



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 21-176	Contact	Steven Robertson	
Type	Vacation of Public Right of Way	Planning Commission Date		November 9, 2021
Deadline for Action	Application Date	October 8, 2021	60 Days	December 7, 2021
	Date Extension Letter Mailed	October 20, 2021	120 Days	February 5, 2022
Location of Subject		Unimproved Right of Way, East of Blackman Avenue		
Applicant	ISD 709	Contact		
Agent	Northland Consulting Engineers	Contact		
Legal Description		See Attached		
Site Visit Date		June 25, 2021	Sign Notice Date	October 25, 2021
Neighbor Letter Date		October 28, 2021	Number of Letters Sent	58

Proposal

The applicant is requesting vacation of three platted public rights of way, and one building easement, with retention of one utility easement. These vacations are required as part of a process to review and approval a final plat. Previously dedicated rights of way are vacated or eliminated prior to the adoption of a new final plat and new platted rights of way.

Staff Recommendation

Staff recommends approval with conditions. Vacations are recommended by the Planning Commission, and approved by the City Council via resolution.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Former school (vacant)	Business Park, Urban Residential, Recreation
North	MU-C, MU-N	Commercial	Central Business Secondary, General Mixed Use
South	R-1	Residential, Antenna Farm	Traditional Neighborhood
East	R-P	Residential	Urban Residential
West	R-1	Residential	Urban Residential

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 #7 – Create and maintain connectivity. Vacating this right of way will not reduce connectivity within the campus.

Future Land Use

Business Park: Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping and building design. This land use category was specified for this particular site to provide for flexibility in redevelopment of the site, in support of ISD 709's intent to pursue sale of the property and redevelopment.

Site History or Previous Studies

Central High School at the top of the hill was built in 1971 as a replacement for the downtown Historic Old Central High School (HOCHS). The school terminated operations in 2011, and the building has been closed and vacant for that ten year period.

In late 2011 the City hosted two public meetings to gather input on future reuse of the site, with approximately 100 total attendees. Several scenarios were suggested to encourage public comment (Big Box Retail, Light Manufacturing, Casino, Nursing Home/Medical Care, Warehousing, Corporate Headquarters, Higher Education, and Heavy Industry).

In 2012 (PL 11-141) the future land use designation was changed. The site rezoned twice in 2013 (PL 13-037 and PL 13-117), in accordance with the previous future land use change. In 2014 it was rezoned again (PL 14-063) to a planned development, MU-P (Mixed Use Planned). As part of a planned development, a concept plan was required showing the proposed land uses to be allowed on the site, maximum density, and maximum height of structures. At the June 2014 Planning Commission meeting, the school district's representative offered to provide a buffer setback from residential properties on Blackman, to shield them from possible noise and light conflicts that may arise from future development.

At the June 2021 Planning Commission meeting, the commission recommend approval of the amendment to the concept plan (PL 21-069). A preliminary plat (PL 21-097) was reviewed and approved by the Planning Commission earlier this year.

Review and Discussion Items:

- 1) The applicant is requesting vacation of three platted public rights of way, and one building easement, with retention of one utility easement. These vacations are required as part of a process to review and approval a final plat.
- 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, especially since the school was closed at the end of the 2011 school year.
- 3) If the right of way and utility easement were vacated, it would allow ISD 709 to move forward with their final plat for this site (PL 21-174).
- 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.
- 5) No other public or City comments, other than corrections to the exhibits, have been received at the time of drafting this report.
- 6) Vacations of rights of way typically result in the former right of way being allocated as private property back to the adjacent property owners, if they are within the same platted subdivision that initially dedicated the public right of way. In this case, the previously approved subdivisions are Clearview Park, Great View Addition to Duluth, and Swenson's Division of Duluth.
- 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.

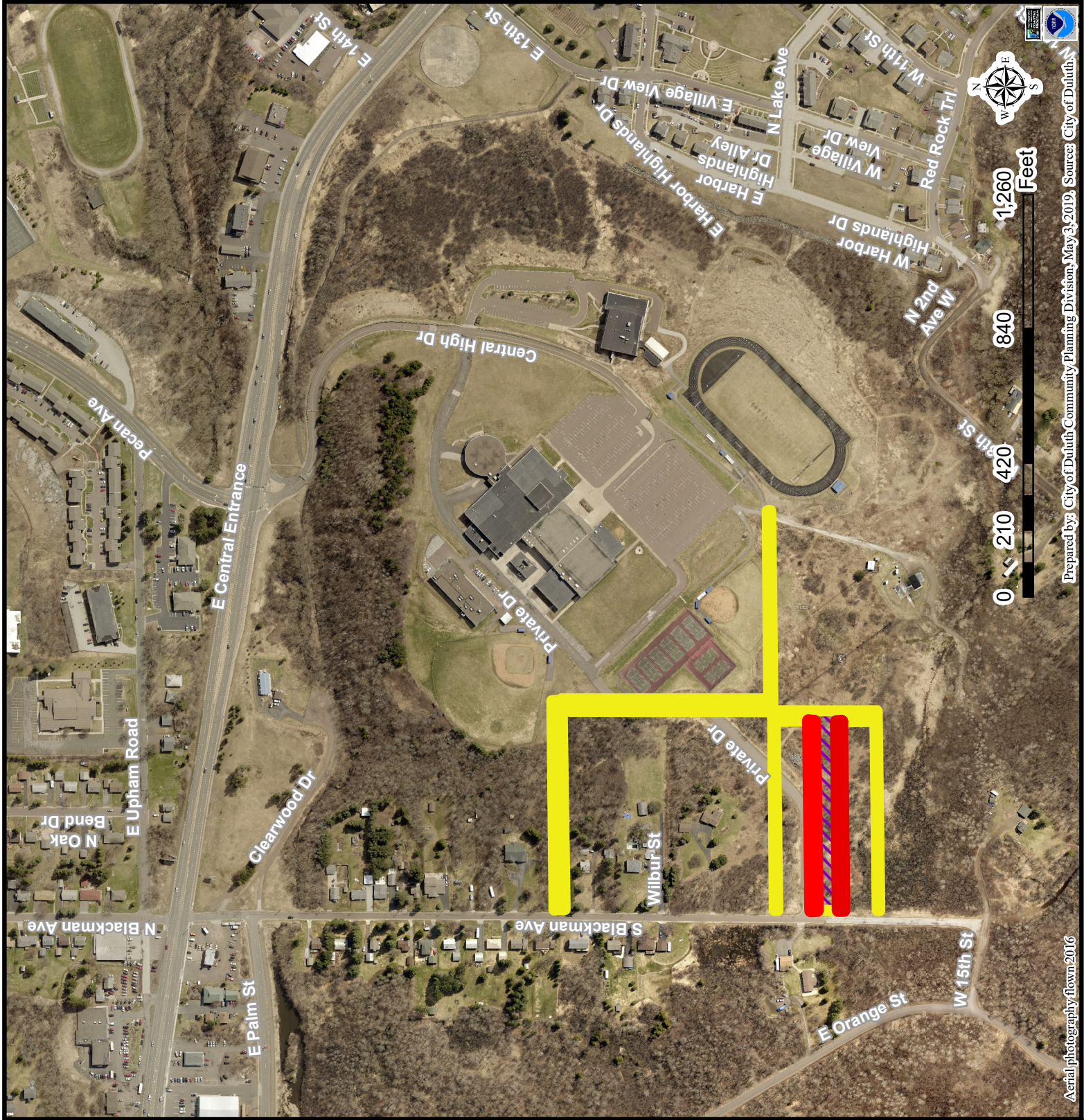
Staff Recommendation:

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.
- 2) The vacation is subject to the approval and filing of the final plat related to this project; the vacation shall be void if the final plat for Central Overlook is not recorded with St. Louis County.

Legend

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.



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

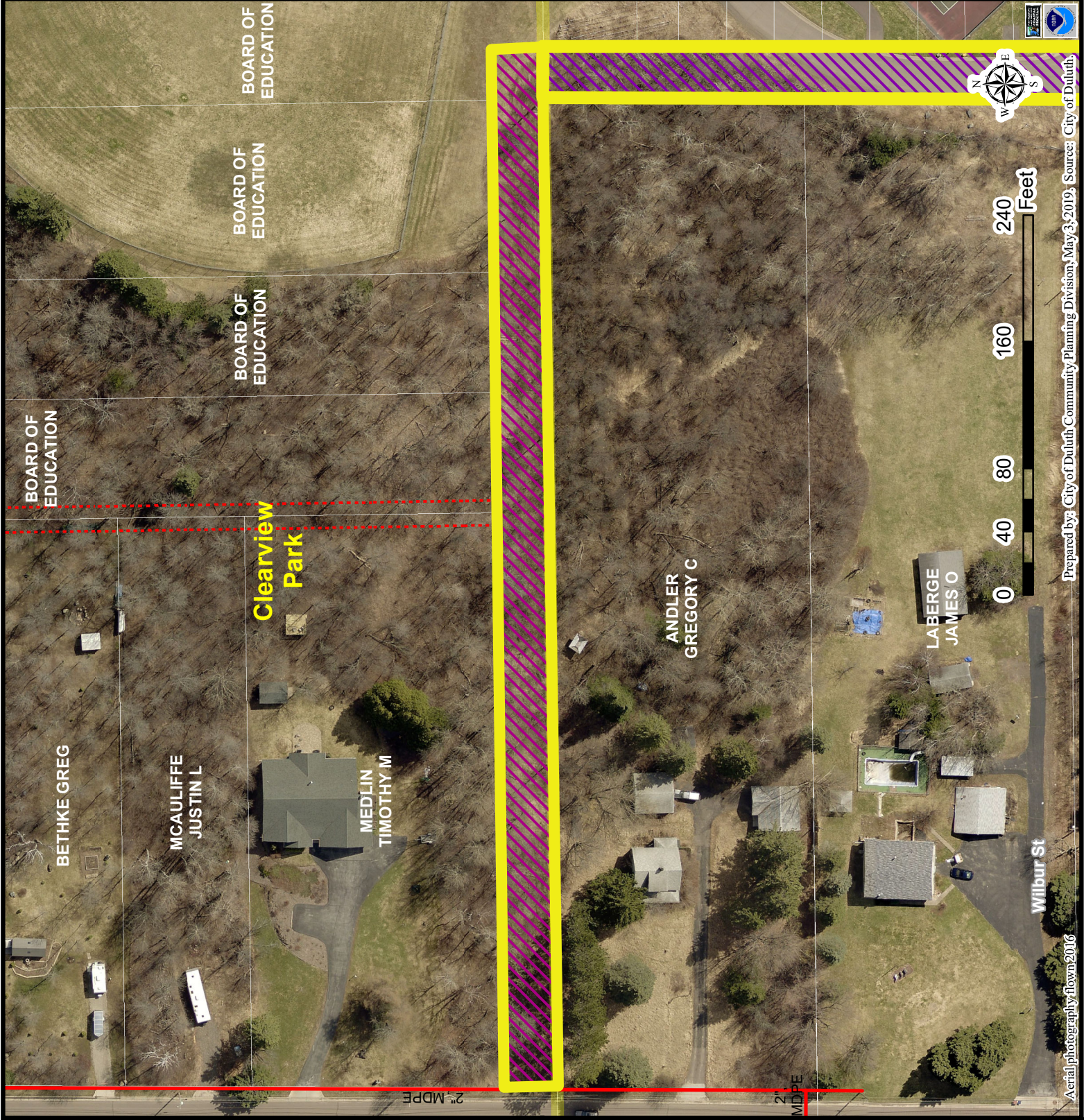
Subdivision Boundaries

Easement Type

- ⦿ Utility Easement

- ⦿ Other Easement

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- CITY OF DULUTH
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Storm Sewer Mains

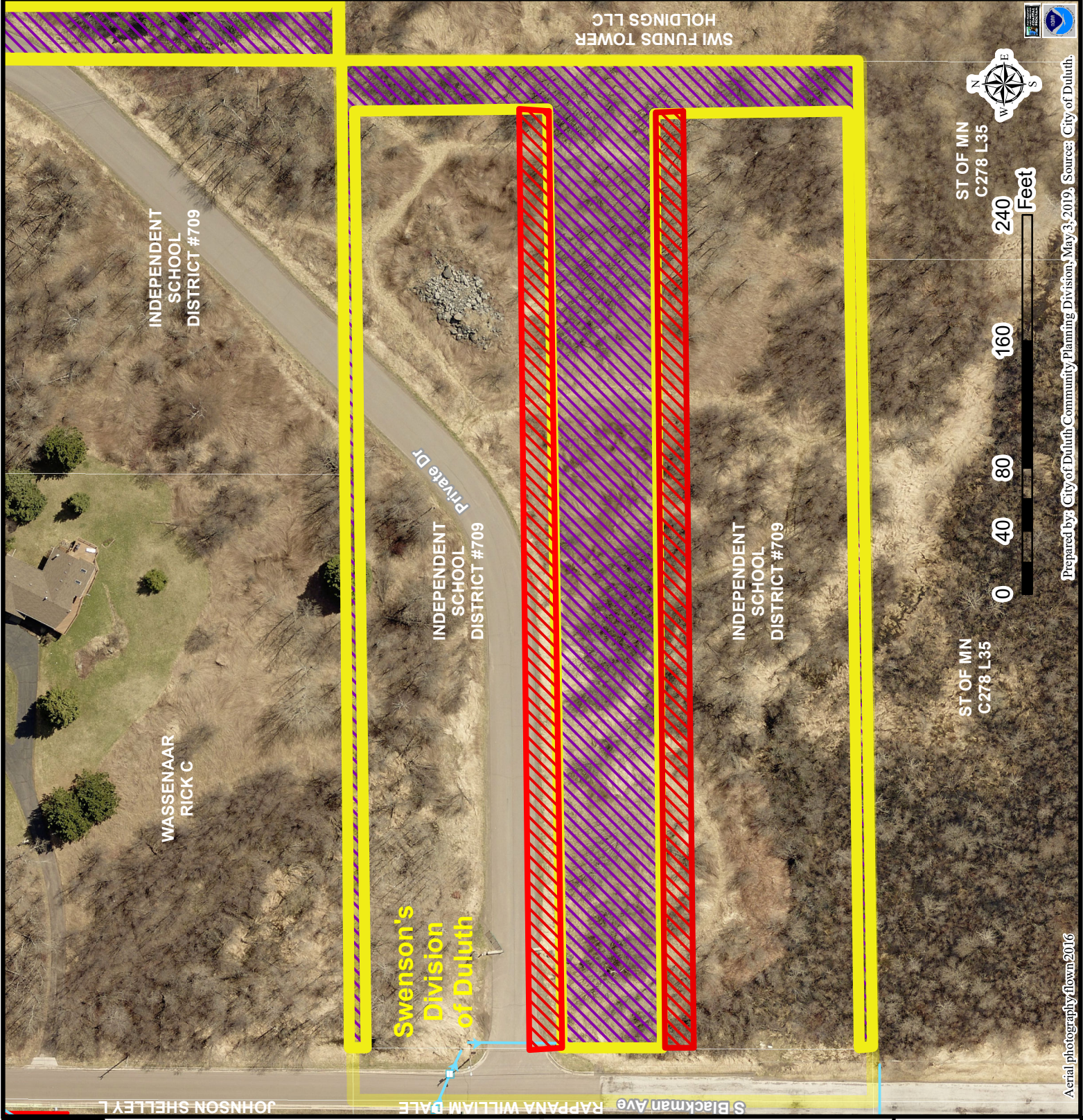
- Storm Sewer Pipe
- Storm Sewer Catch Basin

Subdivision Boundaries

Easement Type

- Utility Easement
- Other Easement

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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 Subdivision Data

Subdivision Boundaries

Easement Type

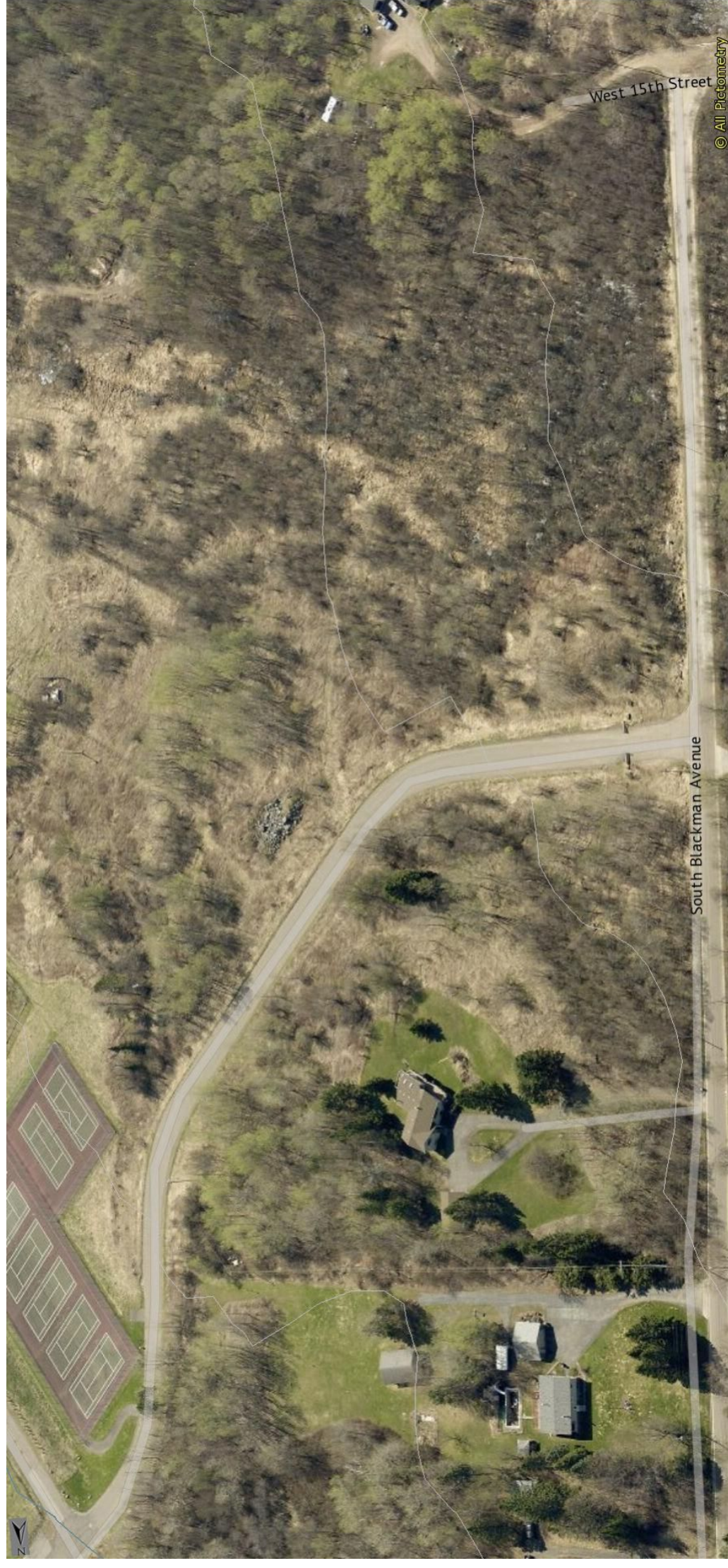
Utility Easement

Other Easement

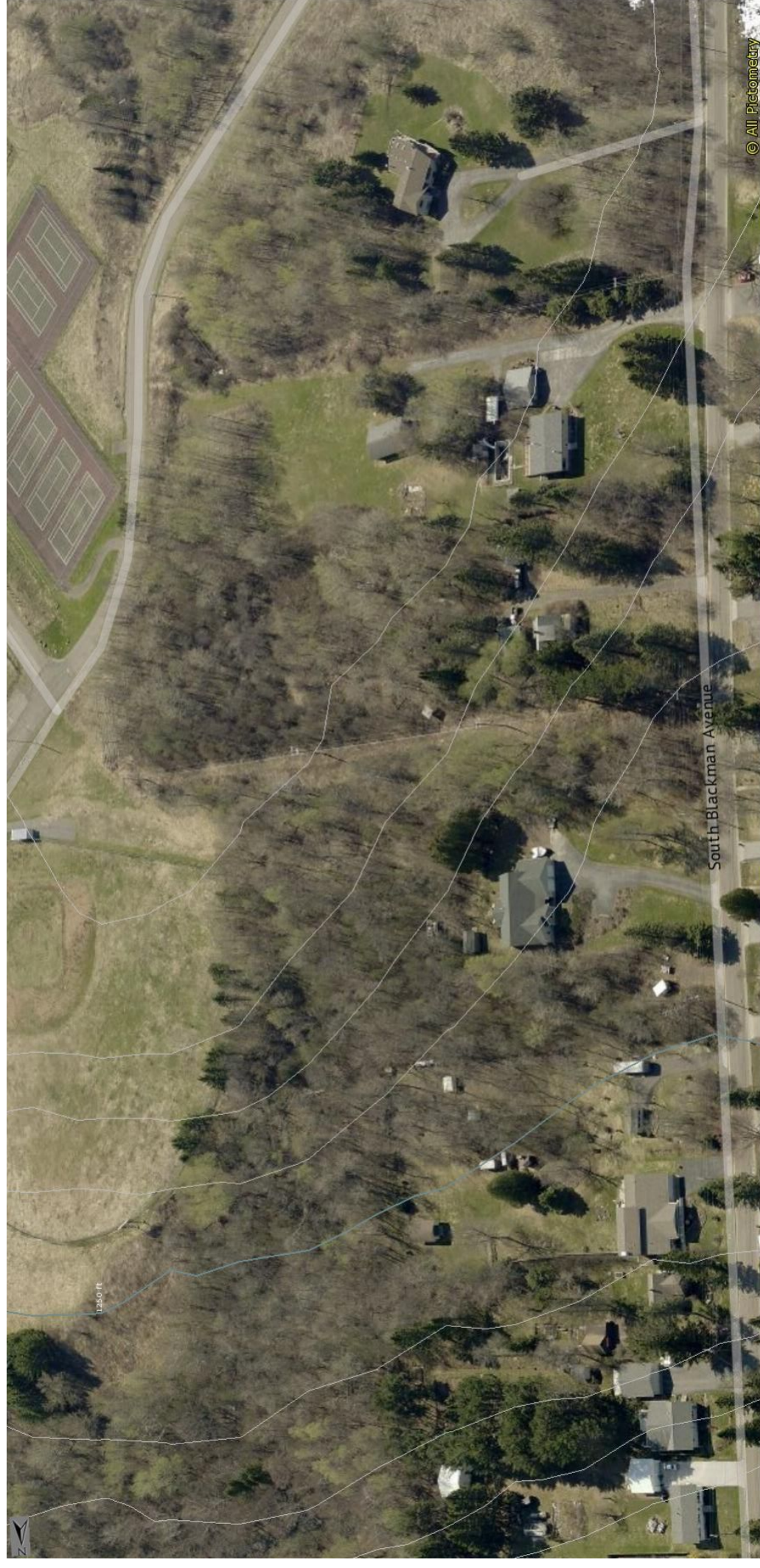
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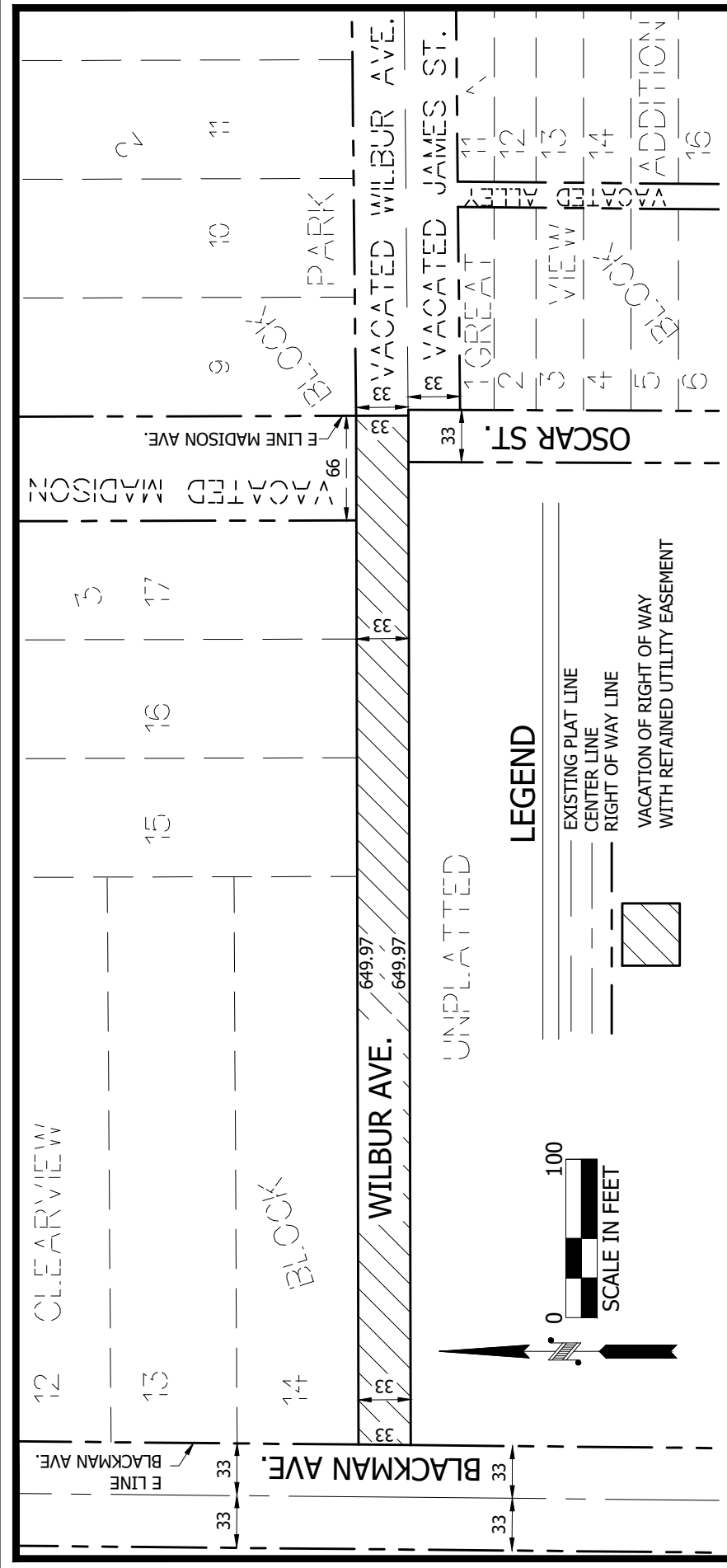


South Blackman Ave



South Blackman Ave





LEGAL DESCRIPTION OF PROPOSED RIGHT OF WAY VACATION WITH RETAINED UTILITY EASEMENT

That part of Wilbur Avenue lying adjacent to and abutting Blocks 2 and 3 as dedicated on the plat of CLEARVIEW PARK, according to the recorded plat thereof, St. Louis County, Minnesota, that lies between the Southerly extension of the East line of Madison Avenue as dedicated on said plat of CLEARVIEW PARK and the East line of Blackman Avenue as dedicated on said plat of CLEARVIEW PARK.

Said proposed right of way area to be vacated contains 21,449 square feet or 0.49 acres

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.

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

By _____

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
MN License #49305
DATE: 09-09-2021

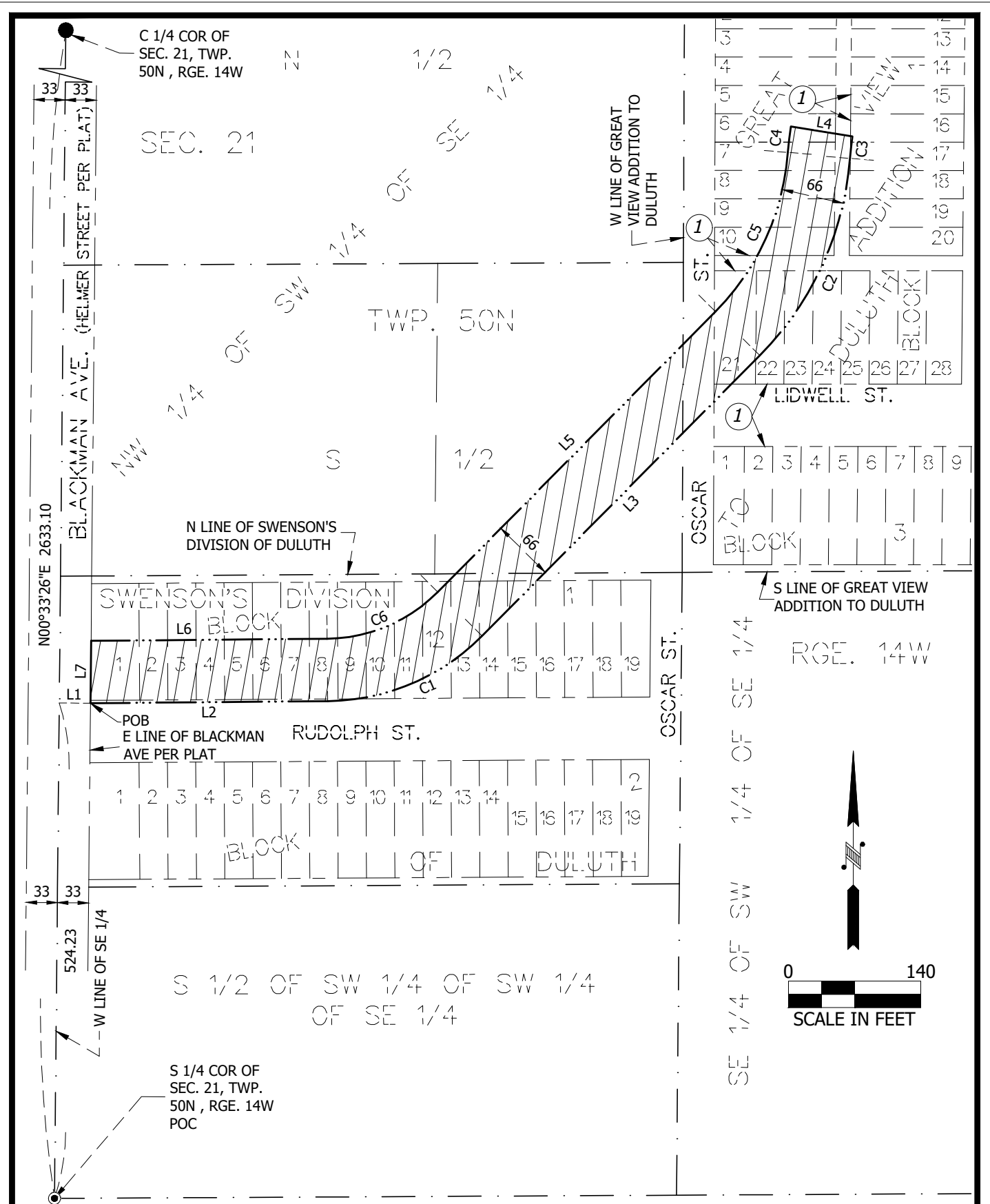
CLIENT: NCE

ADDRESS: XXX SOUTH BLACKMAN AVENUE
DULUTH, MN 55811

DATE: 09-09-2021 JOB NO: 21-105 SHEET 1 OF 1



PHONE: 218-727-5211
LICENSED IN MN & WI
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LINE	BEARING	DISTANCE
L1	N89°26'34"W	33.00
L2	N89°29'15"E	251.04
L3	N44°43'48"E	417.64
L4	N80°48'00"W	66.00
L5	S44°43'48"W	417.64
L6	S89°29'15"W	249.81
L7	S00°33'26"W	66.00

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	182.01	233.00	44°45'27"	N67°06'31"E	177.42
C2	234.09	333.00	40°16'38"	N24°35'29"E	229.30
C3	23.32	267.00	5°00'15"	N06°42'17"E	23.31
C4	27.59	333.00	4°44'51"	S06°49'55"W	27.58
C5	188.89	267.00	40°32'02"	S24°27'46"W	184.98
C6	130.46	167.00	44°45'27"	S67°06'31"W	127.16

LEGAL DESCRIPTION OF PROPOSED INGRESS & EGRESS EASEMENT

A 66.00 foot wide easement for Ingress & Egress purpose lying over, under and across a part of Lots 1 thru 16, Block 1, SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and lying over, under and across part of Rudolph Street and the Alley adjacent to and Northerly of said Block 1, as said Rudolph Street and said Alley were dedicated on said SWENSON'S DIVISION OF DULUTH and lying over, under and across part of the South Half of the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota and lying over, under and across part of Lots 6 thru 10, 16, 17, 21 thru 24, Block 1, GREAT VIEW ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County and lying over, under and across part of Oscar Street and part of Vacated Lidwell Street and the Vacated alleys located in said Block 1, as said Oscar Street, Lidwell Street and the Alleys within Block 1 were dedicated on said GREAT VIEW ADDITION TO DULUTH, said easement described as follows:

Commencing at the South Quarter corner of said Section 21; thence on an assumed bearing of North 00 degrees 33 minutes 26 seconds East, along the West line of said Southeast Quarter for a distance of 524.23 feet; thence North 89 degrees 26 minutes 34 seconds East 33.00 feet to the East line of Blackman Avenue as dedicated on said SWENSON'S DIVISION OF DULUTH, said point being the point of beginning of the easement herein described; thence North 89 degrees 29 minutes 15 seconds East 251.04 feet; thence Northeasterly 182.01 feet, along a tangential curve, concave to the Northwest, having a radius of 233.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence North 44 degrees 43 minutes 48 seconds East 417.64 feet; thence Northeasterly 234.09 feet, along a tangential curve, concave to the Northwest, having a radius of 333.00 feet and a delta angle of 40 degrees 16 minutes 38 seconds; thence Northerly 23.32 feet, along a non-tangential, concave to the East, having a radius of 267.00 feet and a delta angle of 05 degrees 00 minutes 15 seconds, the chord of said curve bears North 06 degrees 42 minutes 17 seconds East for a chord distance of 23.31 feet; thence North 80 degrees 48 minutes 00 seconds West 66.00 feet; thence Southerly 27.59 feet, along a non-tangential curve, concave to the East, having a radius of 333.00 feet and a delta angle of 04 degrees 44 minutes 51 seconds, the chord of said curve bears of South 06 degrees 49 minutes 55 seconds West for a chord distance of 27.58 feet; thence Southwesterly 188.89 feet, along a non-tangential, concave to the Northwest, having a radius of 267.00 feet and delta angle of 40 degrees 32 minutes 02 seconds, the chord of said curve bears South 24 degrees 27 minutes 46 seconds West for a chord distance of 184.98 feet; thence South 44 degrees 43 minutes 48 seconds West 417.64 feet; thence Southwesterly 130.46 feet, along a tangential curve, concave to the Northwest, having a radius of 167.00 feet and a delta angle of 44 degrees 45 minutes 27 seconds; thence South 89 degrees 29 minutes 15 seconds West 249.81 feet to said East line of Blackman Avenue; thence South 00 degrees 33 minutes 26 seconds West, along said East line 66.00 feet to the point of beginning.

Said Ingress & Egress Easement contains 70,042 Sq. Feet or 1.61 Acres.

LEGEND



PROPOSED INGRESS & EGRESS EASEMENT



REFER TO SURVEYOR'S NOTES



CAST IRON MON



FOUND REBAR



POC-POINT OF COMMENCEMENT



POB-POINT OF BEGINNING



SECTION SUBDIVISION LINE



RIGHT OF WAY LINE



PROPOSED EASEMENT LINE



SURVEY LINE



EXISTING PLAT LINE

SURVEYOR'S NOTES

1. STREETS, ALLEYS & AVENUES IN THE RECORDED PLAT OF GREAT VIEW ADDITION TO DULUTH THAT WERE VACATED PER TORRENS DOCUMENT NO. 374776.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. 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:10-26-2021

INGRESS & EGRESS EASEMENT EXHIBIT

CLIENT:NCE	REVISIONS:
ADDRESS:802 CENTRAL ENTRANCE DULUTH, MN 55811	
DATE:10-26-2021	JOB NO:21-105 SHEET 1 OF 2



ALTA
LAND SURVEY COMPANY

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

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LEGAL DESCRIPTION OF PROPOSED RIGHT OF WAY VACATION

All of Oscar Street and all that part of Rudolph Street lying East of the West line of Blackman Avenue (Helmer Street per plat) as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. AND

All that part of the Alley lying adjacent to and abutting Block 1 lying East of the West line of Blackman Avenue (Helmer Street per plat) as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. AND

All that part of the Alley lying adjacent to and abutting Block 2 lying East of the West line of Blackman Avenue (Helmer Street per plat) as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said proposed right of way area to be vacated contains 59,426 square feet or 1.36 acres

LEGAL DESCRIPTION OF PROPOSED BUILDING LINE EASEMENT VACATION

All of the building line easement lying within Block 1 as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. AND

All of the building line easement lying within Block 2 as dedicated on the plat of SWENSON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said proposed building line easement area to be vacated contains 23,685 square feet or 0.54 acres

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.

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

By _____

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 #49305
DATE: 09-09-2021

CLIENT: NCE

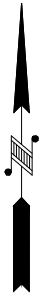
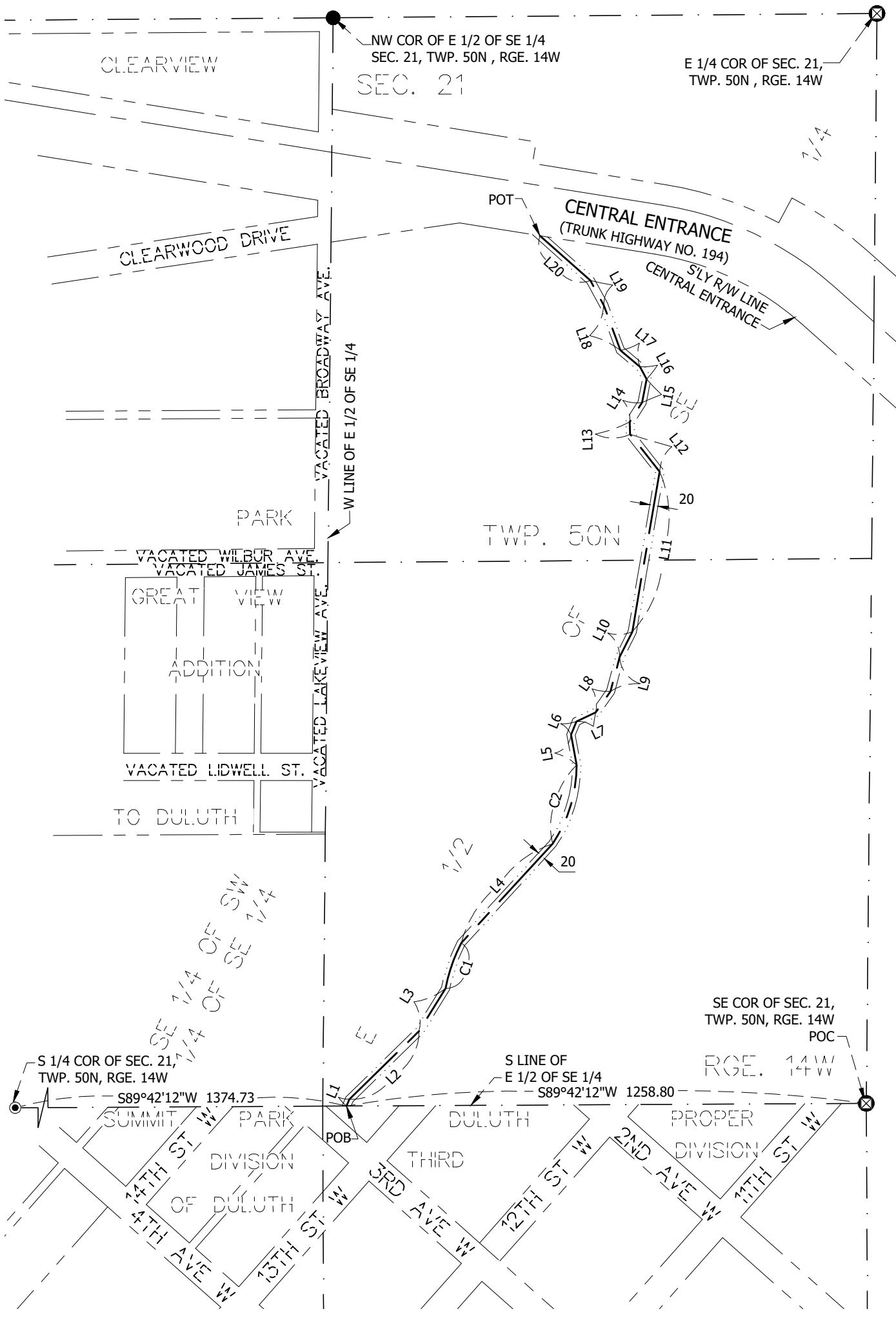
ADDRESS: XXX SOUTH BLACKMAN AVENUE
DULUTH, MN 55811

DATE: 09-09-2021 JOB NO: 21-105 SHEET 1 OF 2

VACATION EXHIBIT



PHONE: 218-727-5211
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0 300
SCALE IN FEET

TRAIL EASEMENT EXHIBIT

CLIENT: NCE	REVISIONS:
ADDRESS: 802 CENTRAL ENTRANCE DULUTH, MN 55811	
DATE: 10-26-2021	JOB NO: 21-105 SHEET 2 OF 2

**ALTA**
LAND SURVEY COMPANY

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

A 20-foot-wide trail easement lying over, under and across that part of the East Half of the Southeast Quarter of Section 21, Township 50 North, Range 14 West of the Fourth Principal Meridian, St. Louis County, Minnesota, the center line of said trail easement is described as follows:

Commencing at the Southeast corner of said Section 21; thence on an assumed bearing of South 89 degrees 42 minutes 12 seconds West, along the South line of said East Half of the Southeast Quarter 1258.80 feet to the point of beginning of said center line; thence North 22 degrees 28 minutes 10 seconds East 17.54 feet; thence North 45 degrees 38 minutes 57 seconds East 235.98 feet; thence North 31 degrees 49 minutes 36 seconds East 122.08 feet; thence Northeasterly 116.66 feet, along a non-tangential curve, concave to the Southeast, having a radius of 402.38 feet and a delta angle of 16 degrees 36 minutes 44 seconds, the chord of said curve bears North 18 degrees 59 minutes 57 seconds East for a chord distance of 116.26 feet; thence North 42 degrees 37 minutes 19 seconds East 326.88 feet; thence Northerly 202.27 feet, along a non-tangential curve, concave to the West, having a radius of 337.07 feet and a delta angle of 34 degrees 22 minutes 54 seconds, the chord of said curve bears North 16 degrees 55 minutes 18 seconds East for a chord distance of 199.25 feet; thence North 10 degrees 27 minutes 15 seconds West 74.61 feet; thence North 22 degrees 28 minutes 06 seconds East 34.57 feet; thence North 64 degrees 37 minutes 33 seconds East 51.71 feet; thence North 35 degrees 13 minutes 36 seconds East 62.27 feet; thence North 14 degrees 52 minutes 36 seconds East 86.01 feet; thence North 26 degrees 28 minutes 06 seconds East 68.70 feet; thence North 09 degrees 43 minutes 20 seconds East 393.06 feet; thence North 38 degrees 18 minutes 46 seconds West 115.54 feet; thence North 01 degrees 47 minutes 47 seconds West 29.76 feet; thence North 32 degrees 29 minutes 31 seconds East 55.66 feet; thence North 11 degrees 09 minutes 27 seconds East 57.73 feet; thence North 28 degrees 26 minutes 59 seconds West 34.05 feet; thence North 49 degrees 52 minutes 24 seconds West 62.04 feet; thence North 20 degrees 12 minutes 58 seconds West 116.92 feet; thence North 28 degrees 35 minutes 45 seconds West 67.37 feet; thence North 48 degrees 18 minutes 51 seconds West 163.61 feet to the Southerly right of way line of Central Entrance, also known as Trunk Highway No. 94 and there terminating. The side lines of said easement are to be prolonged or shortened to terminate on said Southerly right of way line of Central Entrance and on the South line of the East Half of the Southeast Quarter of said Section 21.

Said easement contains 49,901 square feet or 1.15 acres.

LINE	BEARING	DISTANCE
L1	N22°28'10"E	17.54
L2	N45°38'57"E	235.98
L3	N31°49'36"E	122.08
L4	N42°37'19"E	326.88
L5	N10°27'15"W	74.61
L6	N22°28'06"E	34.57
L7	N64°37'33"E	51.71
L8	N35°13'36"E	62.27
L9	N14°52'36"E	86.01
L10	N26°28'06"E	68.70
L11	N09°43'20"E	393.06
L12	N38°18'46"W	115.54
L13	N01°47'47"W	29.76
L14	N32°29'31"E	55.66
L15	N11°09'27"E	57.73
L16	N28°26'59"W	34.05
L17	N49°52'24"W	62.04
L18	N20°12'58"W	116.92
L19	N28°35'45"W	67.37
L20	N48°18'51"W	163.61

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	116.66	402.38	16°36'44"	N18°59'57"E	116.26
C2	202.27	337.07	34°22'54"	N16°55'18"E	199.25

R/W-RIGHT OF WAY		CAST IRON MON
POC-POINT OF COMMENCEMENT		FOUND REBAR
POB-POINT OF BEGINNING		FOUND IRON ROD
POT-POINT OF TERMINATION		
_____		SECTION SUBDIVISION LINE
_____		CENTER LINE
_____		RIGHT OF WAY LINE
_____		PROPOSED TRAIL EASEMENT LINE
_____		PROPOSED TRAIL EASEMENT CENTER LINE

1. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
2. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.
3. 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
DATE: 10-26-2021 MN license #49505

CLIENT:NCE

ADDRESS:802 CENTRAL ENTRANCE
DULUTH, MN 55811

DATE:10-26-2021

REVISIONS:

JOB NO:21-105	SHEET 1 OF 2
---------------	--------------



OFFICIAL PLAT

589°33'04"W 1317.26

LINE TABLELINE TABLETANGIBLELINE BEAR

