. Army Corps of Engineers, on behalf of the United States of America.

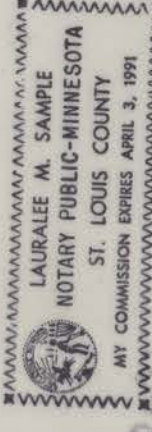
Douglas P. Hartshorn
Douglas P. Hartshorn, Notary Public, St. Louis County, My Commission Expires 2/28/88

I hereby certify that I have surveyed and platted the property described on this plat as AIRPORT DIVISION, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no wetlands or public highways to be designated other than as shown.

Dale L. Bernsten
Dale L. Bernsten, Registered Land Surveyor
Minnesota Registration No. 13794

State of Minnesota)
County of St. Louis) ss

The foregoing Surveyor's Certificate was acknowledged before me this 28th day of December, 1985 by Dale L. Bernsten, MN Reg. No. 13794.

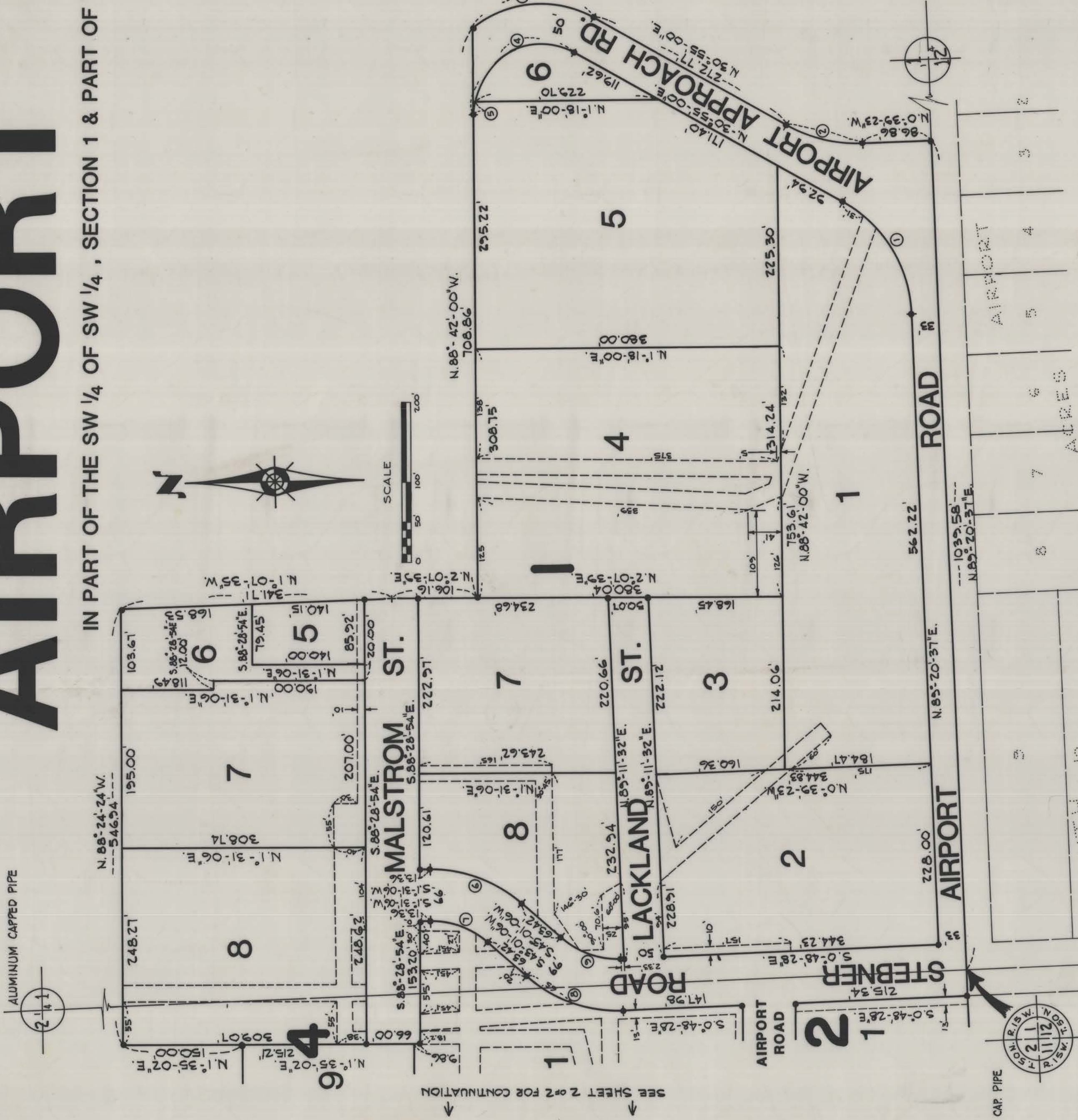


Lauralee M. Sample
Lauralee M. Sample, Notary Public, St. Louis County, My Commission Expires 4/2/87

Approved by the Planning Commission of the City of Duluth, Minnesota, at a regular meeting thereof, on the ___ day of _____, 1985.

Dale A. Schick
Dale A. Schick, Director, Dept. of Planning & Development

Ray J. Holt
Ray J. Holt, Pres/Secy, City Planning Commission



PLAT

OFFICIAL

473783

OFFICE OF COUNTY RECORDER

STATE OF MINNESOTA

County of St. Louis

I hereby certify that the within instrument was filed in

Record Book No. 407476

Page No. 1

DATE FEB - 15 1986

CLARK A. LEE

County Recorder

My Commission Expires

1988

OFFICE OF REGISTRAR OF TITLES

STATE OF MINNESOTA

County of St. Louis

I hereby certify that this instrument was filed in this office on

JAN 30 1986

at 2:00 P.M. and was duly registered

in Book 280...

Page 121

CLARK A. LEE

Registrar of Titles

My Commission Expires

1988

All Taxes Paid

Jan 2, 1986

Russell Petersen, County Auditor

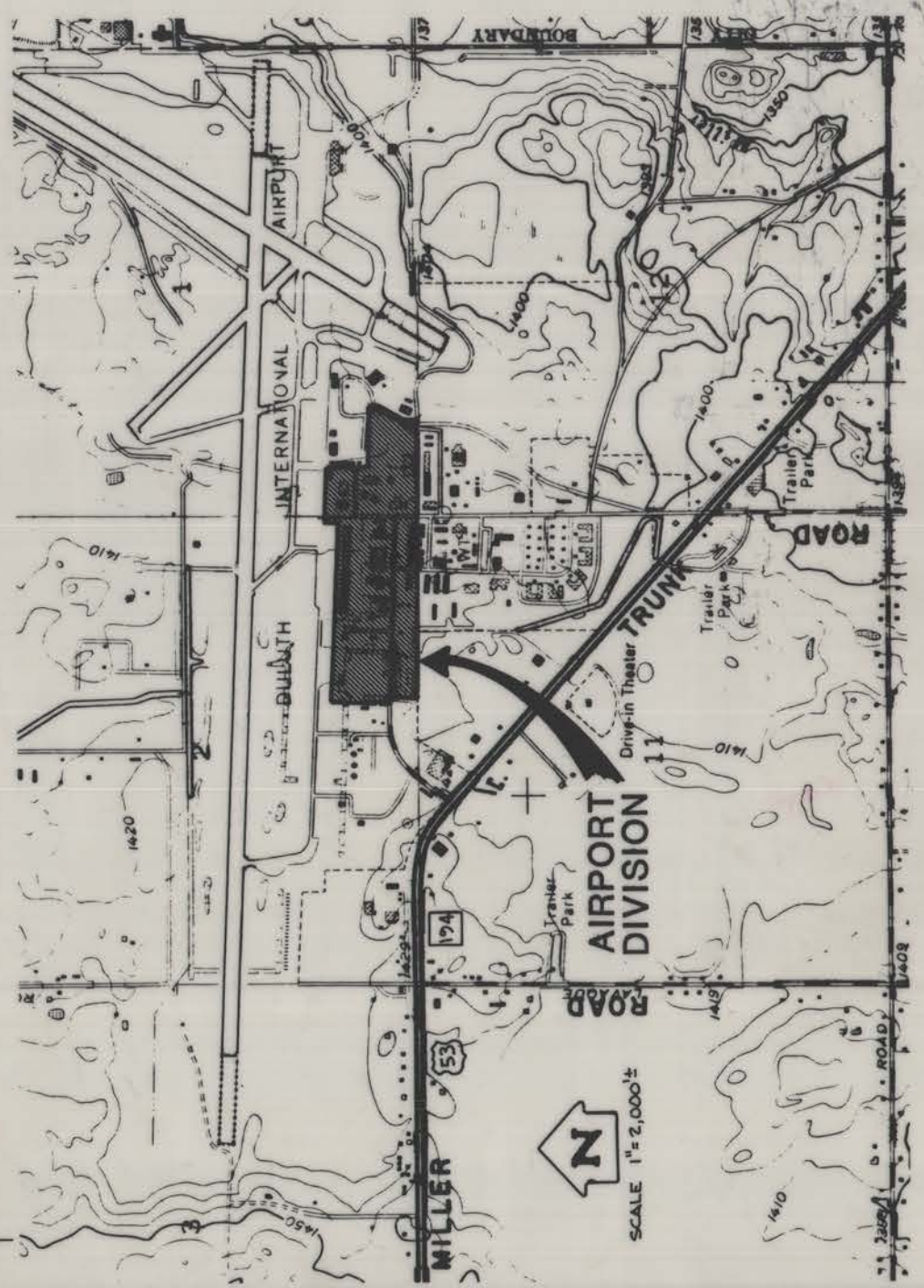
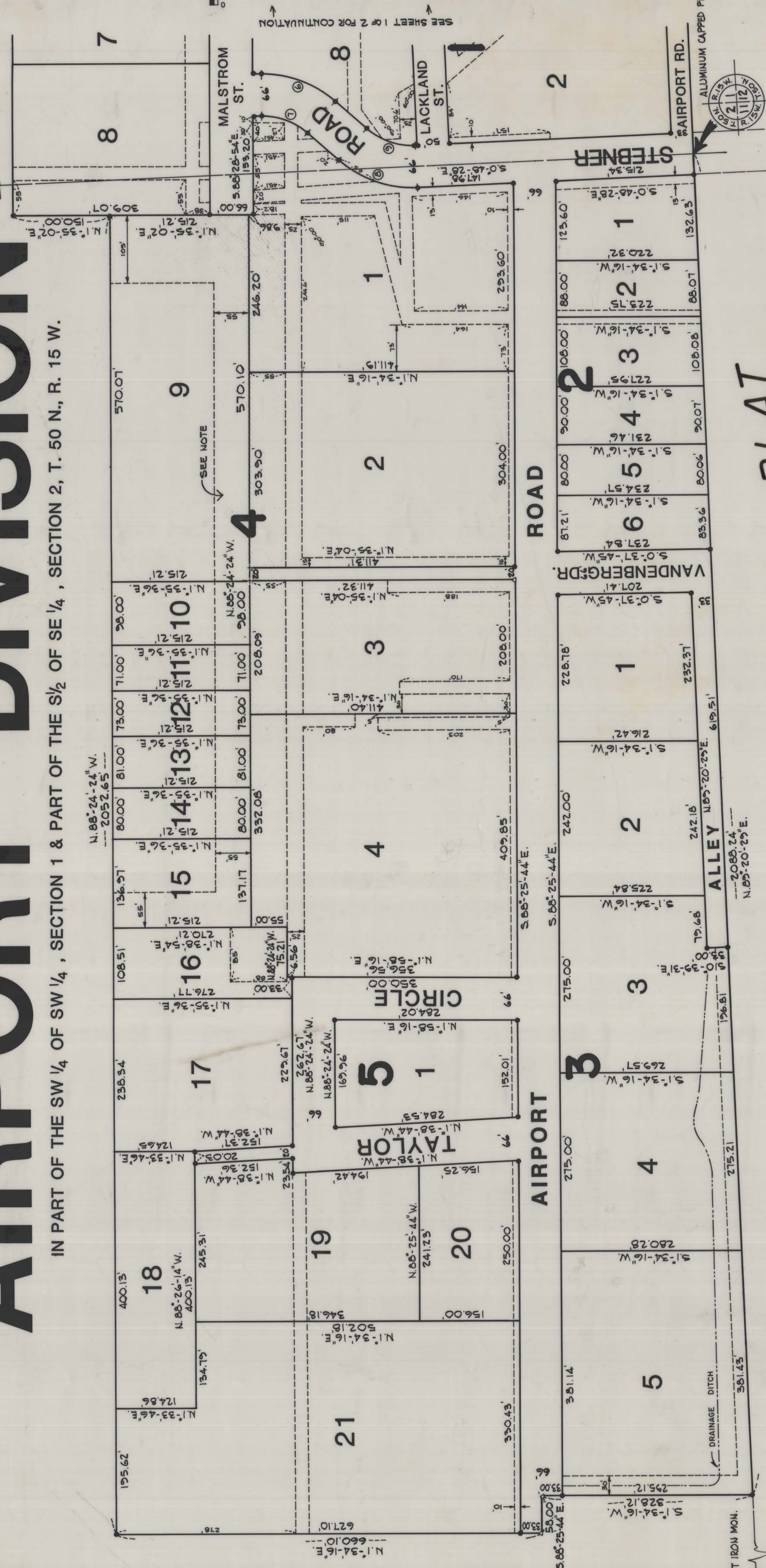
by A. G. Schick DEPUTY

AIRPORT DIVISION

IN PART OF THE SW 1/4 OF SW 1/4, SECTION 1 & PART OF THE S 1/2 OF SE 1/4, SECTION 2, T. 50 N., R. 15 W.

473783

ALUMINUM CAPPED PIPE



LEGEND

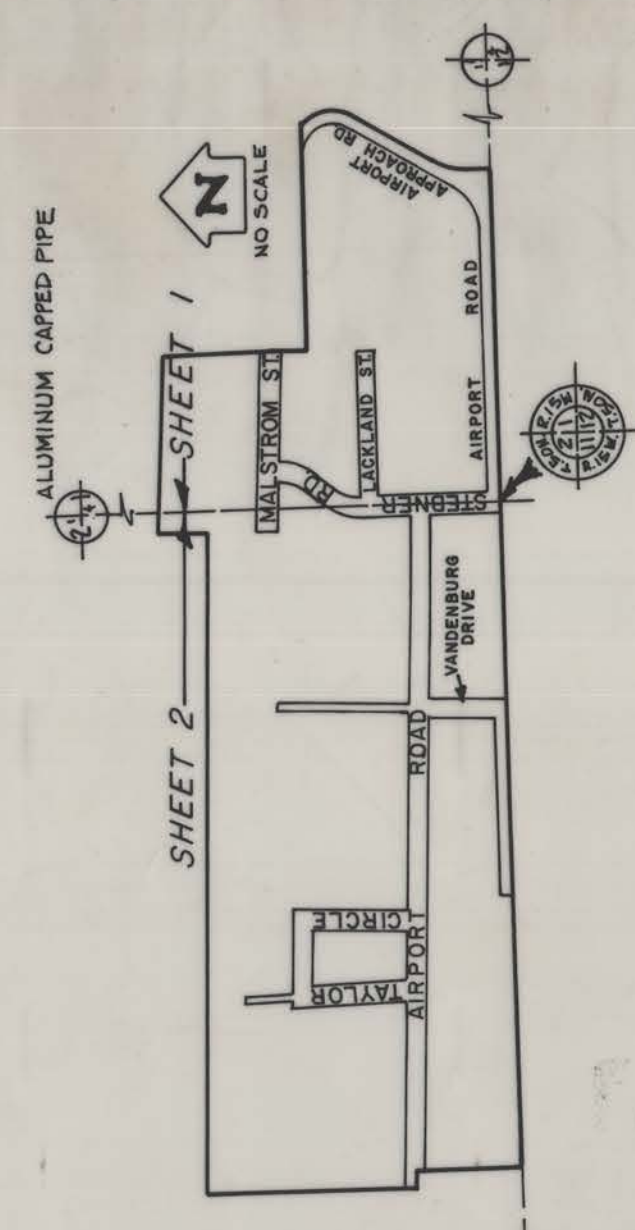
- UTILITY EASEMENT (EXCEPT WHERE DIMENSIONED OTHERWISE)
- IRON ROD SET
- CURVE DATA CODE (SEE SCHEDULE ON SHEET 2 OF 2)
- CROSS CUT IN CONCRETE
- SPIKE SET
- ALL BEARINGS ASSUMED

CURVE DATA SCHEDULE				
N ^o	Δ	R.	L.	T.
1	56°-25'-37"	167.00'	170.30'	93.36'
2	31°-34'-23"	180.00'	99.15'	50.89'
3	68°-56'-16"	135.00'	161.72'	92.16'
4	109°-36'-15"	85.00'	162.60'	120.50'
5	10°-00'-41"	85.00'	14.85'	7.45'
6	41°-30'-00"	173.00'	125.31'	65.54'
7	41°-30'-00"	107.00'	71.50'	40.54'
8	45°-45'-34"	173.00'	132.35'	69.59'
9	45°-45'-34"	107.00'	81.85'	43.04'

NOTES: EASEMENT ON EXISTING APRON FOR TAXIWAY, AIR NAVIGATION, & RELATED SUPPORTING SERVICES FOR THE FREE, PERPETUAL, & COMMON USE OF THE OWNERS & OCCUPANTS OF THE ADJUTING PROPERTY.

ALL Taxes Paid
April 21 19 86
Petersen, County Auditor
Deputy

SHEET INDEX



LOCATION MAP

