



CITY OF DULUTH
Community Planning Division

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File Number	PL18-003	Contact	Kyle Deming, kdeming@duluthmn.gov	
Type	Vacation of Nina St.	Planning Commission Date	February 13, 2018	
Deadline for Action	Application Date	January 3, 2018	60 Days	March 4, 2018
	Date Extension Letter Mailed	January 29, 2018	120 Days	May 3, 2018
Location of Subject	Between 426 W Quince St and 510 W. Quince St. (Duluth Heights)			
Applicant	Northwood Children's Services, Inc.	Contact	John M. Ek	
Agent		Contact		
Legal Description	All that part of Nina St. lying south of the south line of Quince St. and between Blocks 3 & 4, Sunnyside Gardens.			
Site Visit Date		Sign Notice Date	January 24, 2018	
Neighbor Letter Date	January 29, 2018	Number of Letters Sent	32	

Proposal

Applicant requests the vacation of a section of Nina St. south of Quince St. and retaining the middle 30 feet as a pedestrian and utility easement. The vacation will clear up a setback encroachment by an existing garage.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single Family Residential	Traditional Residential
North	R-1	Single Family Residential	Traditional Residential
South	R-1	Single Family Residential	Traditional Residential
East	R-1	Single Family Residential	Traditional Residential
West	R-1	Single Family Residential	Traditional 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.

UDC Section 50-37.6C. The Planning Commission shall review the proposed vacation, and the City 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):

Future Land Use – Traditional Residential - 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. 4-8 units/acre, form standards and conservation development an option, mix of housing types (i.e. town homes and 4-plexes) at corners, limited commercial uses (i.e., 'corner store') serving neighborhood market

Governing Principle #7 – Create and maintain connectivity.

Comprehensive Plan Policy I&PS 3 – Public investment in streets and other infrastructure should support continued private reinvestment in housing stock

Comprehensive Plan Policy UD 8 – Strengthen pedestrian movement between compatible land uses with sidewalks in street rights of way, sidewalks and paths independent of streets

Comprehensive Plan Policy P&R 4 – The City will enhance its trail system to improve connectivity connecting neighborhoods, parks, and commercial areas to major trail networks through the use of trail spurs.

Nina Street north of Quince Street was vacated previously.

Review and Discussion Items

Staff finds that:

- 1) The proposal is to vacate an undeveloped street adjacent to the applicant's properties. Applicant wants to vacate the street to clear up a setback encroachment by a garage on their property.
- 2) The other landowner abutting the proposed street vacation has consented to the petition to vacate.
- 3) There are no utilities in the proposed vacation area, however the area is not developed with all utilities and, therefore, staff has requested retention of a utility easement through the center 30 feet of the street for future connections.
- 4) There is not a roadway constructed on the street and it is not likely one would ever be needed since Nina St. does not connect to another street and the terrain is very steep. The street is useless for roadway purposes.
- 5) Nina St. may be important for trail purposes in the future as it connects to the trail system reserved in the Coffee Creek plat to the south which leads to a large open space area around Coffee Creek to the south and east. Therefore, staff has requested retention of a pedestrian easement through the center 30 feet of the street.
- 6) The right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 7) Governing Principle # 7 and Policies I&PS 3, UD 8, and P&R 4 of the Comprehensive Plan recommend maintaining connectivity. The proposed vacation for roadway purposes while retaining pedestrian and utility connections is consistent with the principle and policies.
- 8) No other public, agency, or City comments were received.
- 9) Vacations of streets 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 the Planning Commission recommend approval of the vacation of the street easement and retention of a 30 foot wide easement for pedestrian and utility purposes, as shown in the exhibit from ALTA.



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

Elevation

- 1 Ft contour
- 10 Ft contour

- Vacated ROW
- Utility Easement
- Other Easement
- Zoning Boundaries

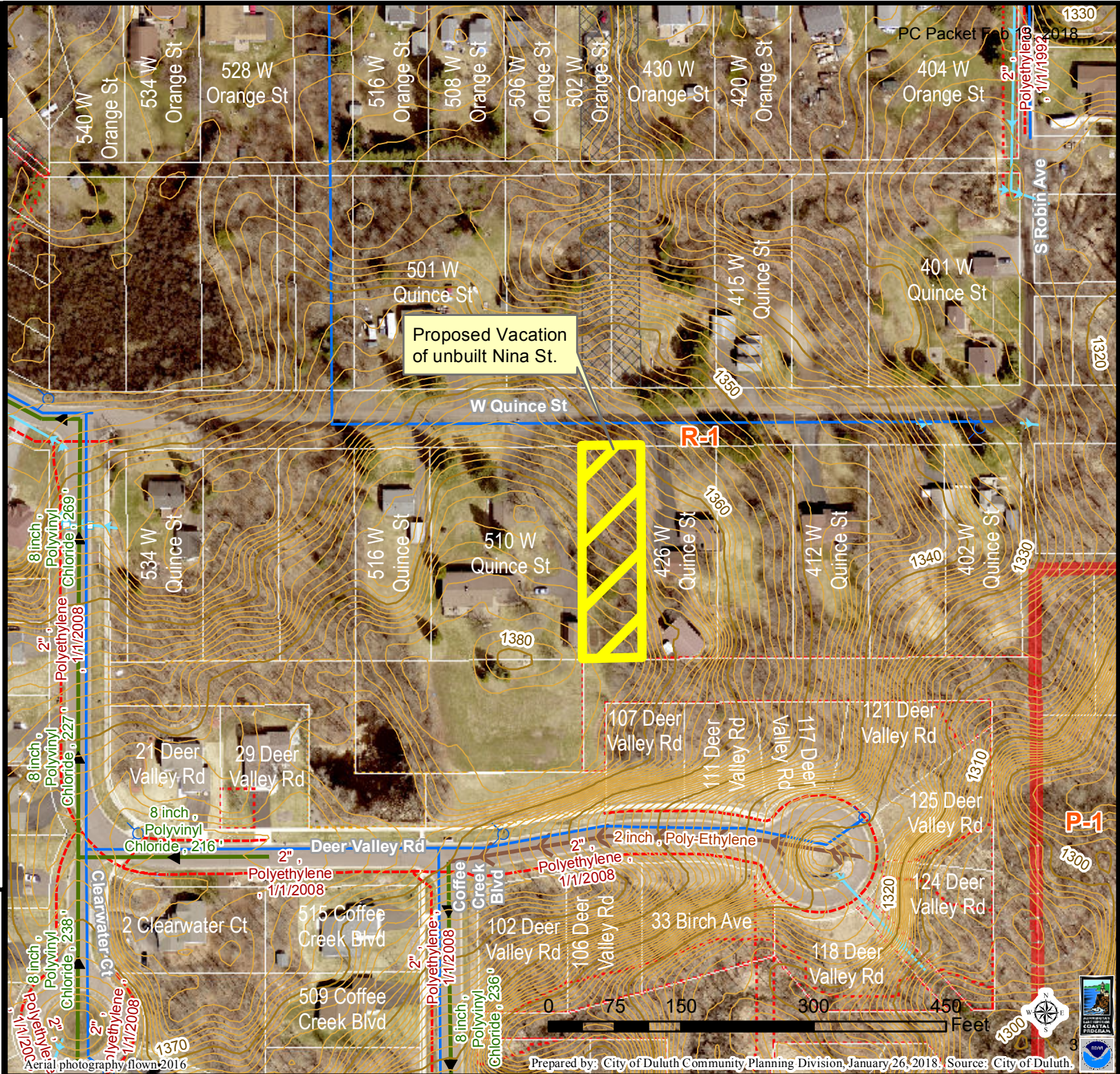
Floodplain Type

- General Flood Plain
- Flood Way
- Flood Fringe

Shoreland Overlay Zone

- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)
- Wetlands (NRR1)

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

These standard symbols will be found in the drawing



PROPOSED STREET VACATION



PROPOSED STREET VACATION WITH PUBLIC PEDESTRIAN AND UTILITY EASEMENT RETENTION

LEGAL DESCRIPTION OF VACATION OF STREET

All that part of Nina Street lying South of the South line of Quince Street and adjacent to and between Blocks 3 and 4, SUNNYSIDE GARDENS OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said street contains 15,906 square feet or 0.37 acres.

LEGAL DESCRIPTION OF PUBLIC PEDESTRIAN AND UTILITY EASEMENT RETENTION

All that part of Nina Street lying South of the South line of Quince Street and adjacent to and between Blocks 3 and 4, SUNNYSIDE GARDENS OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota that lies within 15.00 feet of both sides of the platted center line of said Nina Street.

Said easement contains 7,230 square feet or 0.17 acres.

Approved by the City Engineer of the City of Duluth, MN. this _____ day of _____ 20__

By _____

SURVEYORS NOTES

- THIS IS NOT A BOUNDARY SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

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

Date: DECEMBER 18, 2017 MN Lic. No. 49505

STREET VACATION EASEMENT EXHIBIT

CLIENT: NORTHWOODS CHILDREN SERVICES	REVISIONS: 1-4-18 ADD UTILITY EASEMENT RETENTION AREA
DATE: DECEMBER 18, 2017	1-9-18 ADD LEGAL DESCRIPTION LANGUAGE
ADDRESS: QUINCE AND NINA STREET DULUTH, MN	
JOB NUMBER: 17-424	



LAND SURVEY COMPANY

* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
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* CONSTRUCTION STAKING
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