



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 21-071	Contact	Jenn Moses
Type	Vacation of Public Right of Way/Easement	Planning Commission Date	September 14, 2021
Deadline for Action	Application Date	8/17/21	60 Days October 16, 2021
	Date Extension Letter Mailed	8/19/21	120 Days December 15, 2021
Location of Subject	19 th Avenue W Between Michigan Street and Lower Michigan Street		
Applicant	14 Degree Properties, LLC	Contact	c/o Bent Paddle Brewing Co.
Agent	NA	Contact	
Legal Description	See Attached		
Site Visit Date	August 30, 2021	Sign Notice Date	August 31, 2021
Neighbor Letter Date	August 27, 2021	Number of Letters Sent	32

Proposal

Bent Paddle proposes to vacate the existing right of way of 19th Avenue West for vehicular use, while preserving a pedestrian and utility easement.

Recommendation: Staff recommends approval of the vacation of right-of-way, subject to conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-C	Right of Way	Central Business Secondary
North	F-5	Commercial	Central Business Secondary
South	I-G	Roadway/Freeway	Transportation & Utilities
East	MU-C	Taproom	Central Business Secondary
West	MU-C	Commercial, Manufacturing	Central Business Secondary

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 and Governing Principle #4 – Support economic growth sectors. Bent Paddle, with its production brewery and taproom in the Lincoln Park Craft District, is part of the historic brewery and manufacturing tradition of Duluth and an economic growth sector.

Governing Principle #5 – Promote reinvestment in neighborhoods and Governing Principle #6 – Reinforce the place specific. The addition of open space will create a neighborhood gathering point in the Lincoln Park Craft District, and will include seating, signage and wayfinding, and a trail. It will provide for new options for landscaping in a fully-developed core investment area.

Governing Principle #9 – Support private actions that contribute to the public realm. Bent Paddle will pay for investments that will be available for use by the public, including a trail, seating, and landscaping. The proposed private actions will also support economic revitalization in the surrounding area.

Future Land Use – Central Business Secondary: An area adjacent to and supporting the central business primary area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area.

History: Bent Paddle began operations in a taproom and brewing facility at 1912 W Michigan Street in 2013. At the time, the area south of Michigan Street was zoned I-G (Industrial General), a reflection of the history of manufacturing and other industrial uses. The Lincoln Park Small Area Plan, adopted in 2015, recommended that this area be rezoned from I-G to MU-C to better reflect the existing land uses and minimize any conflicts or negative impacts on the growing Lincoln Park Craft District. This plan articulated a vision of neighborhood-serving and destination retail, restaurants, shops, and services. In 2018, Bent Paddle expanded and relocated its taproom and offices to 1832 W Michigan Street. The parking lot adjacent to the building at 1912 W Michigan Street has a history of contamination which makes it prohibitive to do any reconstruction or reconfiguration of that lot.

Review and Discussion Items:

- 1) The right of way of 19th Avenue W was impacted by the Twin Ports Interchange construction this year, including removal of the roadway and replacement of utilities. At that time, Bent Paddle Brewing initiated the process of using the space for temporary outdoor service and amenities, and a paved pedestrian and bike trail to provide a new, direct connection from the Cross City Trail to the heart of the business district. The proposal called for maintaining a utility easement to support existing underground infrastructure. Based on these discussions, the City of Duluth requested that MnDOT evaluate and, if possible, modify its restoration plans for 19th Avenue W to leave the surface graded, but not paved. MnDOT was supportive of the potential reinvestment in the area, and collaborated with the city and with Bent Paddle.
- 2) Based on conversations with City Engineering, the City Clerk, and the applicant, it was determined that a vacation of the right of way (while retaining pedestrian and utility easements) was more appropriate than a concurrent use permit. The vacation of the right of way will allow for broader business activities between the two sides of the existing right of way, while the new easements will preserve the important public functions through alternate legal mechanisms.
- 3) The neighborhood has excellent vehicle connectivity, including parallel street connections between Michigan and Lower Michigan. This right of way is not needed for the efficient supply of vehicle traffic in the city.
- 4) All adjacent property owners have signed the vacation petition indicating their support for the street vacation.
- 5) Bent Paddle has placed sod and temporary planters and seating in the space. In fall 2021 they will hire a professional to design the final space, to be completed closer to the time Lower Michigan Street reopens to local traffic (upon completion of the Twin Ports Interchange project, estimated in 2023). Bent Paddle will enter into a development agreement with the City of Duluth regarding the final design and maintenance of the space.
- 6) Other than the easements maintained for pedestrian and utility easements, this right of way is not otherwise needed 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.
- 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.

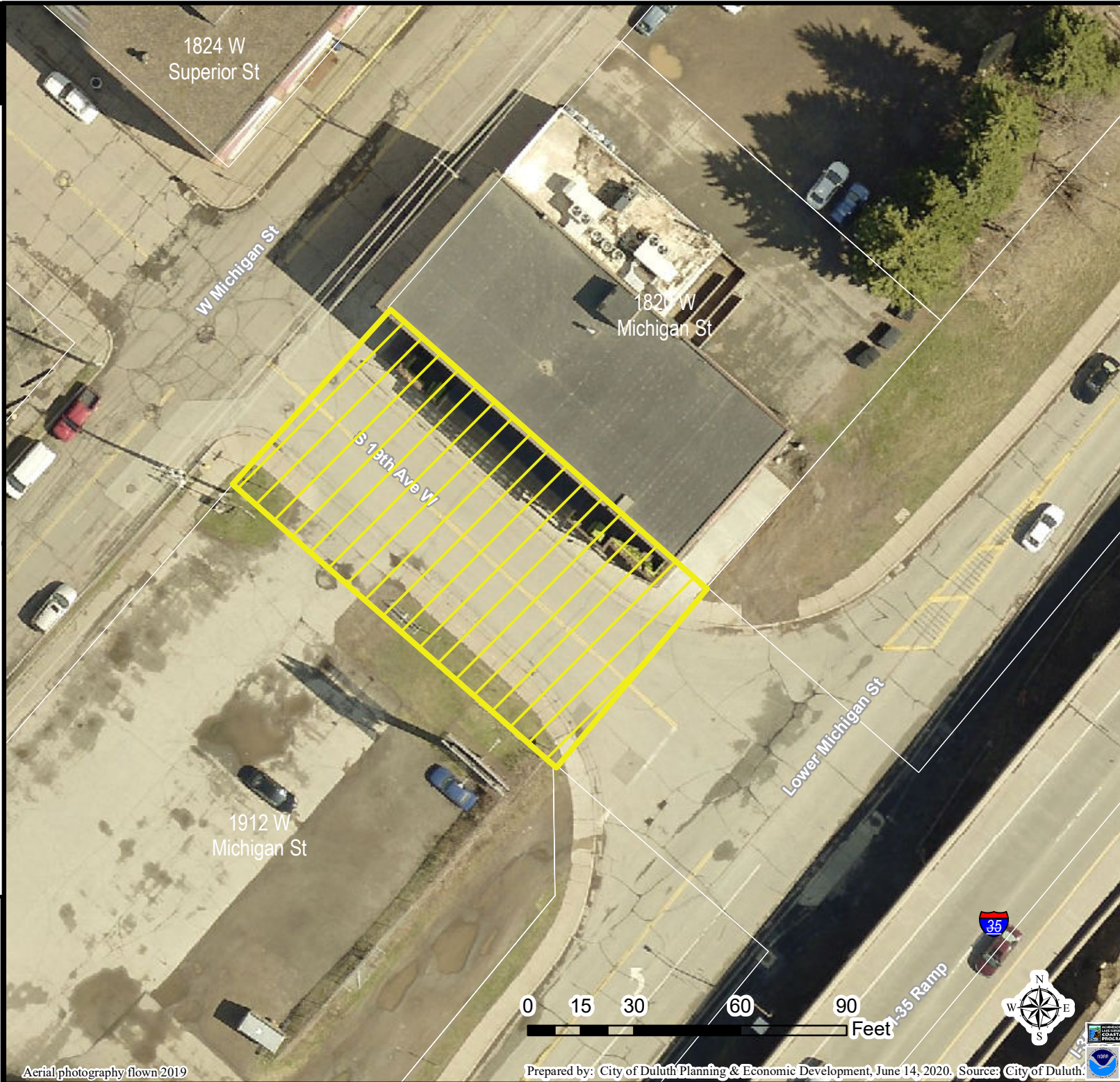
Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend 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) Bent Paddle and the City complete a development agreement regarding temporary and long-term design, construction obligations, private and public use, and long-term maintenance and operational responsibility for the space.
- 3) Bent Paddle will dedicate a pedestrian easement for the trail once design of the space is continued, estimated in 2022.



PL 21-076
 Vacation of Street
 1826 W Michigan St

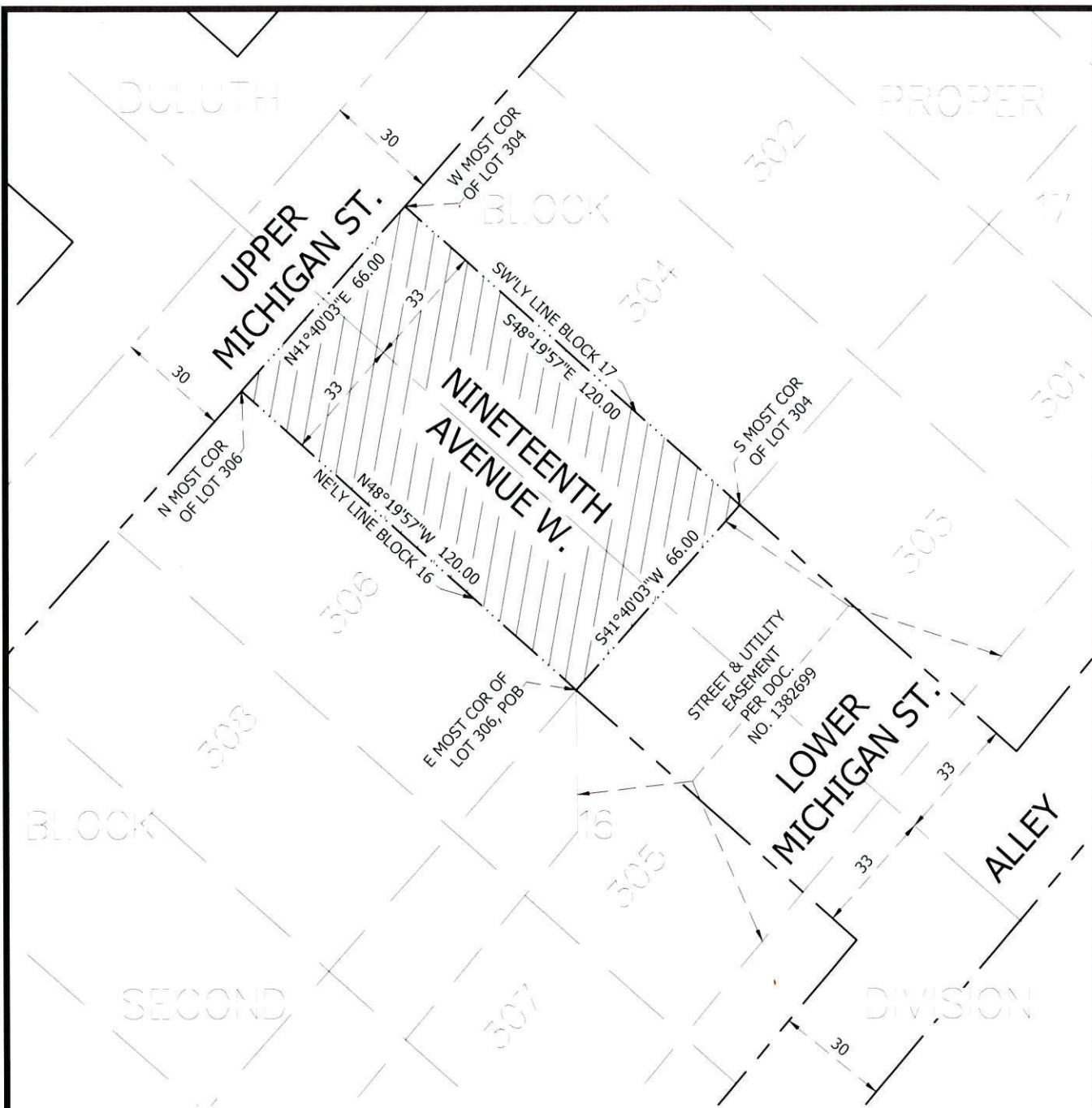


Legend

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.

Aerial photography flown 2019





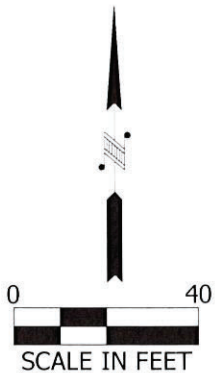
LEGEND



VACATION OF NINETEENTH AVENUE WEST RETAINED UTILITY EASEMENT

POB-POINT OF BEGINNING

- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING EASEMENT LINE
- EXISTING PLAT LINE



VACATION EXHIBIT		<p>ALTA LAND SURVEY COMPANY</p> <p>PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTLANDSURVEYDULUTH.COM</p>
CLIENT: BENT PADDLE BREWING CO.	REVISIONS:	
ADDRESS: 1832 W MICHIGAN ST DULUTH, MN 55806 DATE: 07-12-2021 JOB NO: 21-215 SHEET 2 OF 2		

LEGAL DESCRIPTION OF VACATION OF NINETEENTH AVE. W. WITH RETAINED UTILITY EASEMENT

All that part of Nineteenth Ave. W. adjacent to and abutting Blocks 16 and 17, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Beginning at the East most corner of Lot 306, said Block 16; thence on an assumed bearing of North 48 degrees 19 minutes 57 seconds West, along the Northeasterly line of said Block 16 for a distance of 120.00 feet to the North most corner of said Lot 306; thence North 41 degrees 40 minutes 03 seconds East 66.00 feet to the West most corner of Lot 304, said Block 17; thence South 48 degrees 19 minutes 57 seconds East, along the Southwesterly line of said Block 17 for a distance of 120.00 feet to the South most corner of said Lot 304; thence South 41 degrees 40 minutes 03 seconds West 66.00 feet to the point of beginning.

Said parcel contains 7,920 square feet or 0.18 acres.

Approved by the City Engineer of the
City of Duluth, MN this 17 day
of AUG 2021

By [Signature]

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:07-12-2021

VACATION EXHIBIT

CLIENT: BENT PADDLE BREWING CO.	REVISIONS:
ADDRESS: 1832 W MICHIGAN ST DULUTH, MN 55806	
DATE: 07-12-2021	JOB NO: 21-215 SHEET 1 OF 2


ALTA
LAND SURVEY COMPANY

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



May 6, 2021

Adam Fulton
Planning and Development Division
City of Duluth
411 W 1st Street Room 160
Duluth, MN 55802

Dear Mr. Fulton,

We are writing today to formally express our interest in long-term use of the 19th Ave. West block in between West Michigan St. and Lower Michigan St. in the Lincoln Park Craft District of Duluth, MN for outdoor service and other amenities associated with our business. In our initial discussions with the City, Bent Paddle &/or 14* Properties would agree to the following initial provisions:

- Install and maintain a fire lane adjacent to the building on the east end of the right of way.
- Install and maintain a paved pedestrian and bike connection between Lower Michigan and Michigan Streets.
- Restore the remaining surface of the right of way to a paved or vegetative, non-erodible, surface that is approved by the City.

We understand we would be taking over the full costs of initial development and maintenance of these projects. We also understand there is the potential for more provisions if the project discussions move forward and we are ready and excited to entertain all thoughts in an effort to develop this space into a wonderful commercial outdoor space that will benefit not only our business but the city as a whole.

Cheers,

A handwritten signature in black ink that reads "Laura S. F. Mullen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Laura Salyards-Fryberger Mullen
Bent Paddle Brewing Co. Co-Founder



PRODUCTION FACILITY + TAPROOM
1912 WEST MICHIGAN ST.
DULUTH, MN 55806

CORPORATE HEADQUARTERS + OFFICES
1832 WEST MICHIGAN ST.
DULUTH, MN 55806


SHIPPING + RECEIVING WAREHOUSE
215 S 37th AVE WEST
DULUTH, MN 55807


PADDLE RESPONSIBLY



Noah Schuchman
Chief Administrative Officer

Room 418
411 West First Street
Duluth, Minnesota 55802

 218-730-5039

 nschuchman@duluthmn.gov

May 11, 2021

Patrick Huston, P.E.
Assistant District Engineer – Major Projects
District 1
Minnesota Department of Transportation
1123 Mesaba Avenue
Duluth, MN 55811

Dear Mr. Huston,

It recently came to our attention that the Twin Ports Interchange (TPI) project necessitates changes to city utilities that extend into the right of way of 19th Avenue West. We appreciate MnDOT's plan to ensure that all TPI-impacted City infrastructure is replaced and restored, and your diligence in communication with City staff on all aspects of this important project.

As you know, Bent Paddle Brewing owns property on the west side of 19th Avenue West between Michigan Street and Lower Michigan Street. They also lease the property on the east side of the street, so they are the sole business interest along this block. In collaboration with staff from the city Planning and Economic Development Department, Bent Paddle has sought options for temporary use of this street to assist in economic response to the Covid-19 pandemic. Bent Paddle has also indicated to the City that their long-range vision for their business and for this area of Lincoln Park could include an outdoor area for public seating, outdoor entertainment, and other amenities. From the City's perspective, this block of 19th Avenue West is an appropriate location for these activities. Bent Paddle has also demonstrated a commitment to finance the installation and maintenance of this space.

The City of Duluth is supportive of the concept. It includes community gathering spaces that would be beneficial for the Lincoln Park neighborhood, and supports continued economic development and reinvestment. MnDOT's utility work, including removal of all asphalt and concrete, provides an opportunity to reimagine this space in conjunction with the TPI project. The City of Duluth therefore requests that MnDOT modify its current plans for 19th Avenue West when the utility work is complete. The modifications, proposed in conjunction by City Engineering and Planning & Development staff, would leave the surface graded, but not paved. In this condition, the City will work with Bent Paddle on the completion of the site. The City further requests that the plan alterations ensure that the surface adjacent to the building remain drivable as a minimum 14' fire lane. If possible to add asphalt in the area of this fire lane, we would like to request that as well, consistent with the attached exhibits.

Thank you for your consideration of this request.

Sincerely,

Noah Schuchman
Chief Administrative Officer