

EXHIBIT 4



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 21-111	Contact	Chris Lee, clee@duluthmn.gov
Type	Vacation of platted road, Upham Road	Planning Commission Date	August 10, 2021
Deadline for Action	Application Date	July 7, 2021	60 Days September 5, 2021
	Date Extension Letter Mailed	July 20, 2021	120 Days November 4, 2021
Location of Subject	Adjacent to 339 E Central Entrance, near the intersection of Central Entrance and Blackman Road		
Applicant	RFP LLC	Contact	Brad Rixmann
Agent	TKDA	Contact	Jeff Goetzman, PE
Legal Description	See Attached		
Site Visit Date	July 27, 2021	Sign Notice Date	July 27, 2021
Neighbor Letter Date	July 30, 2021	Number of Letters Sent	32

Proposal

The purpose of this application is to vacate a portion of platted Upham Road to allow the property owner on both sides to make parking lot improvements. The applicant proposes to dedicate a 24' wide access easement over a portion of the vacated right of way for private access.

Staff recommends approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Retail	General Mixed Use
North	MU-C	Residential	General Mixed Use
South	MU-C	Parking Lot	General Mixed Use
East	R-1	Residential	Traditional Neighborhood
West	MU-C	Auto Sales	General Mixed Use

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 #1 – Reuse previously developed lands: includes adaptive reuse of existing building stock and historic resources, as this strengthens neighborhoods. The applicant is proposing to make substantial investments in improving the current store and parking lot. This will include storm water improvements for the new parking.

Future Land Use – General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

History: The property is currently a 7,000 square foot retail store built in 1970 with parking located to the south of the building. Upham Road in this location bisects the property, and there is private parking located across the existing roadway from the store.

Related files: PL 21-110 – MU-C Planning review to be heard by Planning Commission for building and parking improvements.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a 66' x 203' portion of platted Upham Road.
2. The applicant will be dedicating a 24' x 202' private road way easement over a portion of the vacated right of way.
3. The applicant will be dedicating a public easement running north-south on the east side of the parcel for Blackman Avenue.
4. The purpose is to remove the 66' wide right of way to combine both tax parcels for redevelopment.
5. There are no existing utilities installed in this right of way.
6. The proposed vacated area of the platted street 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.
7. No other public or City comments have been received at the time of drafting this report. City engineering has reviewed and does have concerns with the width of the easement. Planning staff approves of the width.
8. 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 21-110 and 21-111
 MU-C Planning Review
 Street Vacation
 339 E Central Ent.



Legend
 Zoning Boundaries

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.





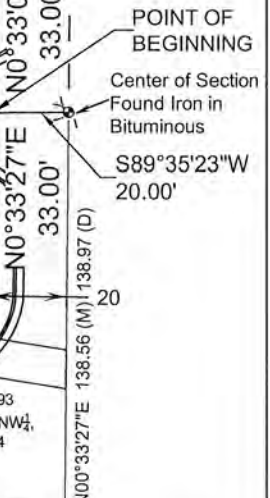
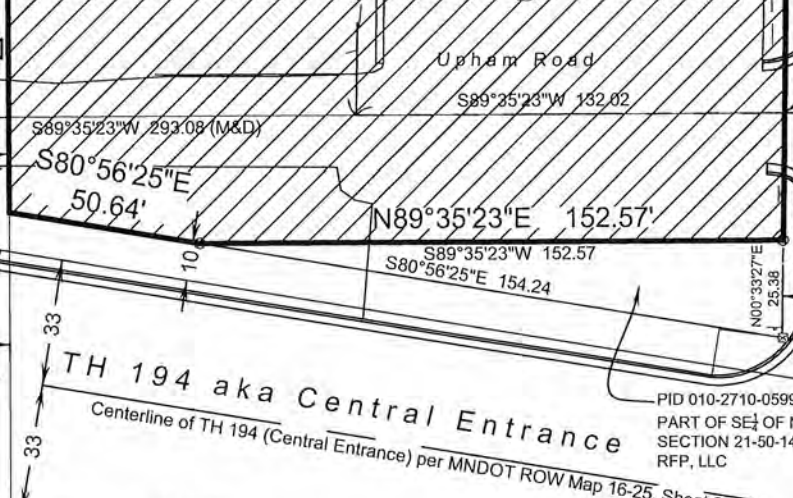
Bearings, Distances, and Coordinates are based on the St Louis County TM96 Coordinate System



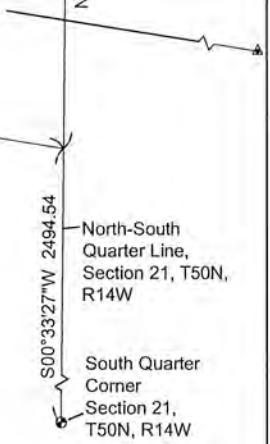
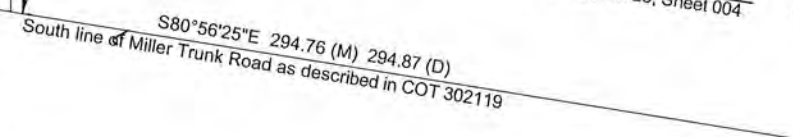
CENTRAL
ACRES
BLOCK 3

LOT 2
PID 010-0400-00280
LOT 2, BLOCK 3,
CENTRAL ACRES 2ND
DIVISION
BRANDAR INVESTMENTS,
INC.

LOT 1
DIVISION
PID 010-2710-05970
LOT 1, BLOCK 3,
CENTRAL ACRES 2ND DIVISION
A & A INVESTMENTS, LLC



Parcel 58 S.P. 6933 (194=106)
901 BMW 5353 (3) per Final
Certificate recorded in the St.
Louis County Office of Register of
Titles as Doc. No. 510636



MONUMENTS SHOWN ARE FROM A SURVEY BY DAVID SZYSZKOSKI
TKDA PROJECT NUMBER 15513.188

RIGHT OF WAY TO BE VACATED

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.

Date : 07/02/2021

Greg Stoewer
MINNESOTA LICENSE NO. 21774



11 East Superior Street
Suite 420
Duluth, MN 55802
218-724-8578
tkda.com
Job Number: 17970.000

VACATED PARCEL
EXHIBIT C
Sheet 1 of 2 Sheets

PROPOSED VACATED PARCEL DESCRIPTION

That part of the Section 21, Township 50 North, Range 14 West of the 4th Principal Meridian, described as follows:

Commencing at the Center of said Section 21;
Thence South 89 degrees 35 minutes 23 seconds West along the south line of the Northwest Quarter of said Section 21 a distance of 20.00 feet to the Point of Beginning;
Thence along a line parallel with and 20.00 feet west of the East line of said Northwest Quarter North 0 degrees 33 minutes 07 seconds East 33.00 feet to a line that is an easterly extension of the south line of Block 3 of Central Acres 2nd Division as recorded in St. Louis County, Minnesota;
Thence South 89 degrees 35 minutes 23 seconds West along said south line of Block 3 and its easterly extension 203.63 feet to a point on a line and its northerly extension that is 70.00 feet east of the west line of Parcel 58 S.P. 6933 (194=106) 901 BMW 5353 (3) per Final Certificate recorded in the St. Louis County Office of Register of Titles as Doc. No. 510636;
Thence South 0 degrees 24 minutes 37 seconds East along said 70.00 offset line and its extension 57.67 feet to a line that is parallel with and 43.00 feet north of the centerline of TH 194 (Central Entrance) per MnDOT ROW Map 16-25, Sheet 004;
Thence South 80 degrees 56 minutes 25 seconds East 50.64 feet along said 43.00 foot offset line to a line that is parallel with and 33.00 feet south of said south line of the Northwest Quarter;
Thence North 89 degrees 35 minutes 23 seconds East 152.57 feet along said line 33.00 feet south of the south line of the Northwest Quarter to a line that is parallel with and 20.00 feet west of the east line of the Southwest Quarter of said Section 21;
Thence North 0 degrees 33 minutes 27 seconds East to the Point of Beginning.

Subject to the public forever the right to use the easterly 20 of said tract of roadway purposes.

Said Vacated Parcel is 13195 square feet more or less.

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.

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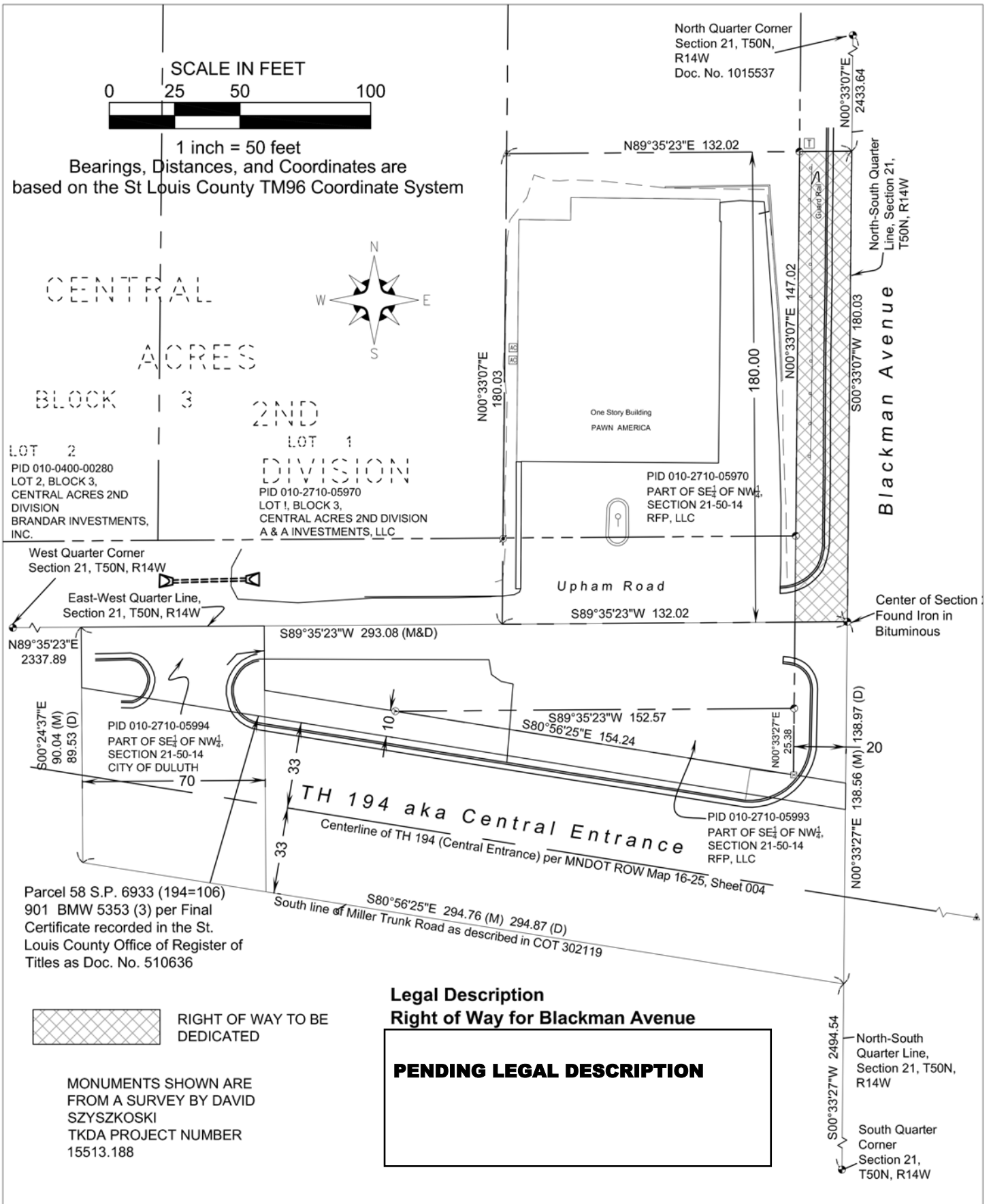


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VACATED PARCEL
EXHIBIT C

Sheet 2 of 2 Sheets

PROPOSED EXHIBIT - PENDING LEGAL DESCRIPTION



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.

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RIGHT OF WAY EXHIBIT in SECTION 21-50-14 Sheet 1 of 1 Sheets

