

**CITY OF DULUTH**

Planning Division

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

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

STAFF REPORT

File Number	PL 15-142	Contact	Steven Robertson, 218 730 5295	
Application Type	Partial Vacation of Street Right of Way	Planning Commission Date	October 13, 2015	
Deadline for Action	Application Date	August 28, 2015	60 Days	
	Date Extension Letter Mailed	September 22, 2015	120 Days	January 12, 2016
Location of Subject	625 West 9th Street			
Applicant	Lee Erickson	Contact	218-391-2632	
Agent		Contact		
Legal Description	Lots 107, 109, and 111, Block 137, Duluth Proper Third Division			
Site Visit Date	September 29, 2015	Sign Notice Date	September 29, 2015	
Neighbor Letter Date	October 1, 2015	Number of Letters Sent	10	

Proposal

The applicant is proposing to vacate a portion of the platted street right of way for improved West 9th Street. If the partial vacation is approved, West 9th street would still have a right of way width of 66 feet.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Undeveloped/Cell Tower	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood/Preservation
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

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.

Code requirements are found in UDC Section 50-37.6. 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.

II.C-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

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. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Governing Principle #7: Create and maintain connectivity.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

-Proposal: Applicant is proposing the City partially vacate the platted street right of way of West Ninth Street.
-Issue/Item for Review: Vacation of the city's ability/right to use platted right of way can only be approved by City Council (via resolution), after a public hearing is conducted, and a recommendation is made, by the Planning Commission.

- 1) The applicant is proposing to vacate a portion (approximately 75 to 130 feet in width) of the platted street right of way for improved West Ninth Street. The applicant's home and garage (constructed in 1969 and 1973 respectively) are partially in the public right of way.
- 2) The property is within the Duluth Heights First Division (platted 1890), and adjacent to the Duluth Proper Third Division (platted 1870). If the partial vacation is approved, West Ninth street would still have a right of way width of 66 feet.
- 3) Applicant owns all the abutting private property directly adjacent, to and abutting, the proposed partial right of way to be vacated. The partial vacation would not impact any other private property owners. St. Louis County Land Department administers and supervises tax forfeit property, which is also adjacent to the platted right of way. They have an agreement with the applicant to sell him the tax forfeit property (which he needs for a new septic system drain field) if the vacation is approved. The end result would be that the applicant fully owns all the property that his home and garage is on, and he would have room for a complaint septic system.
- 4) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, and will not result in any dead-ends.
- 5) Staff believe this portion of right of way 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; the portion of the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 6) No public, agency, or City comments were received. There are no existing city underground utilities in the platted street right of way.
- 7) Vacations are approved by the City Council via a resolution. Vacations lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the partial vacation of the street public right of way, without conditions.

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

C-2





City Planning
PL 15-142
625 W 9th St

Legend

	Zoning Boundaries
	Zoning Boundaries
	Wetlands (NRI)
	Vacated ROW
	Easement Type
	Utility Easement
	Other Easement
	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

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.





City Planning

PL 15-142

625 W 9th St

Legend

-
- Water Distribution System**
- 30 - 60" Water Pipe
 - 16 - 24" Water Pipe
 - 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
- Sanitary Sewer Collector
 - Sanitary Sewer Interceptor
 - Sanitary Sewer Forced Main
 - Storage Basin
 - Pump Station
 - Gas Distribution Main
 - 8" - 15" Gas Pipes
 - 4" - 6" Gas Pipes
 - 0" - 4" Gas Pipes
- Storm Sewer Collection System**
- Storm Sewer Pipe
 - Storm Sewer Catch Basin
 - Vacated ROW
- Easement Type**
- Utility Easement
 - Other Easement

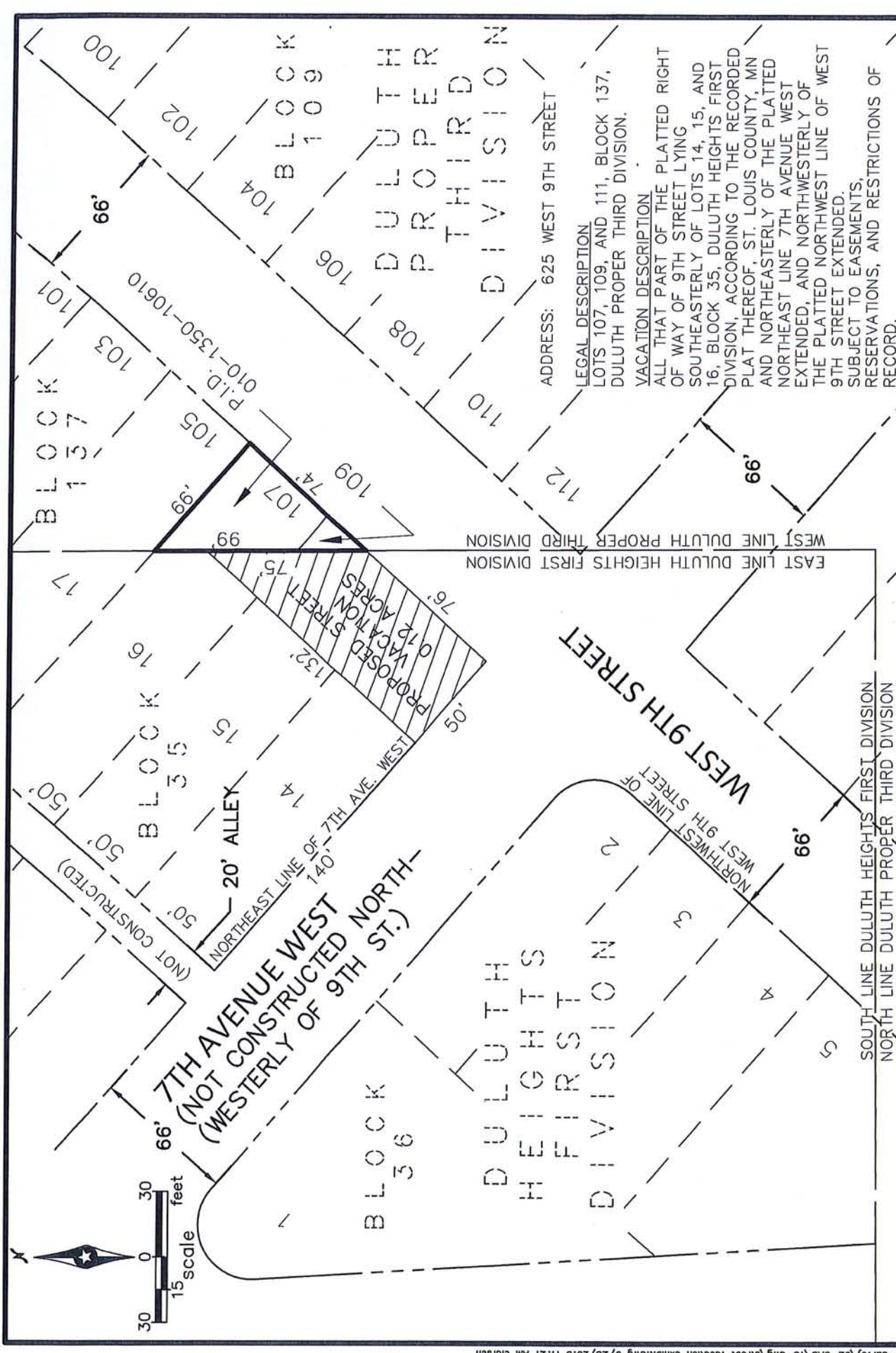
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Aerial photography flown 2013

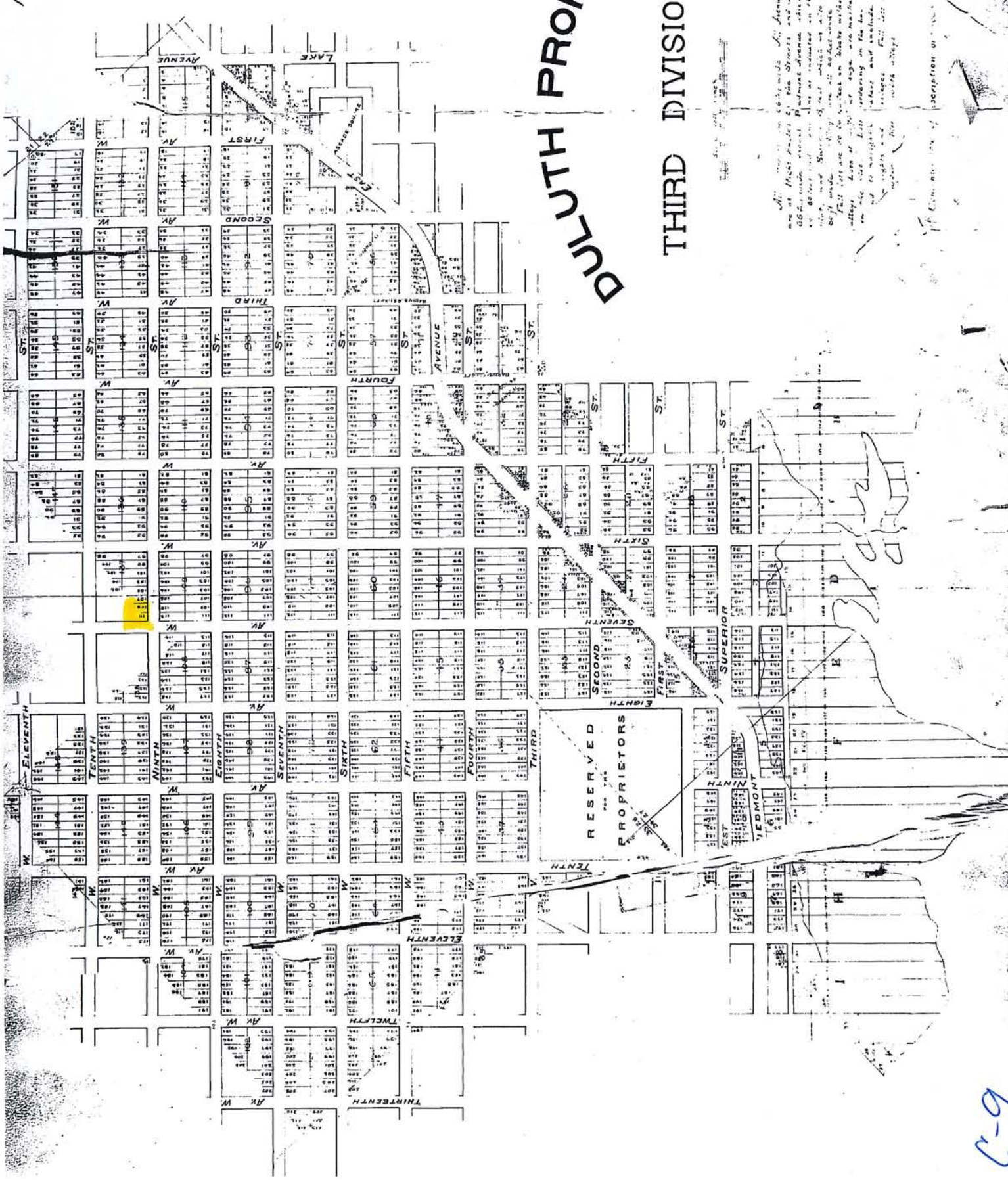
Prepared by: City of Duluth Planning Division September 22, 2015 Source: City of Duluth





DRAWN BY: KLA CHECKED BY: CAL SURVEYED BY: N/A		I hereby certify that this survey, plan, or report was prepared by or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota. Signature: <i>Chris A. Larsen</i> Printed Name: CHRIS A. LARSEN Date: 9/23/15		PHONE: 218.279.3000 418 W SUPERIOR ST STE 200 DULUTH, MN 55802-1512 www.sehinc.com		EXHIBIT FOR STREET VACATION IN DULUTH HEIGHTS FIRST DIVISION (NOT A BOUNDARY SURVEY)		FILE NO. ERICL 133089 DATE 8/6/2015 SHEET 1 OF 1	
I hereby certify that this street vacation exhibit has been checked and approved this _____ day of _____, 20____. Signature: _____ City Engineer Printed Name: _____ Date: _____		1 CAL 9/23/15 Revised street name NO. BY DATE REVISIONS		LEGAL DESCRIPTION LOTS 107, 109, AND 111, BLOCK 137, DULUTH PROPER THIRD DIVISION. VACATION DESCRIPTION ALL THAT PART OF THE PLATTED RIGHT OF WAY OF 9TH STREET LYING SOUTHEASTERLY OF LOTS 14, 15, AND 16, BLOCK 35, DULUTH HEIGHTS FIRST DIVISION, ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MN AND NORTHEASTERLY OF THE PLATTED NORTHEAST LINE 7TH AVENUE WEST THE PLATTED NORTHWEST LINE OF WEST 9TH STREET EXTENDED. SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD.		ADDRESS: 625 WEST 9TH STREET		EAST LINE DULUTH HEIGHTS FIRST DIVISION WEST LINE DULUTH PROPER THIRD DIVISION	

THIRD DIVISION

[illegible]



C-10