



**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

File Number	PL18-008	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of ROW next to 1826 West Michigan Street	Planning Commission Date		March 13, 2018
Deadline for Action	Application Date	January 19, 2018	60 Days	March 20, 2018
	Date Extension Letter Mailed	February 27, 2018	120 Days	May 19, 2018
Location of Subject		West half of S. 18 <sup>th</sup> Avenue West between West Superior Street and West Michigan Street		
Applicant	West End Properties LLC	Contact		
Agent	Joe Kleiman	Contact	Kleimanrealty@msn.com	
Legal Description		See exhibit		
Site Visit Date		March 1, 2018	Sign Notice Date	February 27, 2018
Neighbor Letter Date		February 27 <sup>th</sup> , 2018	Number of Letters Sent	17

**Proposal**

Applicant requests the vacation of Right Of Way on the west half of S. 18<sup>th</sup> Avenue West between Michigan Street and Lower Michigan Street.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-C	Commercial/Office	Central Business Secondary
<b>North</b>	F-5	Commercial/Office	Central Business Secondary
<b>South</b>	MU-C	Vacant	Central Business Secondary
<b>East</b>	I-G	Interstate 35	Transportation and Utilities
<b>West</b>	F-5	Commercial/Office	Central Business Secondary

**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 – Central Business Secondary – An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

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.

**Review and Discussion Items**

Staff finds that:

- 1) The applicant is requesting the City to vacate the west half of S. 18<sup>th</sup> Avenue West between Michigan Street and Lower Michigan Street. The street is not improved, and is not connected to Lower Michigan Street.
- 2) The applicant stated that the east half of the Avenue was vacated in 1930's and is currently serving as an area for cars to park.
- 3) The right of way has an existing utility easement and the City of Duluth Engineering Department is requesting there be an additional pedestrian easement be added over the entire area to be vacated.
- 4) No public, agency, or City comments were received.
- 5) 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 Right of Way with retention of the utility easement and pedestrian easement over the entire area to be vacated, as shown in the exhibit from ALTA.



# PL 18-008 Vacation of ROW FLU Map

**Legend**

**Water Distribution Main**  
Active  
Hydrant

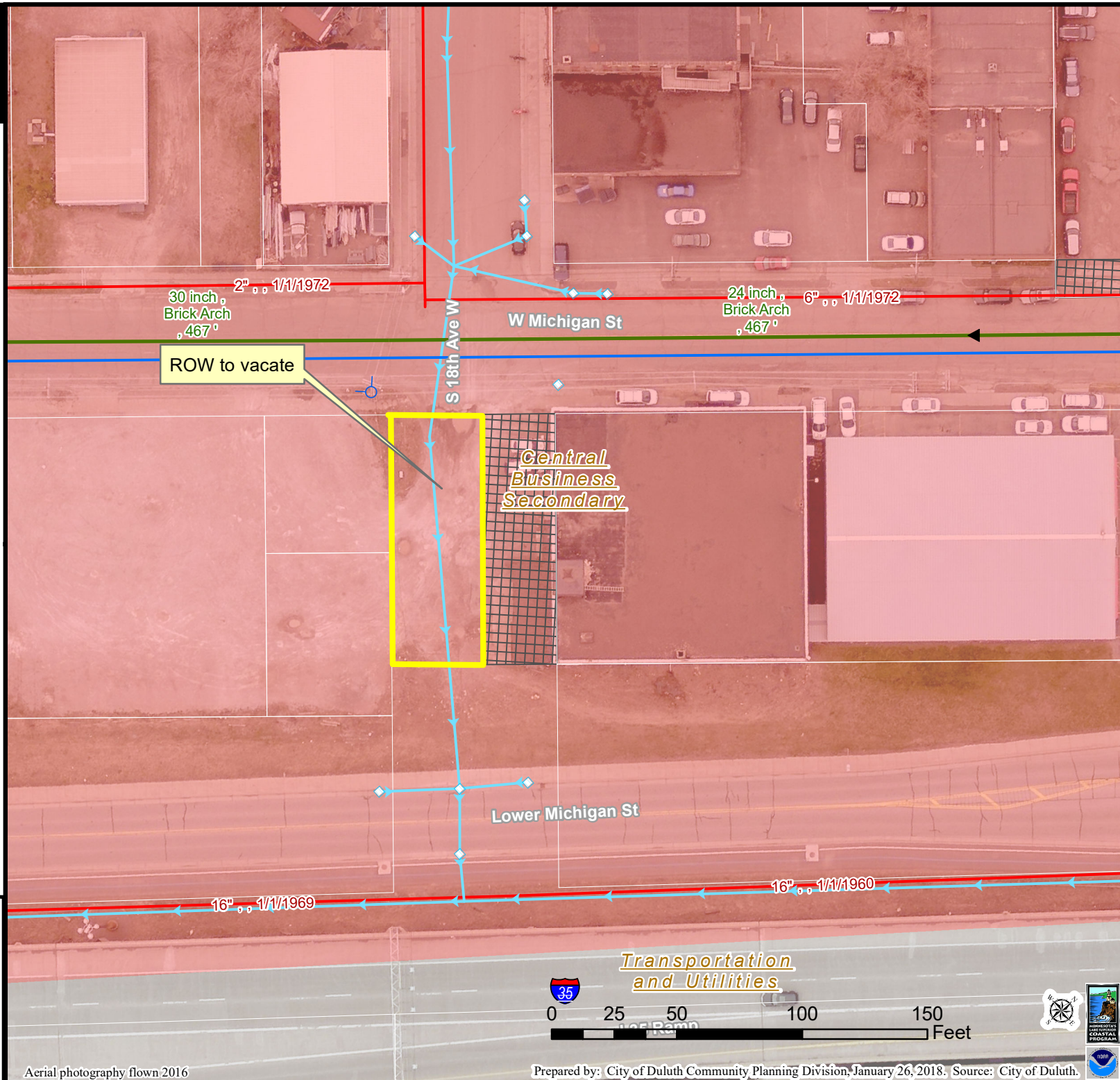
**Sanitary Sewer Mains**  
CITY OF DULUTH  
WLLSSD; PRIVATE; RICE LAKE TWP  
Sanitary Sewer Forced Main  
Storage Basin  
Pump Station

**Storm Sewer Mains**  
Storm Sewer Pipe  
Storm Sewer Catch Basin

**Gas Distribution Main**  
Coated Steel  
Plastic  
Vacated ROW

**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.



Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, January 26, 2018. Source: City of Duluth.





PL 18-008  
Vacation of ROW  
Zoning Map

**Legend**

**Water Distribution Main**  
Active

Hydrant

**Sanitary Sewer Mains**  
CITY OF DULUTH  
WLSSD; PRIVATE; RICE LAKE TWP

Sanitary Sewer Forced Main

Storage Basin

PS Pump Station

**Storm Sewer Mains**  
Storm Sewer Pipe

Storm Sewer Catch Basin

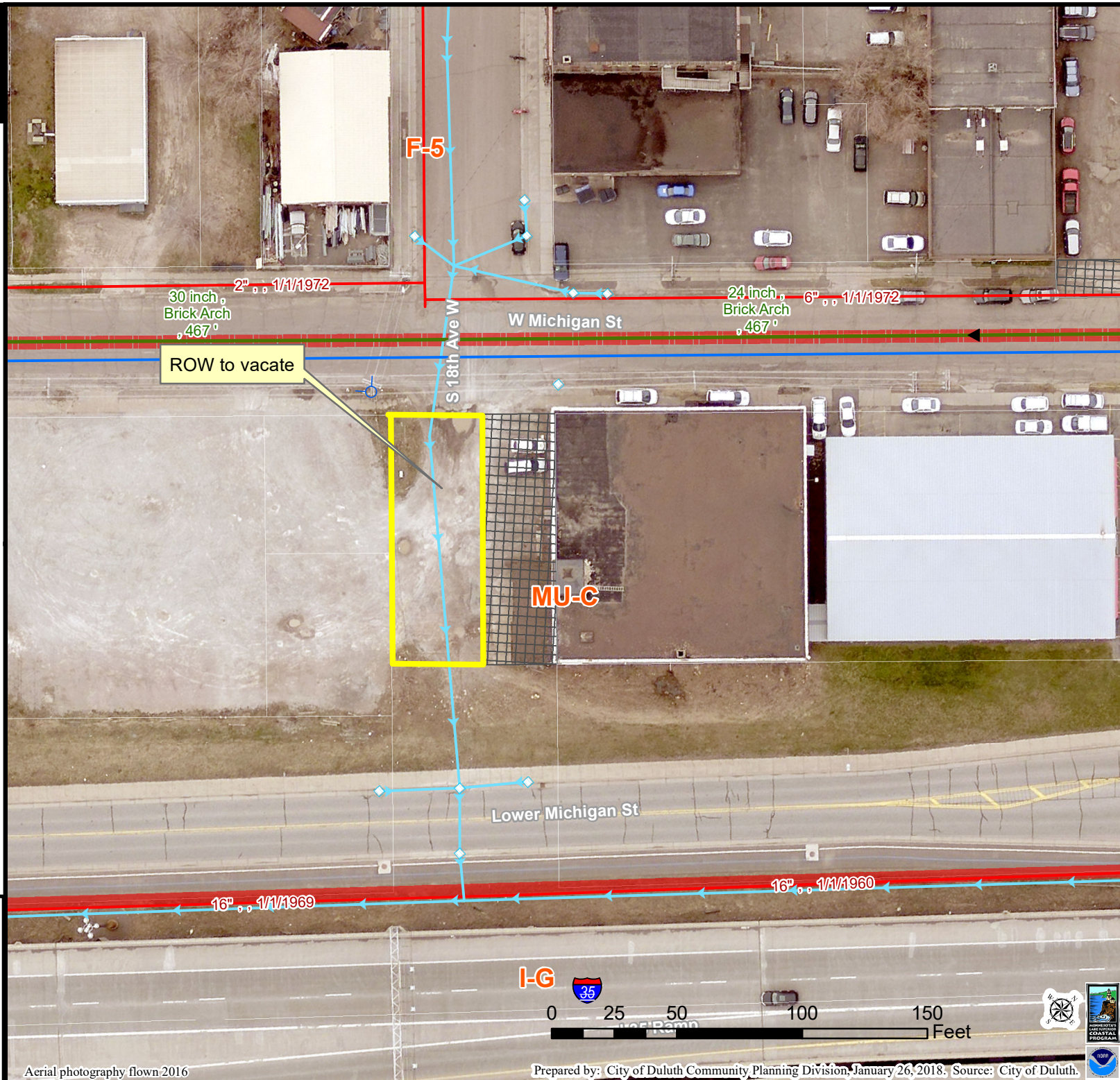
**Gas Distribution Main**  
Coated Steel

Plastic

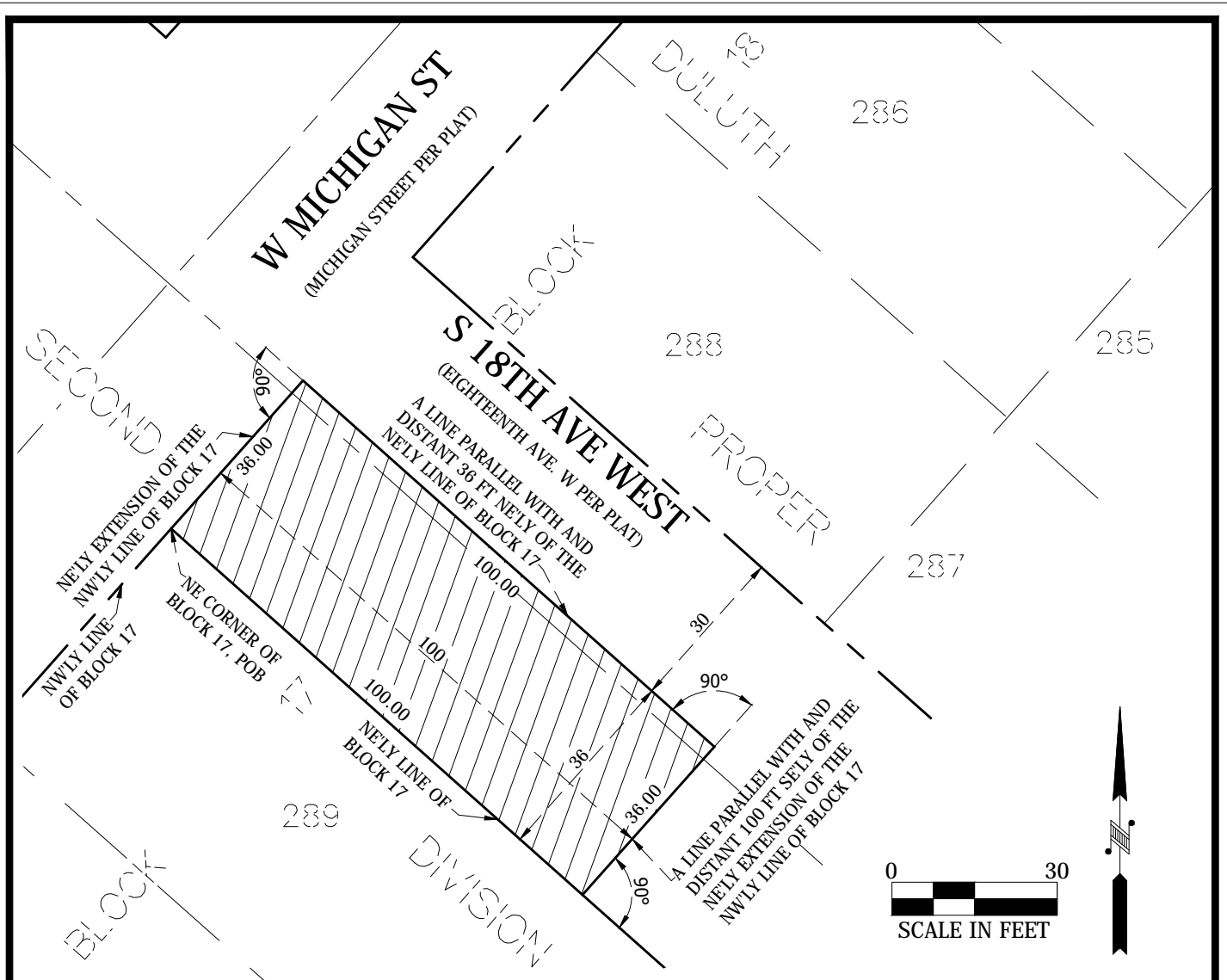
Vacated ROW

Zoning Boundaries

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#### LEGAL DESCRIPTION OF VACATION OF RIGHT OF WAY WITH RETAINED PUBLIC UTILITY AND PEDESTRIAN EASEMENT

All that part of the Eighteenth Avenue West right of way lying adjacent to Block 17, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows: Beginning at the Northeast corner of said Block 17; thence Southeasterly, along the Northeastly line of said Block 17 for a distance of 100.00 feet to the intersection with a line parallel with and distant 100.00 feet Southeasterly of the Northeastly extension of the Northwesterly line of said Block 17; thence Northeastly, deflecting 90 degrees to the left, along said parallel line 36.00 feet to the intersection with a line parallel with and distant 36.00 feet Northeastly of the Northeastly line of said Block 17; thence Northwesterly, deflecting 90 degrees to the left, along said parallel line 100.00 feet to the intersection with the Northeastly extension of the Northwesterly line of said Block 17; thence Southwesterly, deflecting 90 degrees to the left along said Northeastly extension of the Northwesterly line of said Block 17 for a distance of 36.00 feet to the point of beginning. Said right of way contains 3,600 square feet.

Approved by the City Engineer of the City of  
Duluth, MN this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

By \_\_\_\_\_

#### SURVEYORS NOTES

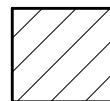
- THIS IS NOT A BOUNDARY SURVEY.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY.

#### LEGEND

POB POINT OF BEGINNING

— — — — — CENTER LINE

— — — — — RIGHT OF WAY LINE



PROPOSED RIGHT OF WAY VACATION WITH RETAINED  
PUBLIC UTILITY AND PEDESTRIAN EASEMENT

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: JANUARY 19, 2018

MN Lic. No. 49505

#### RIGHT OF WAY VACATION AND EASEMENT EXHIBIT

CLIENT: JOE KLEIMAN	REVISIONS: XXX
DATE: JANUARY 19, 2018	
ADDRESS: 1726 W MICHIGAN ST DULUTH, MN	
JOB NUMBER: 18-011	



LAND SURVEY COMPANY

\* LAND SURVEYING  
\* LAND DEVELOPMENT  
\* PLATTING  
\* LEGAL DESCRIPTIONS  
\* CONSTRUCTION STAKING

PHONE: 218-727-5211  
LICENSED IN MN & WI  
CERTIFIED FEDERAL SURVEYOR  
WWW.ALTA LANDSURVEYDULUTH.COM