



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

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

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

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



PL 17-169  
Vacation of Alley  
Zoning Map

P.C. Packet, Nov 14, 2017



**Legend**

**Water Distribution Main**

- Active
- Hydrant

**Sanitary Sewer Mains**

- CITY OF DULUTH
- WLS&D; PRIVATE; RICE LAKE TWP
- Sanitary Sewer Forced Main

**Storm Sewer Mains**

- Storm Sewer Pipe
- Storm Sewer Catch Basin

**Gas Distribution Main**

- Coated Steel
- Plastic

Zoning Boundaries

Storage Basin

Pump Station

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

0 30 60 120 180 Feet

Prepared by: City of Duluth Community Planning Division, January 23, 2017, Source: City of Duluth.

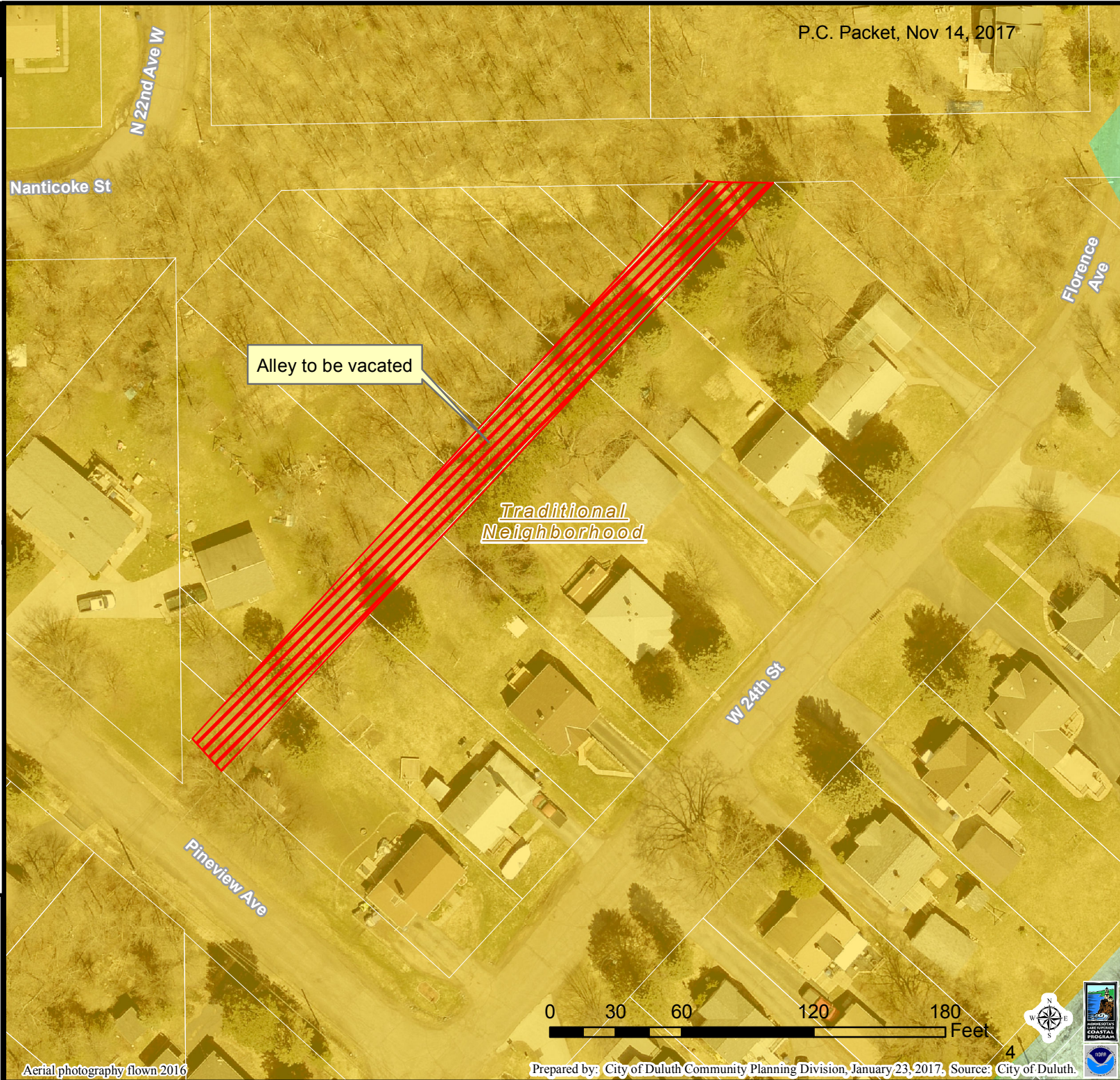
3



**Legend**

**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

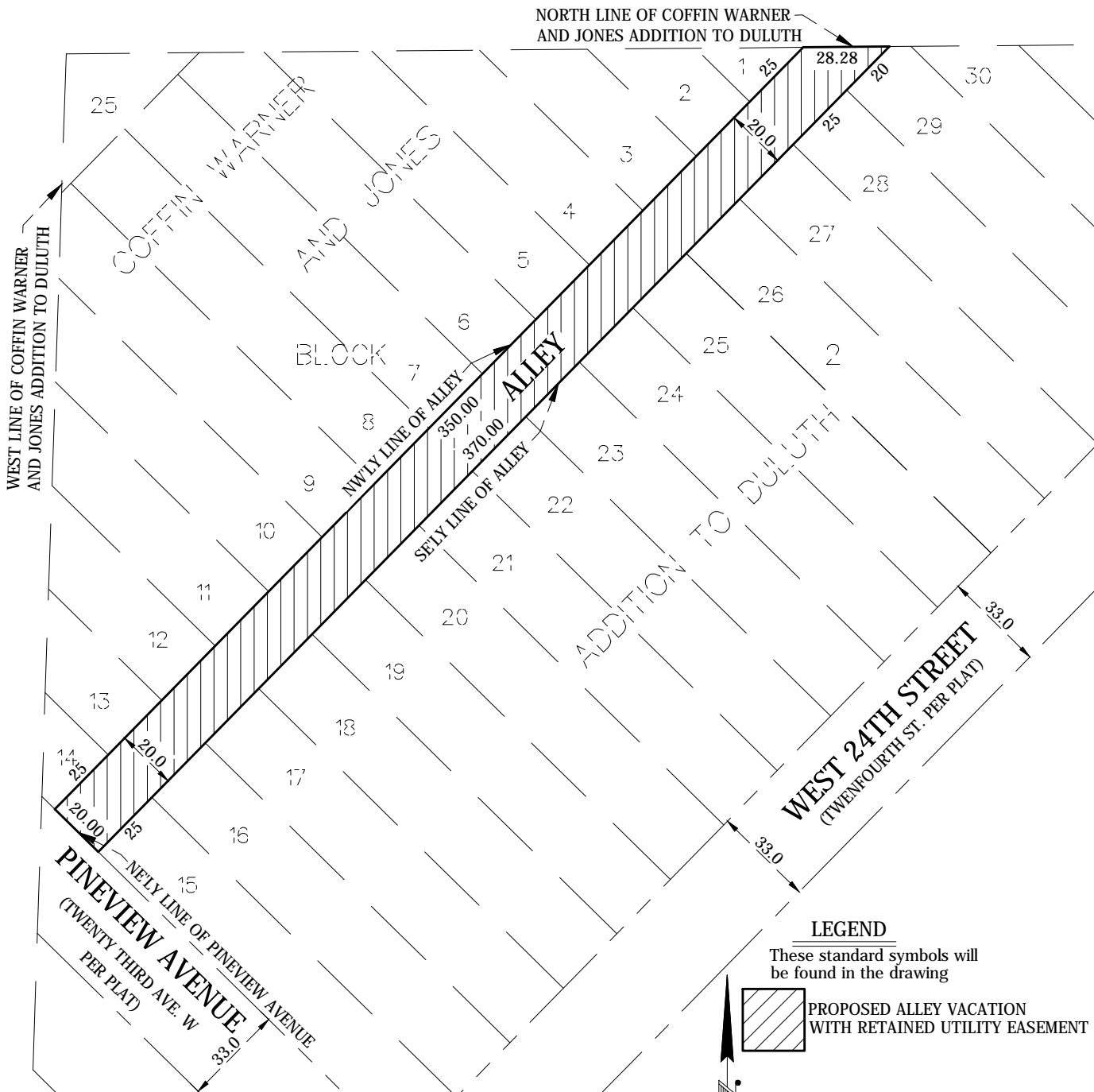


Alley to be vacated

*Traditional  
Neighborhood*

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**LEGEND**

These standard symbols will be found in the drawing



PROPOSED ALLEY VACATION WITH RETAINED UTILITY EASEMENT



- 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*  
 David R. Evanson

Date: JUNE 30, 2017 MN Lic. No. 49505

**ALLEY VACATION EXHIBIT**

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



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