



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

| | | | | |
|-----------------------------|-------------------------------------|---------------------------------|---|-----|
| File Number | PL 17-116 | Contact | Steven Robertson | |
| Type | Vacation of Sewer Easement | Planning Commission Date | August 8, 2017 | |
| Deadline for Action | Application Date | N/A | 60 Days | N/A |
| | Date Extension Letter Mailed | N/A | 120 Days | N/A |
| Location of Subject | | | | |
| Applicant | Property Owner and City of Duluth | Contact | Ronald and Rebekah Karkhoff | |
| Agent | | Contact | Eric Shaffer, Chief Engineer of Utilities | |
| Legal Description | See attached | | | |
| Site Visit Date | July 39, 2017 | Sign Notice Date | July 21, 2017 | |
| Neighbor Letter Date | July 27, 2017 | Number of Letters Sent | 60 | |

Proposal

Applicants propose a partial vacation of a platted utility easement on their property, to allow room for a future home expansion.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|----------------|-----------------------|--------------------------|--|
| Subject | R-1 | Residential | Traditional Neighborhood |
| North | R-1 | Residential | Traditional Neighborhood |
| South | R-1 | Residential | Traditional Neighborhood |
| East | R-1 | Residential | Traditional Neighborhood |
| West | R-1/MU-N | Residential | Traditional Neighborhood/Recreation |

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.

UDC Section 50-37.6C. The Planning Commission shall review the proposed vacation, and the 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 #7 – Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

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. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

History: This utility easement was initially dedicated to the public for utility purposes as part of the 1930 Riverside Plat by the McDougall-Duluth Shipbuilding Company. The sewer line was relocated in 2012. There is no public infrastructure in this location.







Review and Discussion Items

- 1.) The applicants are requesting the City vacate a platted utility easement on the applicants' property. The platted easement is 10 feet wide and bisects the property. The applicant is seeking to vacate just the portion of the utility easement that is on their property. The utility easement itself runs the entire length of Block 9, Lots 1 to 11, approximately 480 feet, 40 of which is on the applicants' property.
- 2.) The existing sewer line that was in this easement was moved into Riverside Drive as part of the City's infrastructure project in Riverside in 2012. There is an old, unused, steam line running through this easement that was not built nor maintained by the City. This steam line remains in place within the utility easement, and can be removed by future property owners if so desired.
- 3.) The utility easement is not needed to promote the public health, safety, or welfare of the citizens of Duluth. The City (Engineering) is a cosigner of this application.
- 4.) At the time that this staff report was written, no comment was received from the public. According to the City Chief Engineer of Utilities, all public utilities in the easement have been abandoned in place; vacation of the easement will be on a case by case basis based upon need. No other public, agency, or City comments were received.
- 5.) 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.

Recommendation

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the partial vacation of a utility easement as shown in the attached vacation exhibit, without conditions.

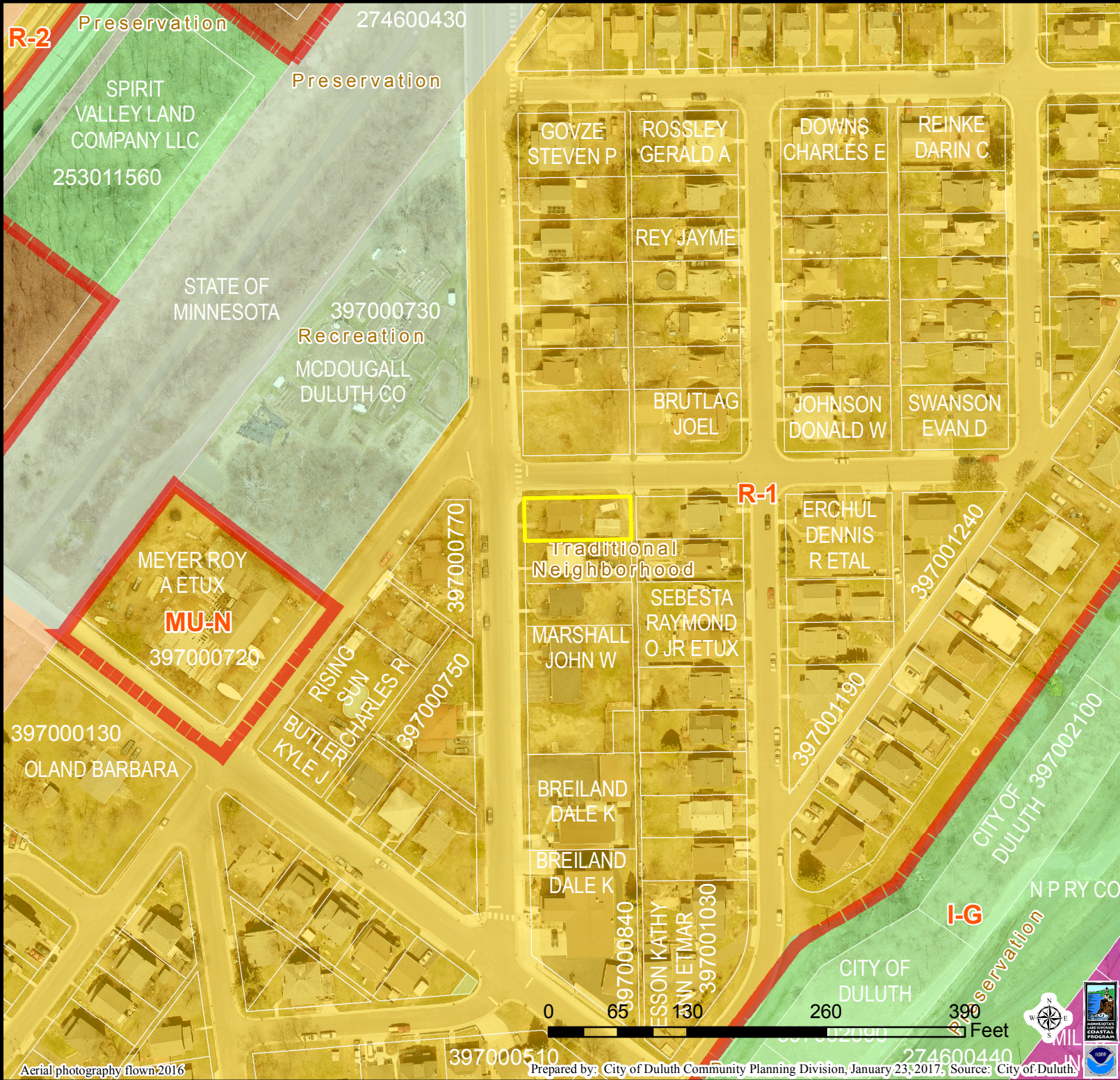
Legend

-  Bike
-  Multi-Use - Paved
-  Mountain Biking and X-Country Skiing
-  Climbing
-  Trout Stream (GPS)
-  Other Stream (GPS)



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

Zoning Boundaries

Future Land Use

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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Aerial photography flown 2016



Prepared by: City of Duluth Community Planning Division, January 23, 2017, Source: City of Duluth



Legend

- Water Distribution Main**
 - Active
 - Hydrant
- Sanitary Sewer Mains**
 - CITY OF DULUTH
 - WLSSD; PRIVATE; RICE LAKE TWP
 - Sanitary Sewer Forced Main
 - Storage Basin
 - Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
- Gas Distribution Main**
 - Coated Steel
 - Plastic
 - Vacated ROW
 - Utility Easement
 - Other Easement

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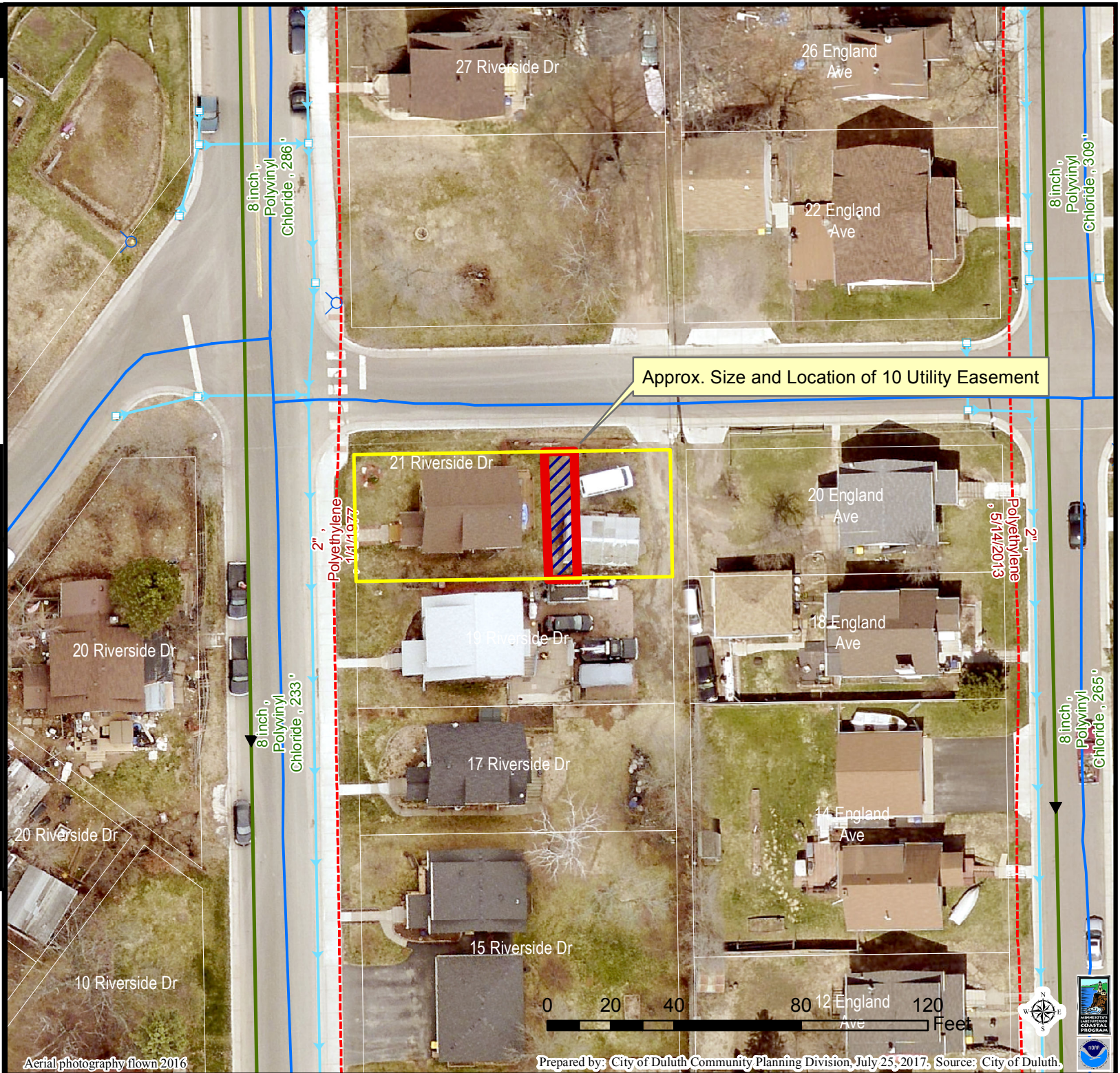
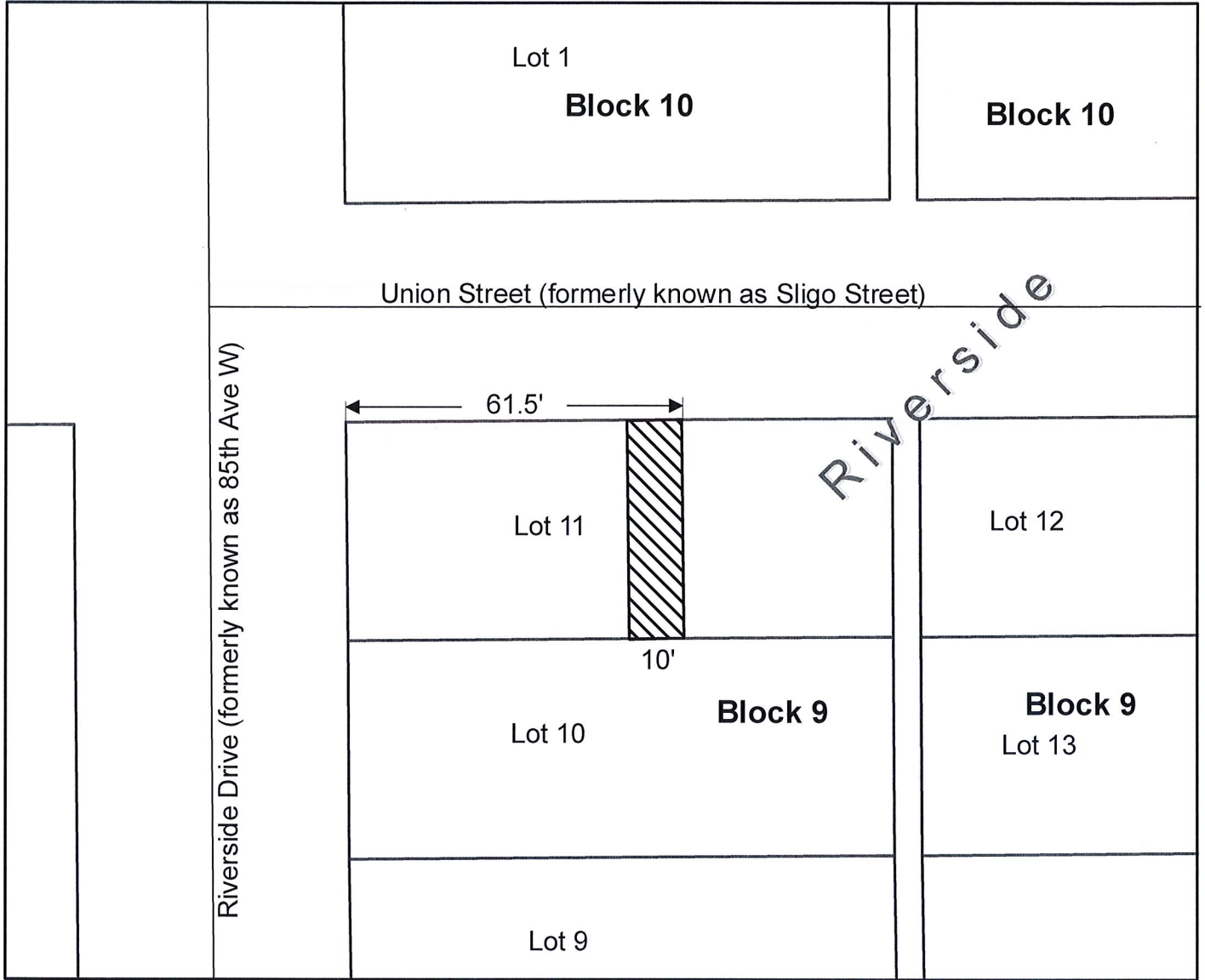
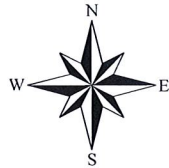


Exhibit A



 Vacation



0 50 Feet



Vacation description:

A sewer easement in the east 10.00 feet of the west 61.50 feet of Lot 11, Block 9, Riverside, City of Duluth, St. Louis County, Minnesota.



APPROVED BY CITY ENGINEER

7-17-17

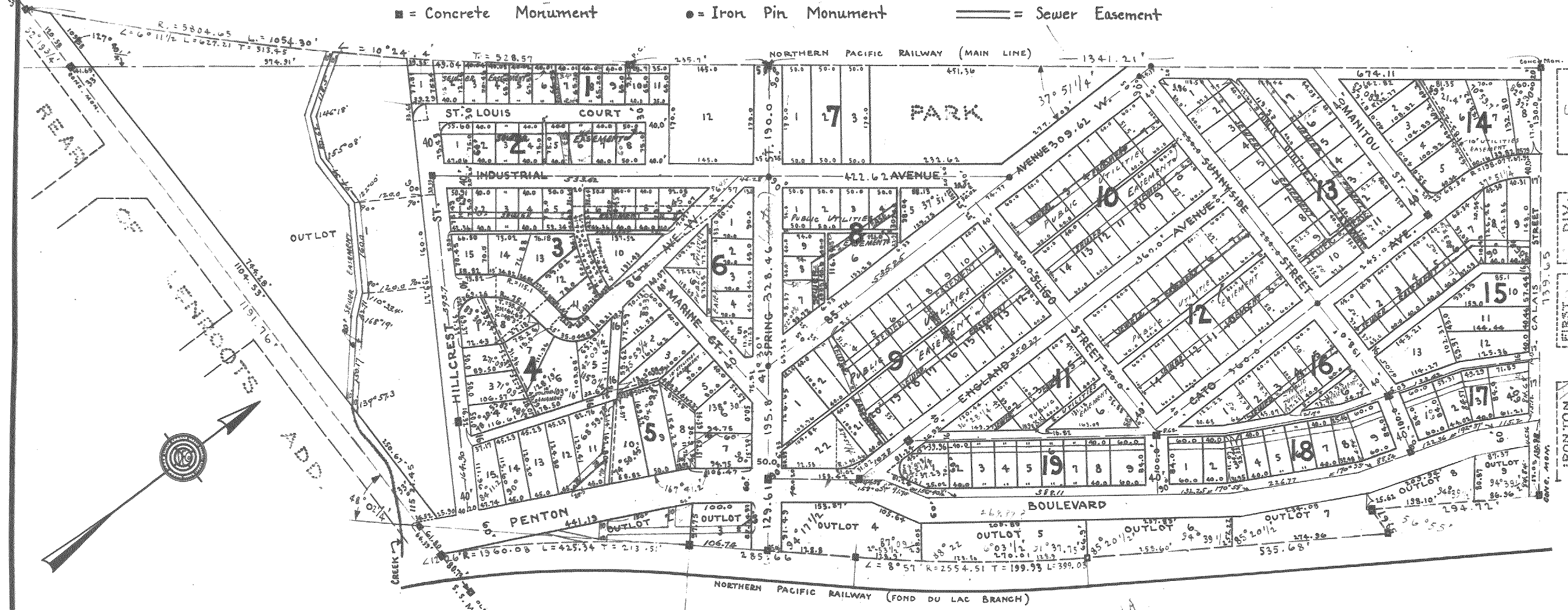
DATE

RIVERSIDE DULUTH, MINN.

Scale: 1" = 100'

The Duluth Engineering Co.

■ = Concrete Monument ● = Iron Pin Monument = = = = Sewer Easement



Know All Men By These Presents, That McDougall-Duluth Shipbuilding Company, a Minnesota Corporation, being the owner of the following described property lying and being in the County of St. Louis, State of Minnesota, to-wit:

All that part of Ironton, First Division, and Ironton, Second Division, which lies between the southerly boundary line of the right of way of the main line of the Northern Pacific Railroad, formerly St. Paul and Duluth Railroad, the center line of Cassette Street, the easterly boundary line of Out Lot number one (1), in Ironton, First Division, and the northerly boundary line of the right of way of the Northern Pacific Railroad, formerly the right of way of the St. Paul and Duluth Railroad, and said Ironton, First Division, all according to the respective recorded plats thereof, and its Fond du Lac Branch, all according to the respective recorded plats thereof, and all sit and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota.

And being desirous of plating the same into Lots, Blocks, Streets, Avenues, Alleys, Courts, Boulevard and Park, has caused the same to be surveyed and the annexed plat thereof to be made in accordance with the statutes in such case made and provided.

Now Therefore, the said McDougall-Duluth Shipbuilding Company does ratify and confirm in all respects said survey and the plat thereof as RIVERSIDE, does dedicate and consent to the streets and public utilities as shown on said plat, does hereby dedicate an easement for sewers and all other public utilities, and does hereby dedicate and does hereby dedicate to public use the Streets, Avenues, Alleys, Courts, Boulevard and Park therein designated.

In Witness Whereof, McDougall-Duluth Shipbuilding Company has caused these presents to be signed by its Vice President and Secretary and its corporate seal to be attached this 25th day of November, A. D. 1930.

In the Presence of
 McDougall-Duluth Shipbuilding Company,
 By *Dean C. Adams* Its Vice President,
 By *H. K. Pratt* Its Secretary.

State of Minnesota }
 COUNTY OF ST. LOUIS.

On this 25th day of November, A. D. 1930, before me, a Notary Public within and for said County, personally appeared Ward Ames, Jr. and H. K. Pratt, to me personally known, and being duly sworn, they said that they are the Vice President and Secretary, respectively of McDougall-Duluth Shipbuilding Company, the Corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that said instrument was signed and sealed by the said Corporation, by authority of its By-Laws, and said Ward Ames, Jr. and H. K. Pratt, each acknowledged said instrument to be the free act and deed of said Corporation.

J. B. Johnson
 Notary Public, St. Louis County, Minn.,
 My Commission expires *Apr. 13, 1931.*

I, Lyonel Ayres, do hereby certify that I am a surveyor, and that I have at the request of the proprietor thereof, made a careful survey of the property described in the foregoing certificate of the proprietor, and have plotted the same into Lots, Blocks, Streets, Avenues, Alleys, Courts, Boulevard and Park as more fully appears on the annexed plat entitled RIVERSIDE, which plat is a correct representation of the survey; that all distances and lot dimensions are correctly designated on said plat; that monuments for the guidance of future surveys have been correctly placed in the ground as shown; that the outside boundary lines are correctly designated on said plat by red dotted lines and figures; that there are no rivers, streams, creeks, lakes, ponds or swamps, or public highways opened or traveled, existing before the plating, other than those shown on the plat.

I hereby certify the above instrument is true and correct.

Subscribed and sworn to before me this 25th day of November, A. D. 1930.
Ward Ames
 Notary Public, St. Louis County, Minn.,
 My Commission expires *Apr. 13, 1931.*

I hereby certify that the annexed plat of RIVERSIDE was approved by the Council of the City of Duluth on the 31st day of December, A. D. 1930.

W. J. Johnson
 City Clerk.

Approved by City Planning Commission
 Dec. 26th '30
W. J. Johnson
 Secretary

Approved by the City Plat Commission
 Dec. 26-14-30
John A. Wilson
 Chairman Plat Commission

Approved as to form, contents and validity
W. J. Johnson
 CITY ATTORNEY
 18 Dec. 25, 1930.

Trust for the year 1929 not
 25th November, 1930
W. J. Johnson

