



**Planning & Development Division**  
Planning & Economic Development Department  
Room 160  
411 West First Street  
Duluth, Minnesota 55802

218-730-5580  
planning@duluthmn.gov

<b>File Number</b>	PL 22-115	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Vacation of Platted Right of Way	<b>Planning Commission Date</b>		August 9, 2022
<b>Deadline for Action</b>	<b>Application Date</b>	July 6, 2022	<b>60 Days</b>	September 4, 2022
	<b>Date Extension Letter Mailed</b>	July 22, 2022	<b>120 Days</b>	November 2, 2022
<b>Location of Subject</b>	Platted and unimproved right of way in undeveloped portions of the Harbor Highland neighborhood.			
<b>Applicant</b>	Duluth HRA	<b>Contact</b>	Jill Keppers	
<b>Agent</b>	Heidi Bringman	<b>Contact</b>	LHB	
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	July 29, 2022	<b>Sign Notice Date</b>	July 26, 2022	
<b>Neighbor Letter Date</b>	July 27, 2022	<b>Number of Letters Sent</b>	9	

### Proposal

The applicant is requesting to vacate one 66-foot wide portion of the platted right of way for Sunrise Parkway, a 56 foot wide platted right of way for Daybreak Overlook, a 16 foot wide platted alley for Sunrise Parkway Alley, and a portion of a 16 foot wide alley for Village View Drive in the recorded plat that is part of the Registered Land Survey Number 12, located in the Central Hillside neighborhood.

This vacation is to clear underlying rights-of-way to construct a multifamily building. There is a concurrent application for UDC text/map amendments.

Staff is recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-P	Vacant land	Urban Residential
<b>North</b>	R-P	Vacant land	Urban Residential
<b>South</b>	R-P	Vacant land	Urban Residential
<b>East</b>	R-P	Vacant land	Urban Residential
<b>West</b>	R-P	Vacant land	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. 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 #5** - Promote reinvestment in neighborhoods.

**Governing Principle #8** – Encourage mix of activities, uses, and densities.

The vacation will allow for existing vacant parcels to be reconfigured for the development of a multifamily apartment building in the Harbor Highlands TND

**Future Land Use** – Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

#### **Review and Discussion Items:**

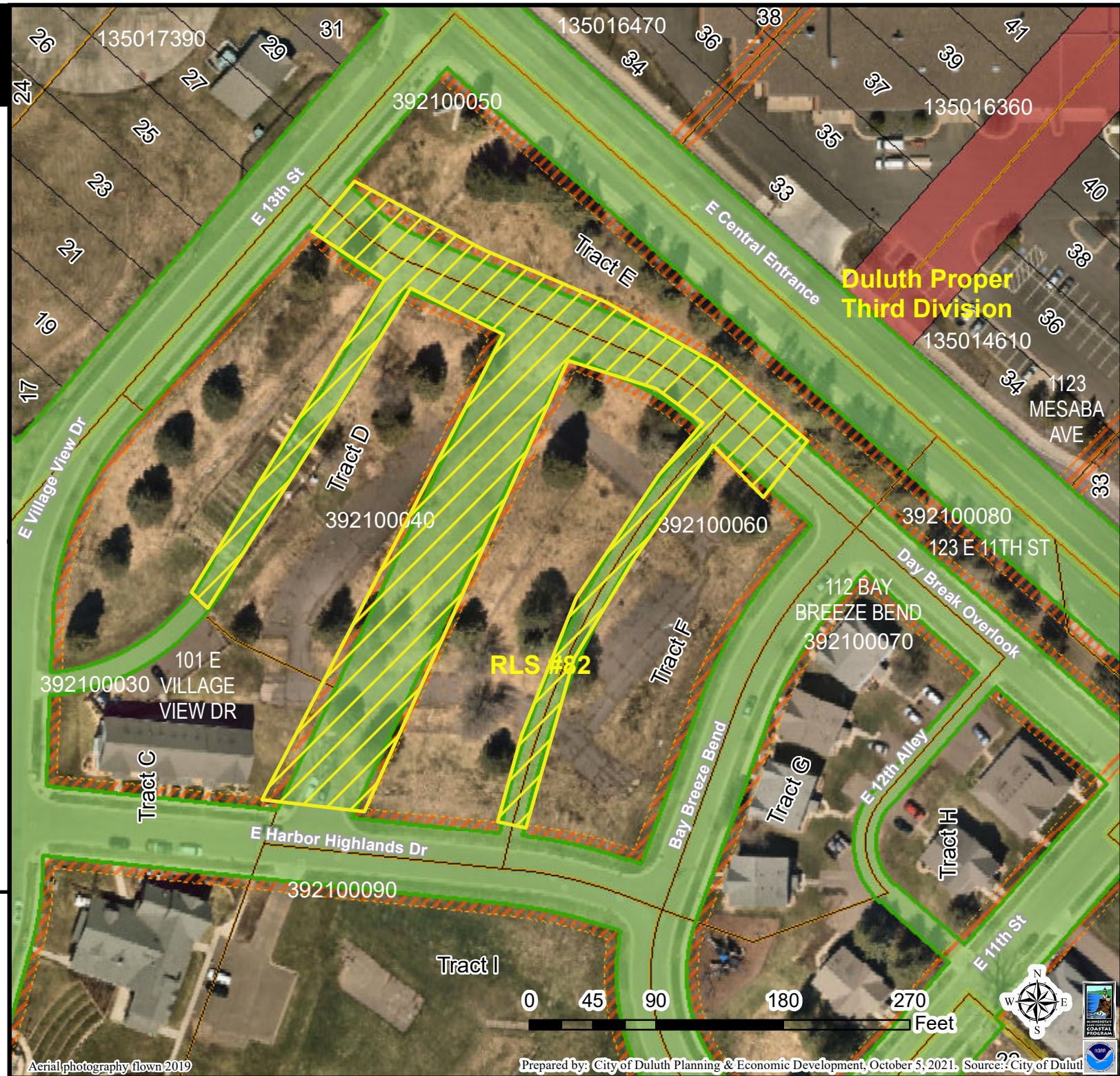
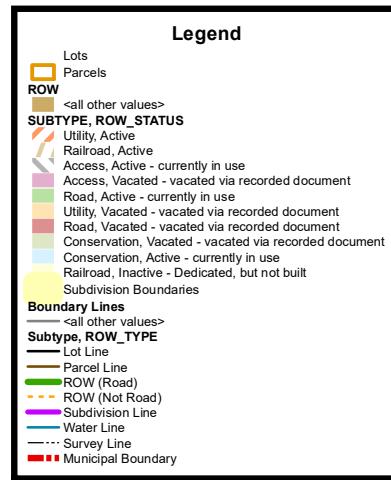
Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of two platted streets (Daybreak Overlook and Sunrise Parkway) and alleys (Village View Drive Alley and Sunrise Parkway Alley) as part of the RLS No. 12 in the Central Hillside neighborhood, as shown on the attached exhibit.
2. The HRA plans to develop multi-family housing on the site. With the new development plans, these rights of way are not needed.
3. There are abandoned and removed utilities in the proposed vacated areas
4. The street and alley rights of way will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since City Engineering does not expect to need it in the future.
5. The City has determined that the rights of way are not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. No public or City comments have been received at the time of drafting this report.
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 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.



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.

# Vacation Exhibit

HRA of Duluth

part of Registered Land Survey Number 82

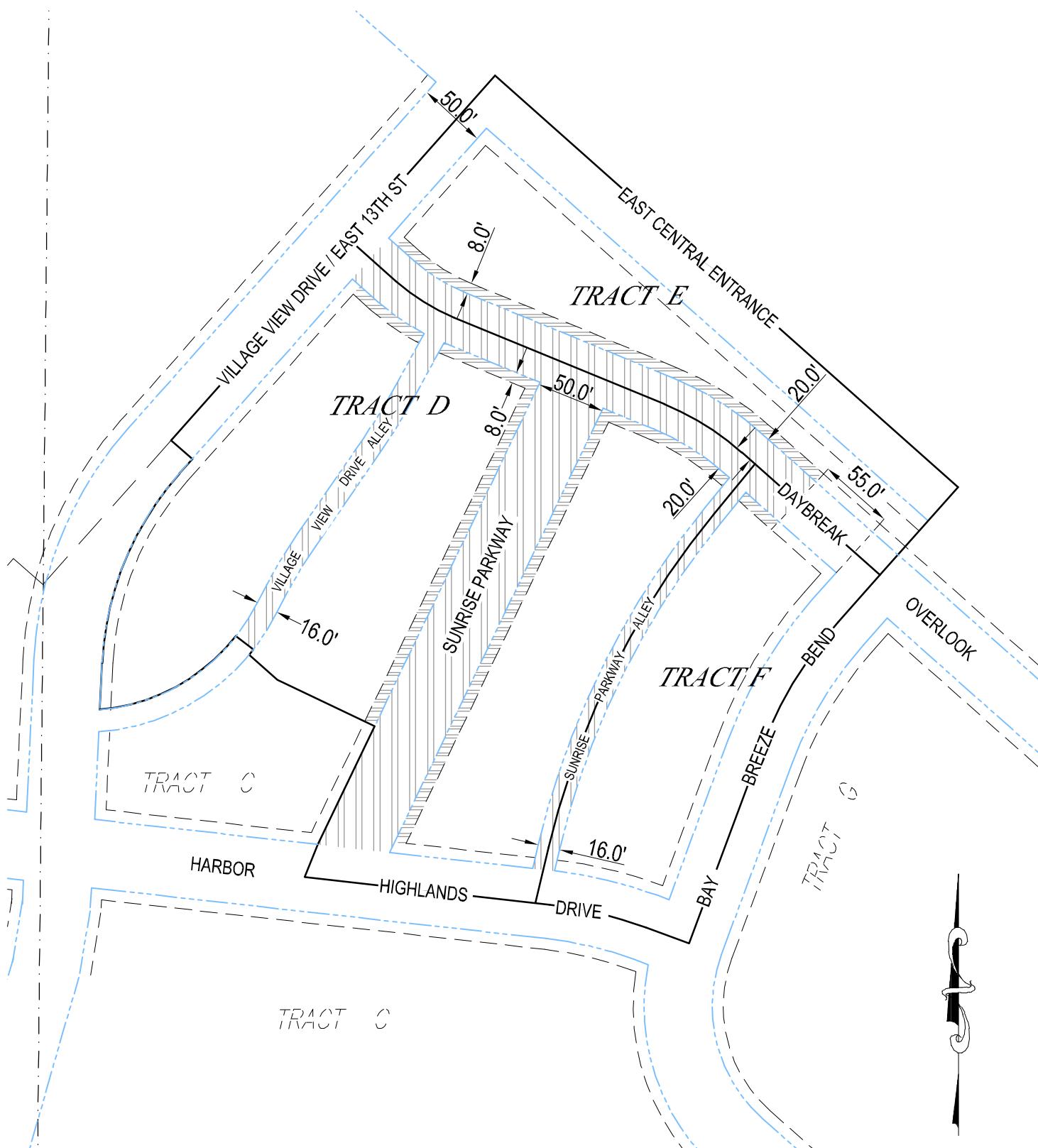
City of Duluth

St. Louis County, Minnesota



(SCALE IN FEET)

Basis of Bearing is Grid North,  
St. Louis County Transverse  
Mercator 96 Coordinate System.



## DESCRIPTION:

Sunrise Parkway right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

AND

Daybreak Overlook right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying 55.00 feet northwesterly of the northwesterly right of way line of Bay Breeze Bend extended.

Subject to retained utility easement under and a cross said Daybreak Overlook lying within 10 feet of the existing Sanitary and Storm sewers in-place.

AND

Village View Drive Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying within the bounds of Tract D, REGISTERED LAND SURVEY NUMBER 82, City of Duluth, St. Louis County, Minnesota.

AND

Sunrise Parkway Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

## LEGEND



VACATED RIGHT-OF-WAY



VACATED UTILITY EASEMENT

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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.

Print Name: Paul A. Vogel

License # 44075

Signature:

Date: 6/30/2022

DATE PREPARED: 6/30/22
PROJ NO: 190902
FILE: 190902vEXHIB
SHEET 1 of 1 SHEETS



21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

FILE: 190902vEXHIB-VACATION.dwg

## EXHIBIT

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AND

Sunrise Parkway Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

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.

Paul A. Vogel

Signed \_\_\_\_\_

Date \_\_\_\_\_ 6/30/2022 \_\_\_\_\_ License No. 44075