



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	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
	Date Extension Letter Mailed	February 27, 2018	120 Days
Location of Subject	West half of S. 18 th 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 th , 2018	Number of Letters Sent	17

Proposal

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

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

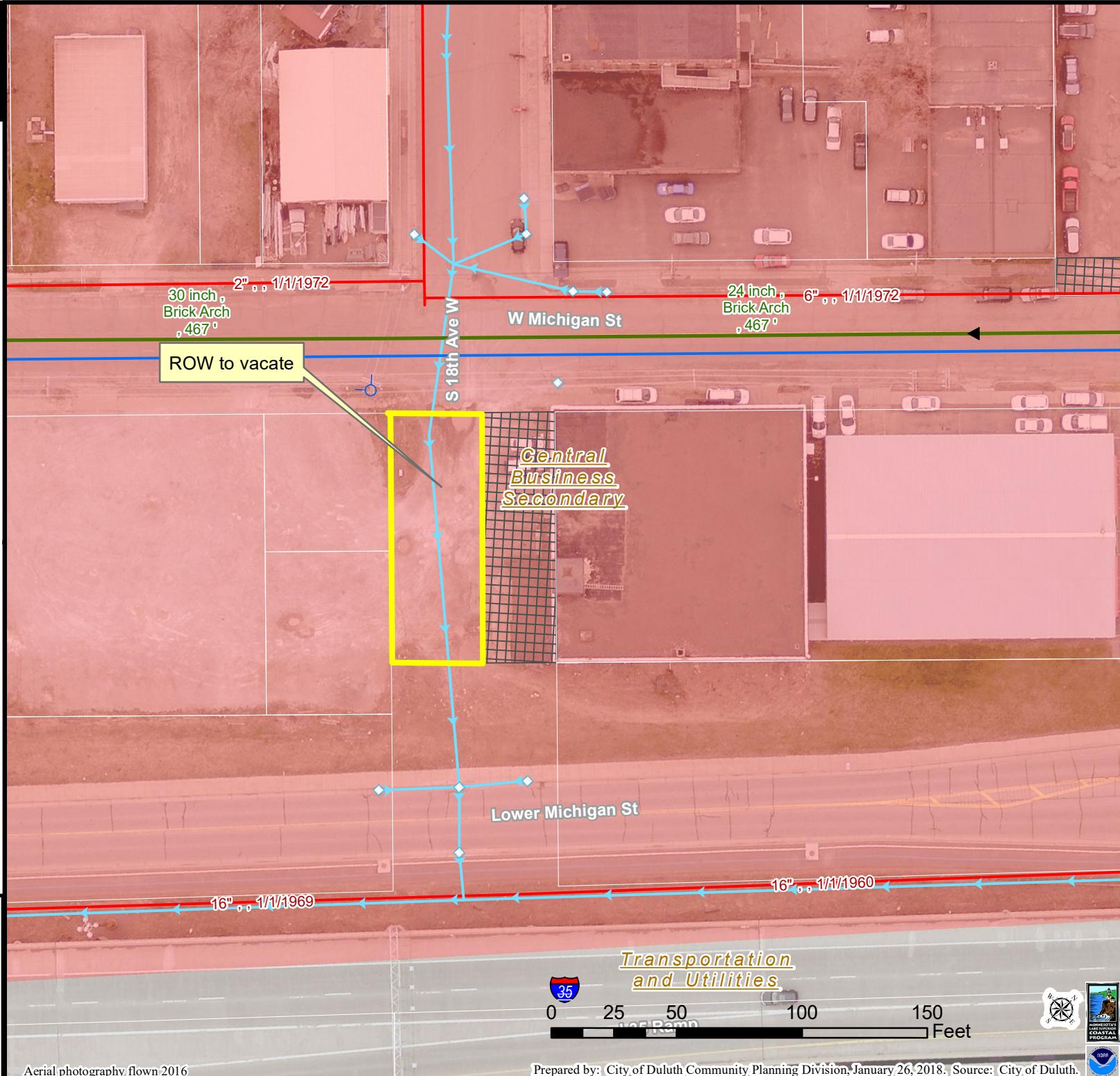
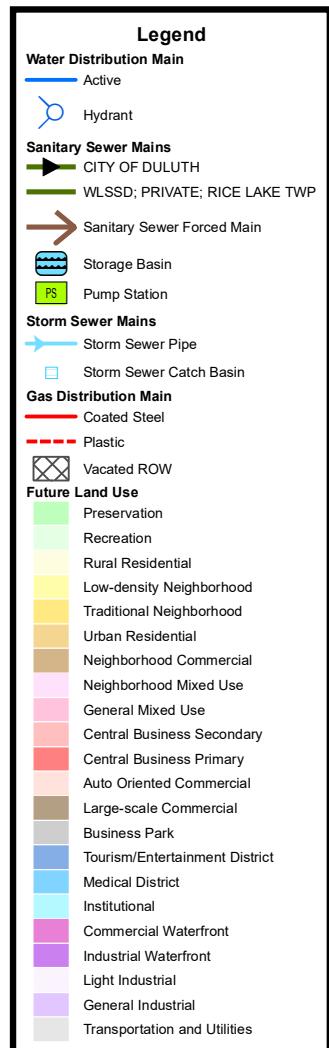
- 1) The applicant is requesting the City to vacate the west half of S. 18th Avenue West between Michigan Street and Lower Michigan Street. The street is not improved, and is not connected to Lower Michigan Street.
- 2) The applicant stated that the east half of the Avenue was vacated in 1930's and is 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



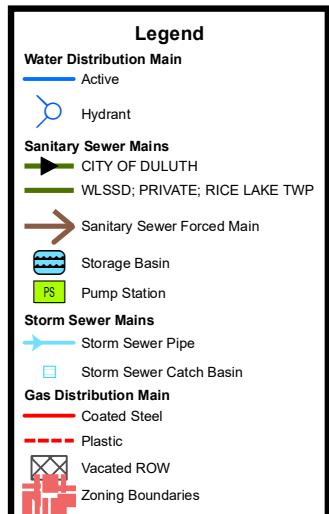
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

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

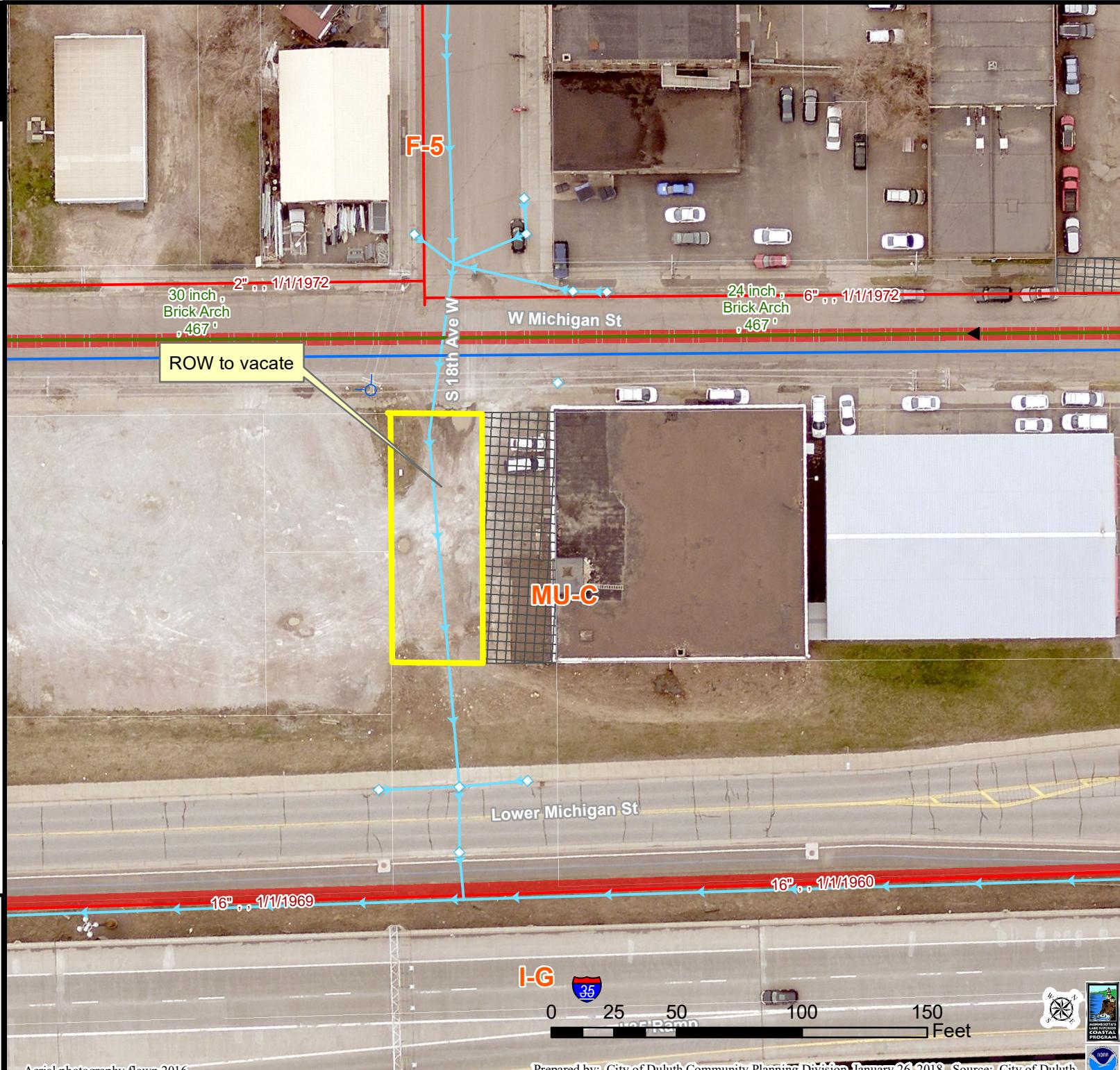


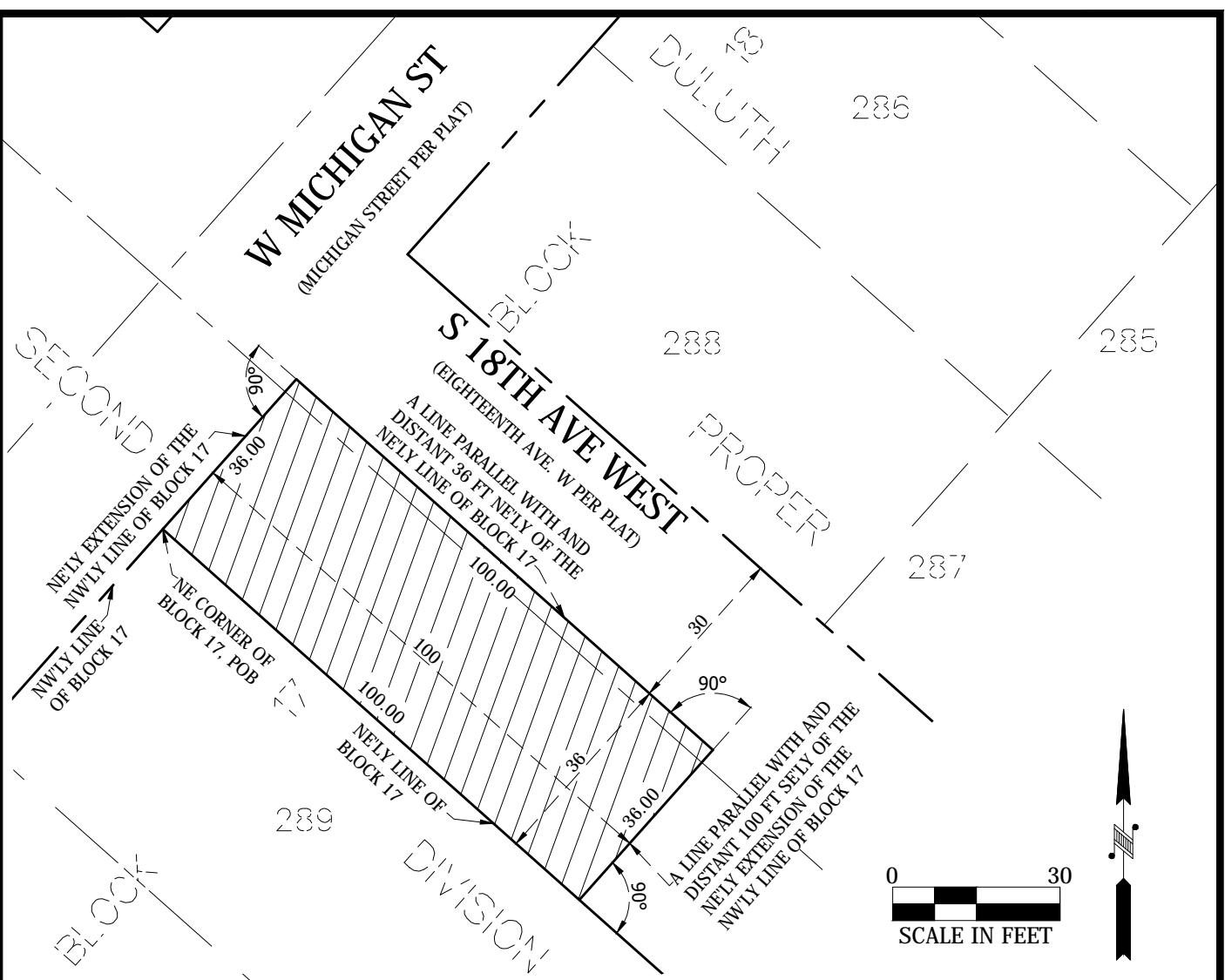


PL 18-008
Vacation of ROW
Zoning Map



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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 Northeasterly 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 Northeasterly extension of the Northwesterly line of said Block 17; thence Northeasterly, 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 Northeasterly of the Northeasterly 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 Northeasterly extension of the Northwesterly line of said Block 17; thence Southwesterly, deflecting 90 degrees to the left along said Northeasterly 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____

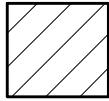
By _____

SURVEYORS NOTES

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.

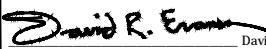
LEGEND

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

Date: JANUARY 19, 2018

MINN. LIC. NO. 49505

RIGHT OF WAY VACATION AND EASEMENT EXHIBIT

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

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