



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 23-199	Contact	Jason Mozol, jmozol@duluthmn.gov			
Type	Vacation of Alley Right of Way	Planning Commission Date		December 12, 2023		
Deadline for Action	Application Date	November 6, 2023	60 Days	N/A		
	Date Extension Letter Mailed	N/A	120 Days	N/A		
Location of Subject		525 N 80 th Ave W				
Applicant	Darcy and Julie Sundin		Contact			
Agent			Contact			
Legal Description		That part of the 16 foot wide Alleys as platted and dedicated in Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, as shown in the attached exhibit.				
Site Visit Date	12/4/23	Sign Notice Date		11/27/23		
Neighbor Letter Date	11/21/2023	Number of Letters Sent		37		

Proposal

The applicant is requesting to vacate a portion of a 16-foot platted alley lying northerly of a line drawn from the southeast corner of Lot 8, said Block 4 and the southwest corner of Lot 23, said Block 4 and its easterly and westerly extensions.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant/Undeveloped	Open Space/ Traditional Neighborhood
North	R-1	Vacant/Gravel Trail	Open Space
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Open Space/ Traditional Neighborhood
West	R-1	Residential	Open Space/ 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 #1 – Reuse previously developed lands- Reuse of previously developed lands... strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

The vacation will allow for the adjacent property owner to rebuild a garage where the existing garage stands.

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... Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

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.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate that part of the 16 foot wide Alleys as platted and dedicated in Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying northerly of a line drawn from the southeast corner of Lot 8, said Block 4 and the southwest corner of Lot 23, said Block 4 and its easterly and westerly extensions. Reserving a drainage and utility easement over under and across the above described tract.
2. The proposed vacation will allow the adjacent property owner to rebuild their garage.
3. The alley was platted but never utilized for its intended purpose.
4. The alley will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and has a drainage ditch running through it.
5. The City has determined that this portion of the alley is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the alley for future utilities.
7. Minnesota Power has existing power lines running through the alley and has requested an easement is retained.
8. No other public or City comments have been received at the time of drafting this report.
9. 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:

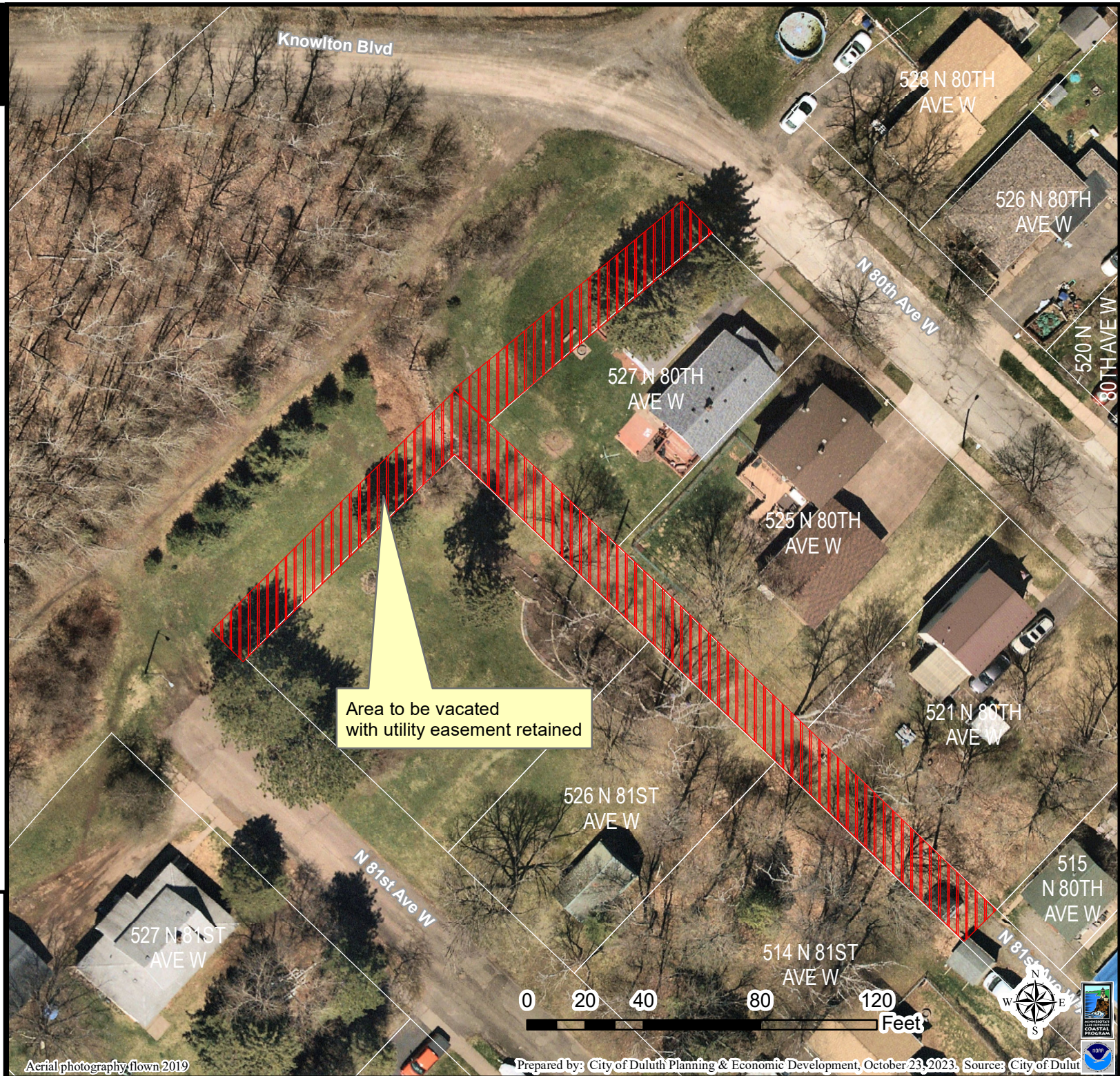
Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation with the following conditions:

1. The final exhibit must be signed by the city engineer prior to City Council approval.
2. City Council must approve the vacation with at least 6/9 vote.
3. The vacation and easements must be recorded within 90 days of final approval by City Council or such approval will lapse.

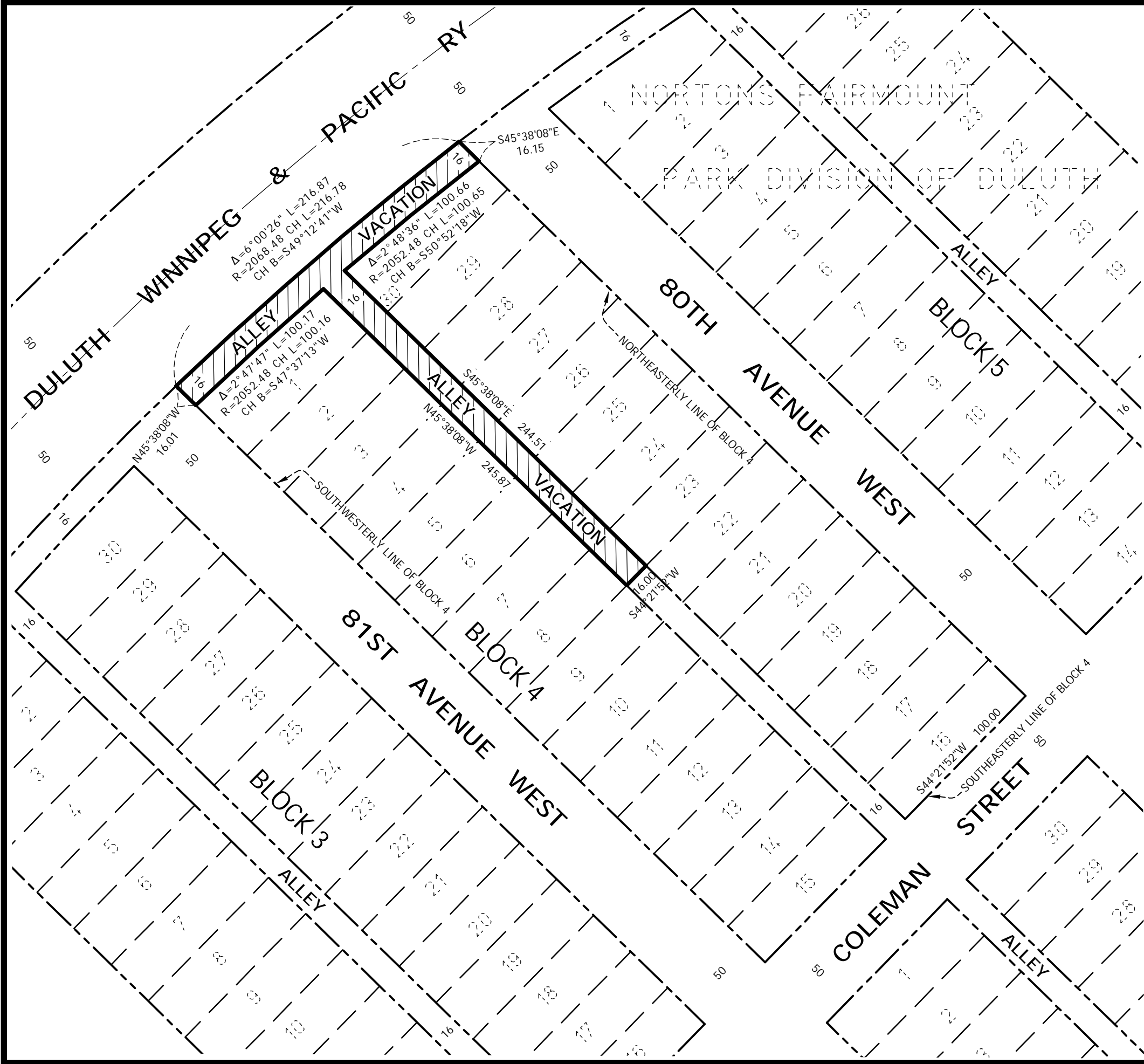


PL23-199
Alley Vacation
525 N 80th Ave W

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.



T:\Sundin Julie\23-245 Alley Vacations Duluth\3_dwg\700\23-245 Sundin Vacation.dwg 12/6/2023 10:48 AM



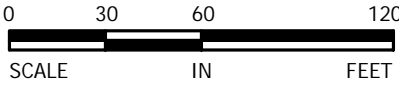
VACATION DESCRIPTION:

That part of the 16 foot wide Alleys as platted and dedicated in Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, lying northwesterly of a line drawn from the southeast corner of Lot 8, said Block 4 and the southwest corner of Lot 23, said Block 4, and bounded on the northeast by the northwesterly extension of the northeasterly line of said Block 4, and bounded on the southwest by the northwesterly extension of the southwesterly line of said Block 4.

Reserving drainage and utility easements over under and across the above described tract.



SCALE: 1 INCH = 60 FEET

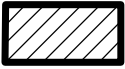


SURVEYOR NOTES:

Orientation of this bearing system is based on the southeasterly line of Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, to have a bearing of N 44°21'52" E.

JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Area of vacation is 7,393 square feet or 0.1697 acres ±.



Denotes right of way to be vacated with utility and drainage easements reserved

Approved by:

City Engineer Date

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 25th day of October, 2023 for JPJ Engineering, Inc.

Randy M. Morton, PLS License Number 21401

Revised: November 15, 2023, size of vacation.
Revised: November 22, 2023, added reserved easement over described tract.
Revised: December 6, 2023, revised per City of Duluth comments.



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Site Development

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VACATION SKETCH

For: Julie Sundin

525 North 80th Avenue West, Duluth, Minnesota 55807
Part of Block 4, NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, St. Louis Co., MN

SURVEY BY :	
DRAWN BY :	AJG
DESIGNED BY :	
APPROVED BY :	RMM
DATE:	10/25/2023
PROJECT NUMBER	
23-245	
SHEET NUMBER	
1 OF 1	