



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 17-169	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Alley	Planning Commission Date		November 14, 2017
Deadline for Action	Application Date	October 9, 2017	60 Days	December 8, 2017
	Date Extension Letter Mailed	October 24, 2017	120 Days	February 6, 2018
Location of Subject	Unimproved Alley between Pineview Ave. and the unimproved portion of Nanticoke Street.			
Applicant	Lindsay Dean	Contact		
Agent		Contact		
Legal Description	See attached Exhibit			
Site Visit Date	November 3, 2017	Sign Notice Date	October 31, 2017	
Neighbor Letter Date	October 31, 2017	Number of Letters Sent	47	

Proposal

Applicant proposes to vacate an undeveloped platted alley between Pineview Ave. and the unimproved portion of Nanticoke Street, in the Coffin Warner and Jones Addition to Duluth. A utility easement for Minnesota Power would be retained over the entire alley.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

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 a grid or connected street pattern, houses orientated 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.

Review and Discussion Items

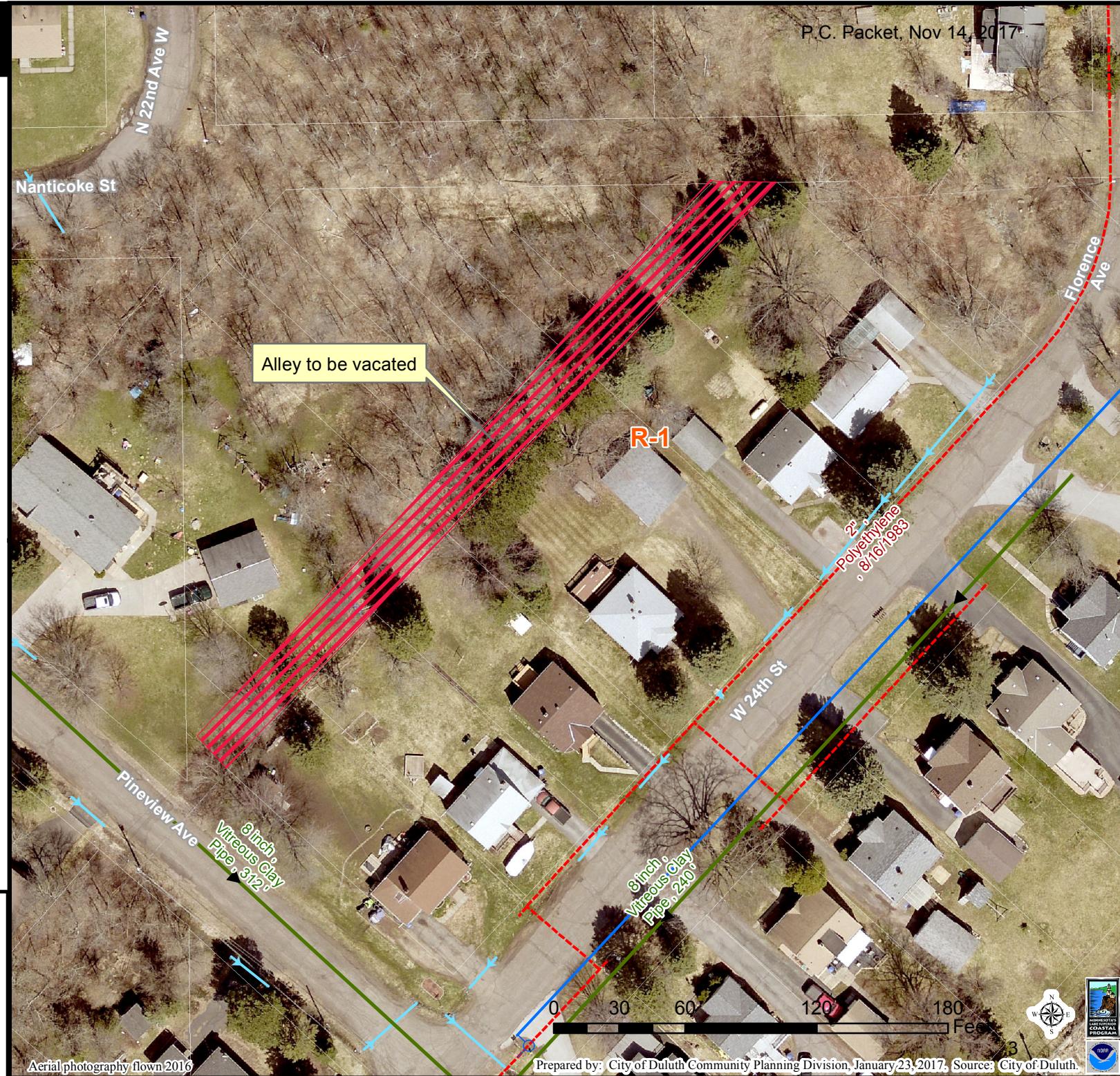
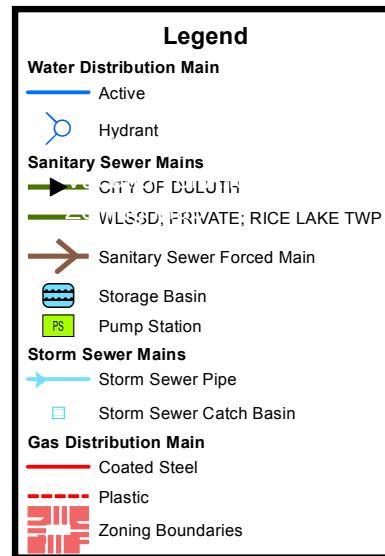
Staff finds that:

- 1) Applicant is proposing to vacate an unimproved alley. The alley is platted but has never been developed or needed for a public purpose other than the provision of utilities.
- 2) All properties abutting the alley have access via existing public streets.
- 3) Minnesota Power overhead primary and secondary lines are located within this alley. Minnesota Power has asked that a utility easement be retained over the entire alley.
- 4) With retention of a utility easement, this 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.
- 5) This right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 6) No public or City comments have been received. Minnesota Power has requested that a utility easement be retained for the overhead power lines.
- 7) 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 and retention of a utility easement, with the following conditions:

1. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

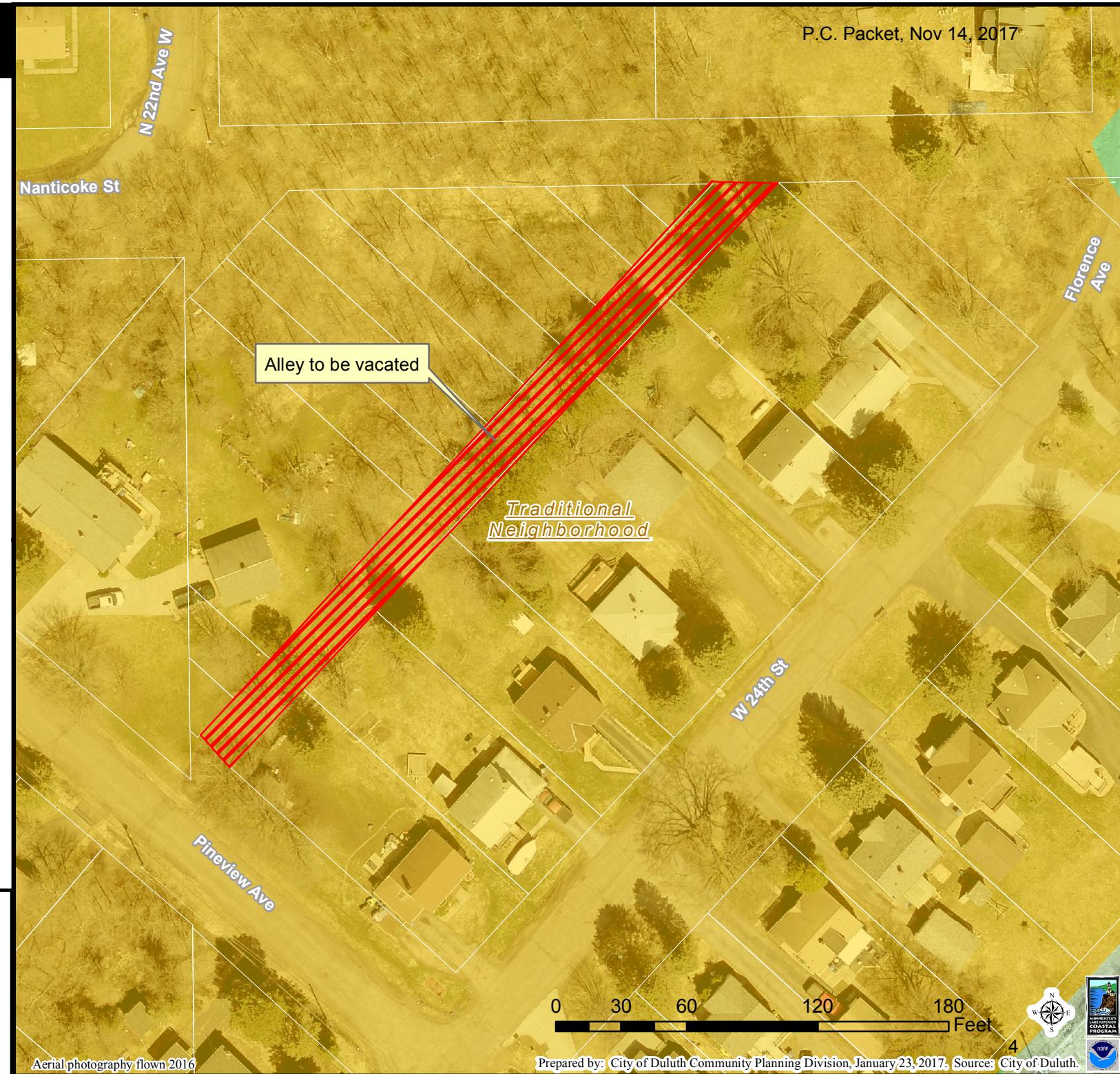


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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, January 23, 2017; Source: City of Duluth.



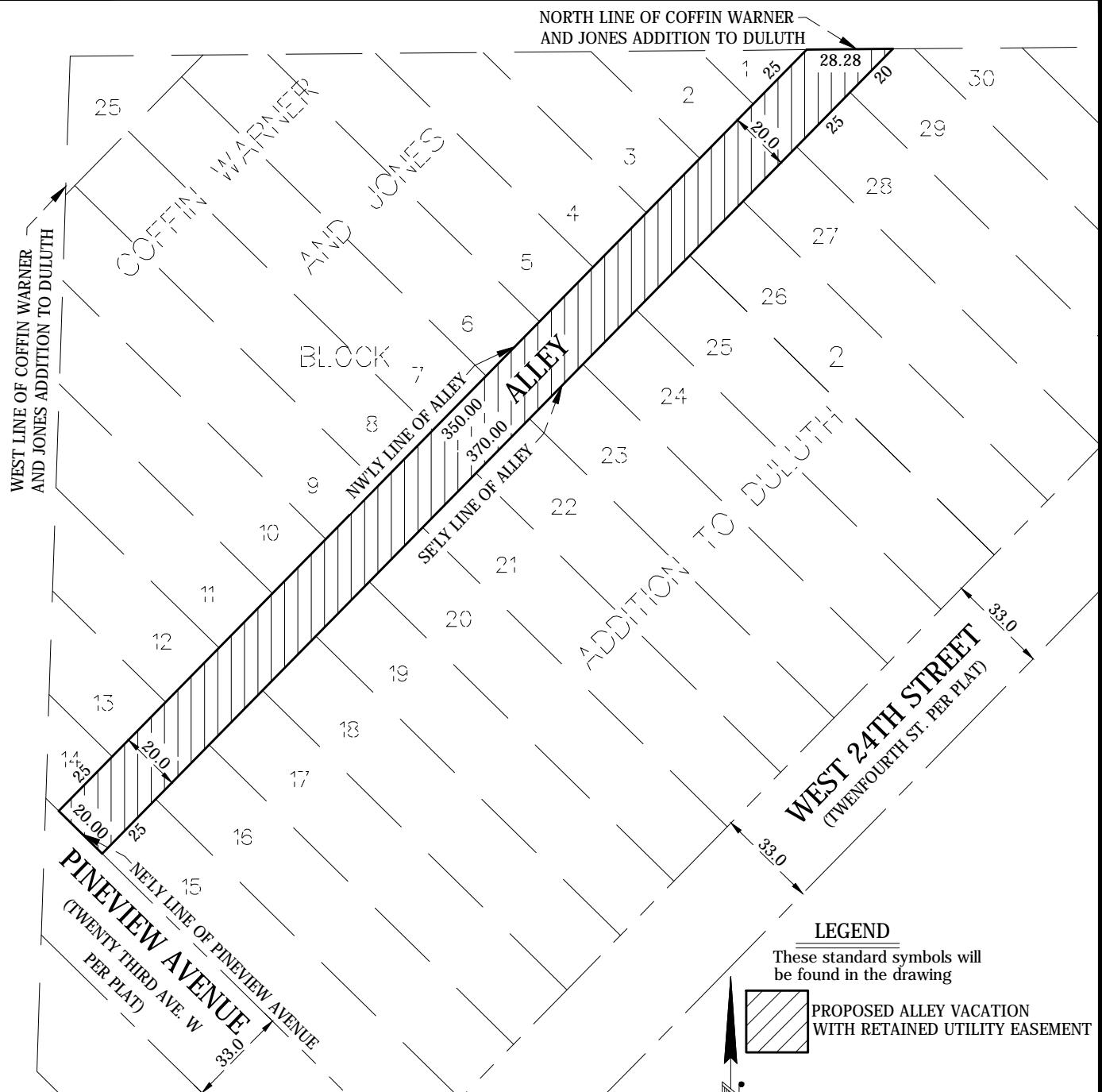


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SURVEYORS NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. 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.

LEGAL DESCRIPTION OF VACATION OF ALLEY WITH RETAINED UTILITY EASEMENT

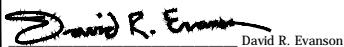
All that part of the 20.00 foot wide platted alley lying within Block 2, COFFIN WARNER AND JONES ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said alley contains 7,200 square feet or 0.17 acres.

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

By _____

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

Date: JUNE 30, 2017

MN Lic. No. 49505

ALLEY VACATION EXHIBIT

CLIENT: KRISTI POISSANT	REVISIONS: XXX
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DATE: JUNE 30, 2017	
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ADDRESS: 2231 W 24TH ST DULUTH, MN	
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JOB NUMBER: 17-215	
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 **ALTA**

LAND SURVEY COMPANY

* LAND SURVEYING PHONE: 218-727-5211
* LAND DEVELOPMENT LICENSED IN MN & WI
* PLATTING CERTIFIED FEDERAL SURVEYOR
* LEGAL DESCRIPTIONS WWW.ALTA LANDSURVEYDULUTH.COM
* CONSTRUCTION STAKING