

Exhibit C



CITY OF DULUTH

Planning and Development Division

411 W 1st St, Rm 110 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580

File Number	PL 19-070	Contact	John Kelley	
Type	Vacation of portions of unimproved street and alley with retention of pedestrian and utility easement over part of vacation area	Planning Commission Date	May 14, 2019	
Deadline for Action	Application Date	May 16, 2019	60 Days	July 15, 2019
	Date Extension Letter Mailed	May 2, 2019	120 Days	September 13, 2019
Location of Subject	Oakland Avenue between Gold Street and Maryland Street			
Applicant	City of Duluth, Parks Department	Contact	Jim Shoberg	
Agent		Contact		
Legal Description	See attached			
Site Visit Date	June 4, 2019	Sign Notice Date	May 28, 2019	
Neighbor Letter Date	May 31, 2019	Number of Letters Sent	12	

Proposal

The applicant is requesting to vacate portions of the platted right-of-way of 84th Avenue West, 85th Avenue West, Bessemer Street and Alley's while retaining a pedestrian and utility easement over a portion of the vacated area of 85th Avenue West.

Recommended Action: Recommend to City Council approval of the Vacation and retention of a Trail Easement

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Urban Residential/Open Space
North	R-1/P-1	Grand Avenue Nordic Center	Open Space
South	R-2	Residential	Urban Residential
East	R-2/P-1	Vacant land/Grand Avenue	Open Space/Neighborhood Commercial
West	P-1	Vacant land/Park land	Open Space

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.

Governing Principle #10 – Take actions that enhance the environment, economic, and social well-being of the community.

Policy #2 – Reduce infrastructure costs through innovation and wholesale design change

S-4, Evaluate streets in low-density areas that could be replaced, reduced, removed, or made private to more effectively utilize maintenance budgets and long-term capital replacement funds.

Review and Discussion Items

Staff finds that:

- 1) The applicant is requesting to vacate portions of the platted right-of-way of 84th Avenue West, 85th Avenue West, Bessemer Street and Alley's while retaining a public recreational walkway and utility easement over a portion of the vacation area of 85th Avenue West. The utility easement to be retained is for an existing natural gas, water and sewer lines. The public recreational walkway easement will provide neighborhood access to the Grand Avenue Nordic Center. public recreational walkway
- 2) The City of Duluth is the owner of land on the north, east and west sides of the proposed vacation area and has trails on the lands associated with the Grand Avenue Nordic Center and Spirit Mountain recreation. Single-family homes are adjacent to the proposed vacation areas. These property owners have signed the required petition for a vacation of right-of-way.
- 3) The right-of-way will not be needed by the City for the safe and efficient circulation of automobiles or trucks. The new Grand Avenue Nordic Center north of the existing neighborhood precludes any new development from occurring.
- 4) There are no plans at this time to improve the proposed trail easement.
- 5) Aside from the natural gas, water and sewer pipes located in the right-of-way of 85th Avenue West, there are no other public improvements in the proposed vacation areas and there are no plans to extend road or utility improvements in the proposed vacation area. The other vacation areas are not needed 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.
- 6) No additional private development is planned in the area as the City is the owner of the property on to the north, east and west sides of the vacation area. Additionally, street extensions are not planned. There is existing unimproved platted ROW to the south to allow future roads to be constructed should the area be developed.
- 7) No public or agency comments have been received to date.
- 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.

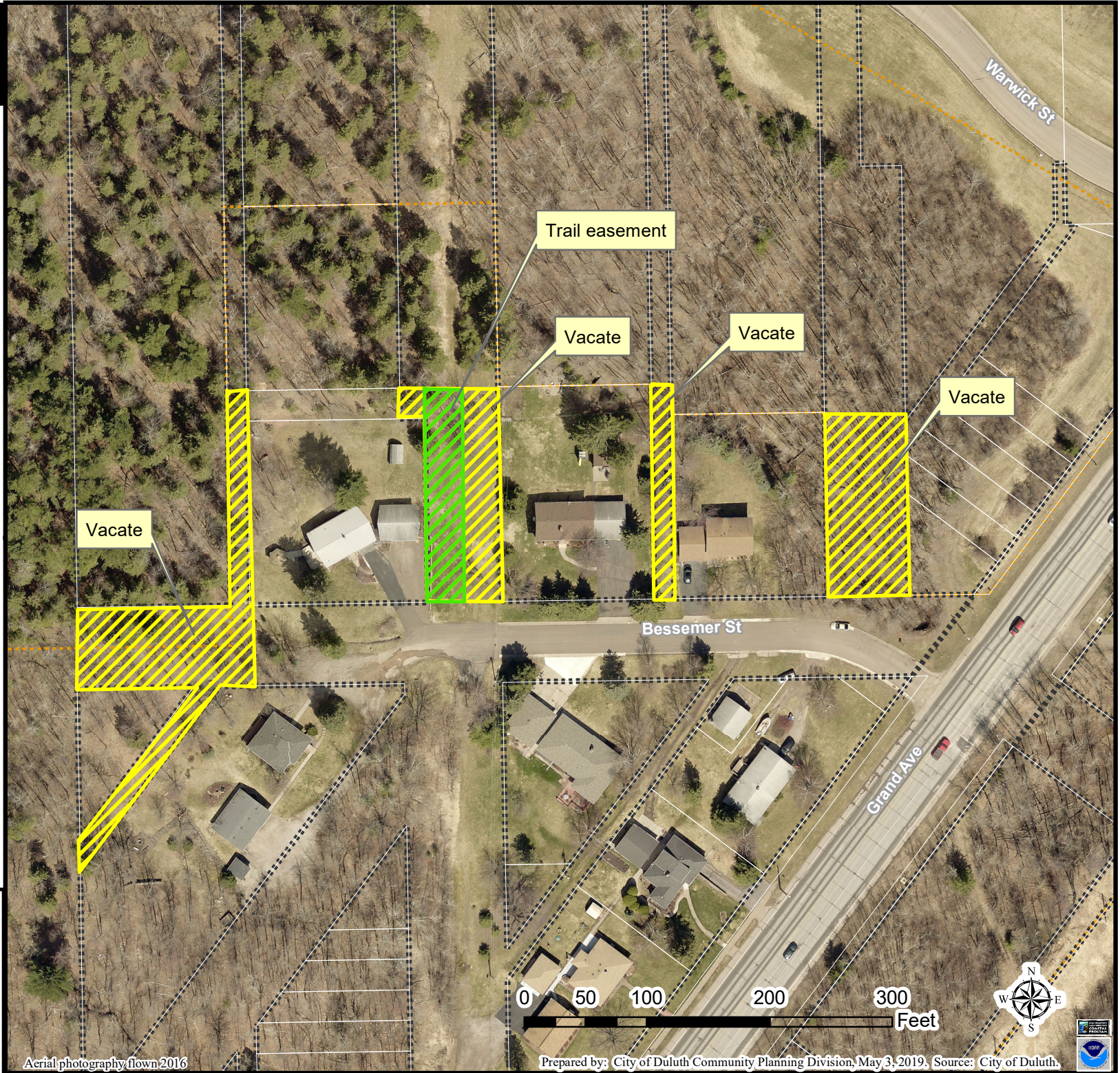
Staff Recommendation

Based on the above findings, staff recommends that Planning Commission recommend approval of the vacation of the street and retention of a pedestrian and utility easement as shown in the attached vacation exhibit, subject to the following condition:

- 1) The vacation and pedestrian and utility easement retention will lapse if the vacation is not recorded in the office of the Saint Louis County Recorder within 90 days of City Council approval of the vacation.



PL 19-070
Right of Way Vacation



Vacate

Trail easement

Vacate

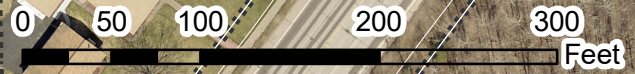
Vacate

Vacate

Bessemer St

Grand Ave

Warwick St



Legend

- Road or Alley ROW
- Easement Type**
- Utility Easement
- Other Easement

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 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.



DESCRIPTIONS OF STREETS AND ALLEYS TO BE VACATED, EASEMENTS TO BE RETAINED.

84th Avenue West, platted as Sellwood Ave., from the north line of Bessemer Street to the easterly extension of the south line of Lot 18, Block 15, IRONTON FIRST DIVISION.

The east half of 85th Avenue West, platted as Commonwealth Ave., from the north line of Bessemer Street to the westerly extension of the south line of Lot 17, Block 16, IRONTON FIRST DIVISION.

Reserving a 20.00 foot public recreational walkway and trail easement 10.0 feet either side of the center line of said 85th Avenue West, between the north line of Bessemer Street and the easterly extension of the south line of Lot 17, Block 20, IRONTON FIRST DIVISION.

Reserving a utility easement, between the north line of Bessemer Street and the westerly extension of the south line of Lot 17, Block 16, IRONTON FIRST DIVISION.

The west half of 85th Avenue West, platted as Commonwealth Ave., from the easterly extension of the south line of Lot 17, Block 20, to the easterly extension of the south line of Lot 18, Block 20, IRONTON FIRST DIVISION.

Reserving a 20.00 foot public recreational walkway and trail easement 10.0 feet either side of the center line of said 85th Avenue West, between the north line of Bessemer Street and the easterly extension of the south line of Lot 17, Block 20, IRONTON FIRST DIVISION.

Reserving a utility easement, between the north line of Bessemer Street and the westerly extension of the south line of Lot 17, Block 16, IRONTON FIRST DIVISION.

The east 20.00 feet of the west half of 85th Avenue West, platted as Commonwealth Ave., from the north line of Bessemer Street to the easterly extension of the south line of Lot 18, Block 20, IRONTON FIRST DIVISION.

Reserving a 20.0 foot public recreational walkway and trail easement 10.0 feet either side of the center line of said 85th Avenue West between the north line of Bessemer Street and the easterly extension of the south line of Lot 17, Block 20, IRONTON FIRST DIVISION.

Reserving a utility easement, between the north line of Bessemer Street and the westerly extension of the south line of Lot 17, Block 16, IRONTON FIRST DIVISION.

Bessemer Street in IRONTON FIRST DIVISION, from the southerly extension of the west line of Block 21 to the southerly extension of the west line of Block 20, IRONTON FIRST DIVISION.

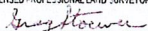
The Alley between Block 15 and Block 16, IRONTON FIRST DIVISION, from the north line of Bessemer Street to the easterly extension of the south line of Lot 17, said Block 16.

Reserving a utility easement in said Alley between Block 15 and Block 16 from the north line of Bessemer Street to the easterly extension of the south line of Lot 23, Block 16.

The Alley between Block 20 and Block 21, IRONTON FIRST DIVISION, from the north line of Bessemer Street to the easterly extension of the south line of Lot 17, said Block 21.

The Alley between Block 33 and Block 34, IRONTON SECOND DIVISION.

Bessemer Street in IRONTON SECOND DIVISION, from the northerly extension of the west line of Block 34, IRONTON SECOND DIVISION to the southerly extension of the west line of Block 20, IRONTON FIRST DIVISION.

<small>I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA</small>  S. SIGNATURE	Greg Stoewer PRINTED NAME	05/14/2019	1			STREET & ALLEY VACATION & EASEMENT RETENTION EXHIBIT IN PART OF IRONTON FIRST DIVISION & IRONTON SECOND DIVISION
		DATE	2			
		21774	3			
		REG. NO.	NO.	DATE	REVISION	