



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 17-053	Contact	Steven Robertson, 218-730-5295	
Type	Vacation	Planning Commission Date	April 10, 2018	
Deadline for Action	Application Date	9-28-16 (3-20-18*)	60 Days	May 19, 2018
	Date Extension Letter Mailed	April 3, 2018	120 Days	July 18, 2018
Location of Subject	503 North 50 th Avenue West			
Applicant	Menards, Inc.	Contact	Nick Brenner, Corporate Counsel	
Agent		Contact		
Legal Description	See Attached			
Site Visit Date		Sign Notice Date	March 27, 2018	
Neighbor Letter Date	March 29, 2018	Number of Letters Sent	51	

Proposal

The applicant would like to vacate unimproved platted rights of way and easements. As a part of the vacation process, the applicant is also submitting a companion application to replat their property (PL 16-120). The applicant plans minor modifications to the storage area behind the existing Menards building and would like to clean up underlying property ownership before proceeding.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G, R-1	Commercial	General Mixed Use
North	MU-B	Business Park	General Mixed Use
South	R-P	Residential/Hwy35	Urban Residential/Transportation
East	MU-B	Business Park	General Mixed Use/Light Industrial
West	R-P, MU-N	Residential	Urban 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 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 #1 - Reuse previously developed lands,
 Governing Principle #8 - Encourage mix of activities, uses and densities,

Future Land Use – General Mixed use. The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

I-G Zoning Purpose Statement: general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development.

Review and Discussion Items

- 1) The applicant would like to vacate unimproved platted rights of way and easements. As a part of the vacation process, the applicant is also submitting a companion application to replat their property (PL 16-120). At the conclusion of this process, the applicant or the city may rezone the property from I-G to MU-B in accordance with the comprehensive plan future land use, which allows this land use as a permitted use (per 50-19.8 Permitted Use Table).
- 2) The applicant intends to make minor modifications to the existing storage facility behind the existing Menards building. The City has asked them to clean up existing property lines prior to applying for a building permit, as structures should not be located across parcel lines or over rights of way and easements.
- 3) The applicant is required to vacate existing easements and platted rights of way before a new plat can be recorded on the same site.
- 4) The platted rights of way and easements have never been developed or needed for a public purpose, and are not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 5) No agency, public or City comments have been received.
- 6) 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 proposed vacations as shown in the attached exhibits.

Exhibits must be signed by the City Engineer before being submitted to the City Council for final approval.



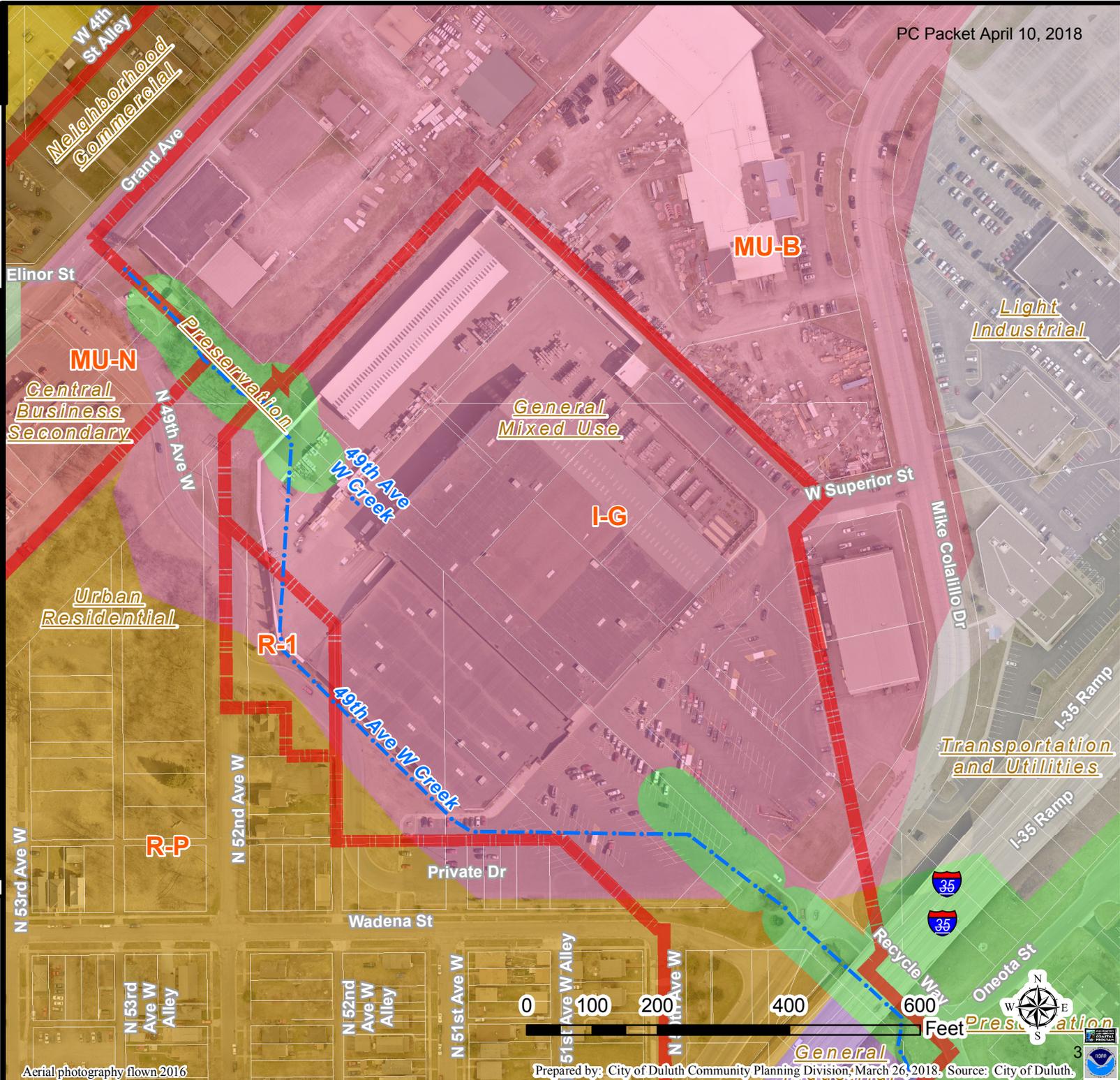
Legend

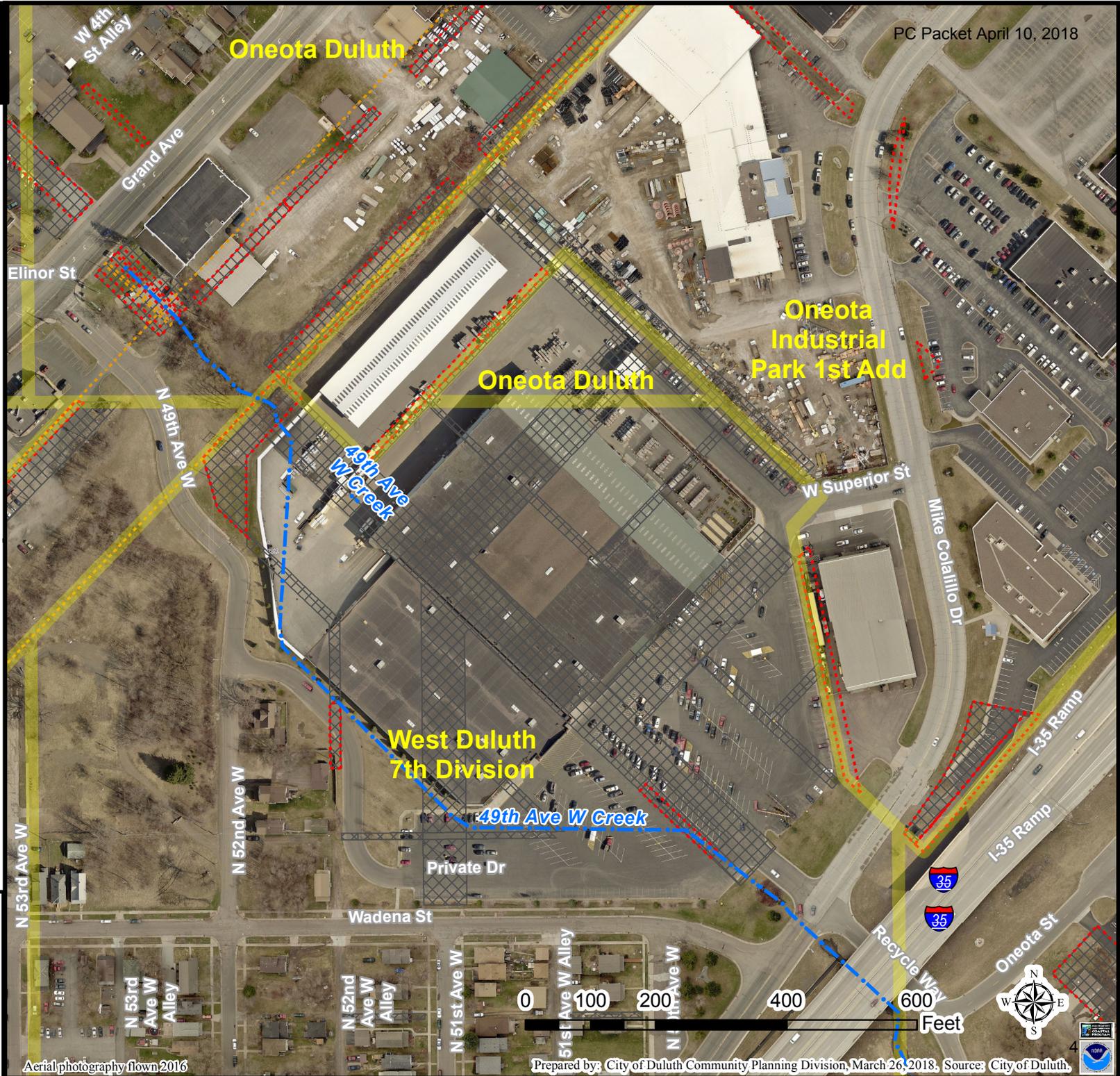
- Zoning Boundaries
- Trout Stream (GPS)
- Other Stream (GPS)

Future Land Use - Plus 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
- 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.





Legend

- Subdivision Boundaries
- Vacated ROW
- Easement Type**
 - Utility Easement
 - Other Easement
 - Trout Stream (GPS)
 - Other Stream (GPS)

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UTILITY EASEMENT VACATION EXHIBIT



AREA TO BE VACATED

UTILITY EASEMENT VACATION LEGAL DESCRIPTION:

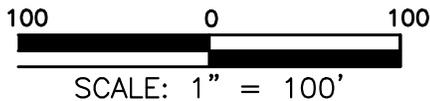
10.00 FOOT UTILITY EASEMENT OVER LOT 1, BLOCK 4, ONEOTA INDUSTRIAL PARK FIRST ADDITION ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF DEEDS, ST. LOUIS COUNTY, MINNESOTA ADJOINING THE SOUTHEASTERLY LINE OF LOT 1, BLOCK 4, OF SAID ONEOTA INDUSTRIAL PARK FIRST ADDITION.

CERTIFICATE OF TITLE NO. 323516

CITY ENGINEER:

APPROVED BY THE CITY ENGINEER OF THE CITY OF DULUTH, MINNESOTA THIS _____ DAY OF _____ 2018.

BY _____



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JOB NO. 2685002
VACATION EXHIBIT 1
CERT. 323516

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SEWER EASEMENT VACATION EXHIBIT



 AREA TO BE VACATED

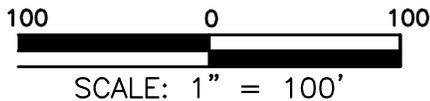
SEWER EASEMENT VACATION LEGAL DESCRIPTION:

A STRIP OF LAND 10.00 FEET WIDE LYING BETWEEN LOT 5, BLOCK 172 AND LOT 1, BLOCK 173 WEST DULUTH SEVENTH DIVISION REPLATTED AS LOT 1, BLOCK 4, ONEOTA INDUSTRIAL PARK FIRST ADDITION THE SAME BEING THE STRIP OF LAND ORIGINALLY PLATTED AS THE ALLEY BETWEEN SAID BLOCKS BUT LATER VACATED BY THE CITY OF DULUTH PER VOLUME 21 OF MISC. RECORDS, PAGE 263.

CITY ENGINEER:

APPROVED BY THE CITY ENGINEER OF THE CITY OF DULUTH, MINNESOTA THIS _____ DAY OF _____ 2018.

BY _____

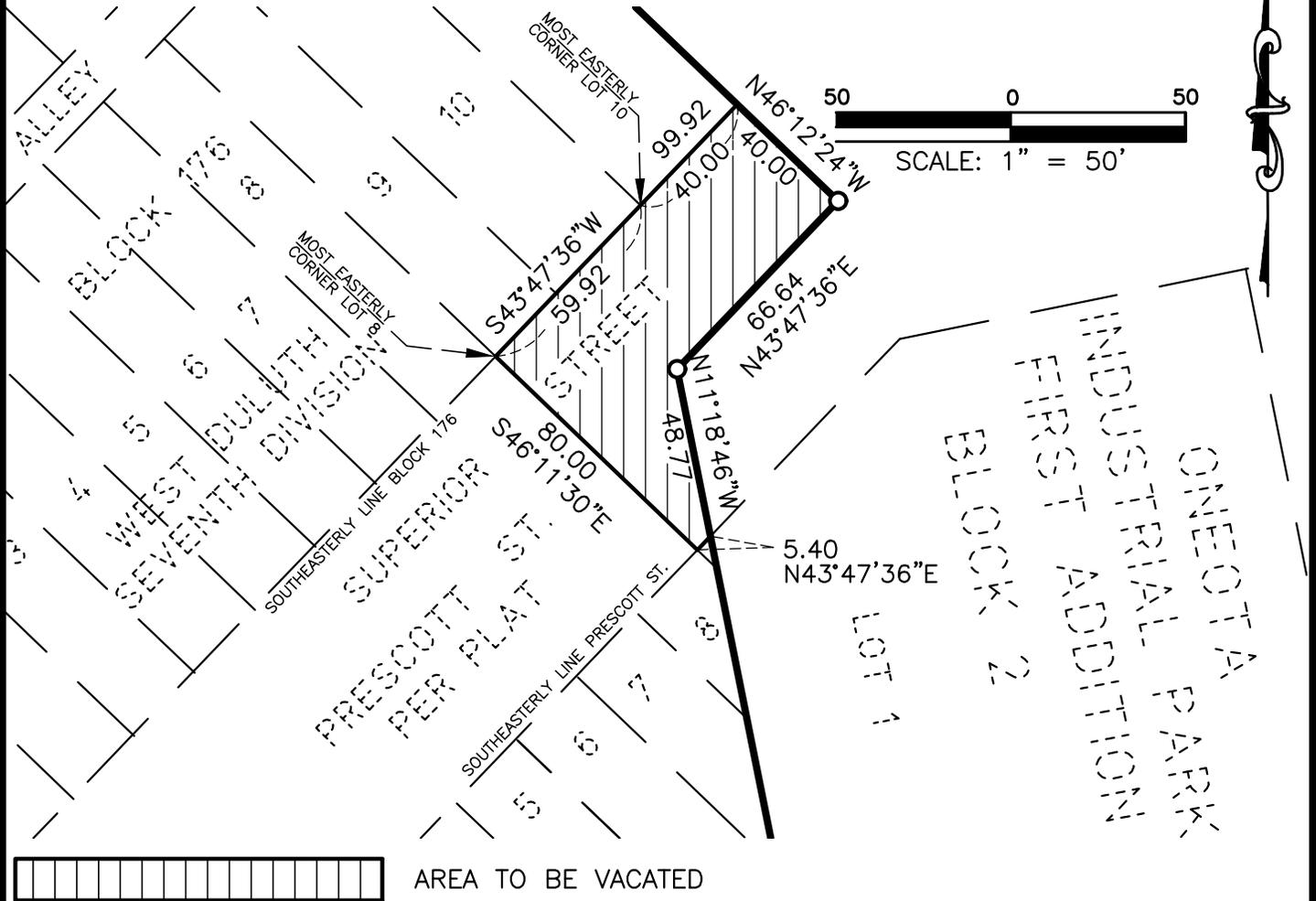


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JOB NO. 2685002
VACATION EXHIBIT 2
VOLUME 21, PAGE 263

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STREET AND UTILITY EASEMENT VACATION



STREET AND UTILITY EASEMENT VACATION LEGAL DESCRIPTION:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 10, BLOCK 176, WEST DULUTH SEVENTH DIVISION ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, ST. LOUIS COUNTY, MINNESOTA; THENCE SOUTH 43 DEGREES 47 MINUTES 36 SECONDS WEST ASSUMED BEARING ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK 176 A DISTANCE OF 59.92 FEET TO THE MOST EASTERLY CORNER OF LOT 8, BLOCK 176, OF SAID WEST DULUTH 7TH DIVISION; THENCE SOUTH 46 DEGREES 11 MINUTES 30 SECONDS EAST A DISTANCE OF 80.00 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF PRESCOTT ST.; THENCE NORTH 43 DEGREES 47 MINUTES 36 SECONDS EAST ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF PRESCOTT ST. A DISTANCE OF 5.40 FEET; THENCE NORTH 11 DEGREES 18 MINUTES 46 SECONDS WEST A DISTANCE OF 48.77 FEET; THENCE NORTH 43 DEGREES 47 MINUTES 36 SECONDS WEST A DISTANCE OF 66.64 FEET; THENCE NORTH 46 DEGREES 12 MINUTES 24 SECONDS WEST A DISTANCE OF 40.00 FEET; THENCE SOUTH 43 DEGREES 47 MINUTES 36 SECONDS WEST A DISTANCE OF 40.00 TO THE POINT OF BEGINNING AND THERE TERMINATING.

CITY ENGINEER:

APPROVED BY THE CITY ENGINEER OF THE CITY OF DULUTH, MINNESOTA THIS _____ DAY
OF _____ 2018.

BY _____

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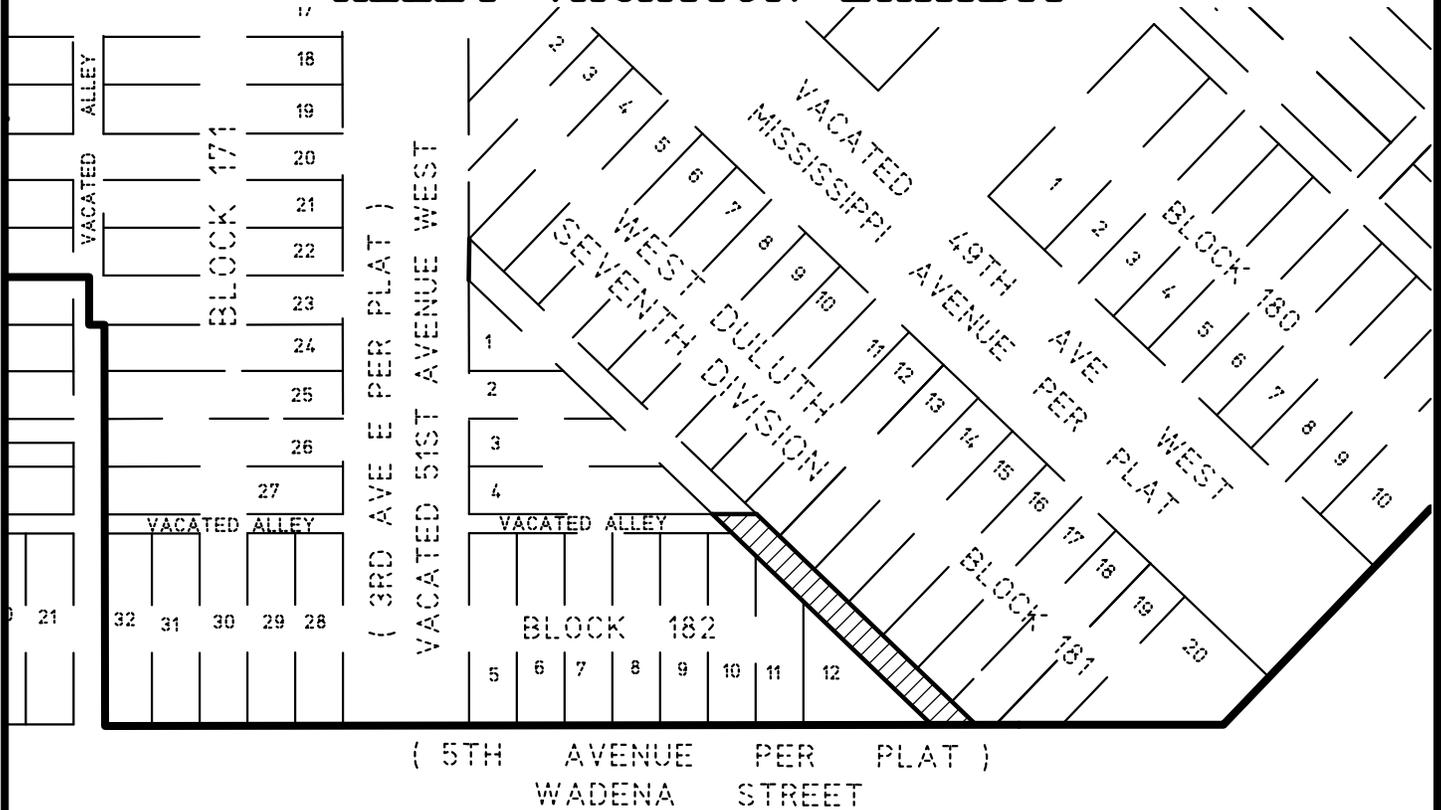
JOB NO. 2685002
VACATION EXHIBIT 3
SUPERIOR STREET

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ALLEY VACATION EXHIBIT



AREA TO BE VACATED

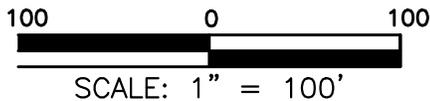
ALLEY VACATION LEGAL DESCRIPTION:

THE PLATTED ALLEY ADJOINING BLOCKS 181 AND 182, WEST DULUTH 7TH DIVISION ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, ST. LOUIS COUNTY, MINNESOTA LYING SOUTHEASTERLY OF EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 4, BLOCK 182, WEST DULUTH SEVENTH DIVISION,

CITY ENGINEER:

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BY _____



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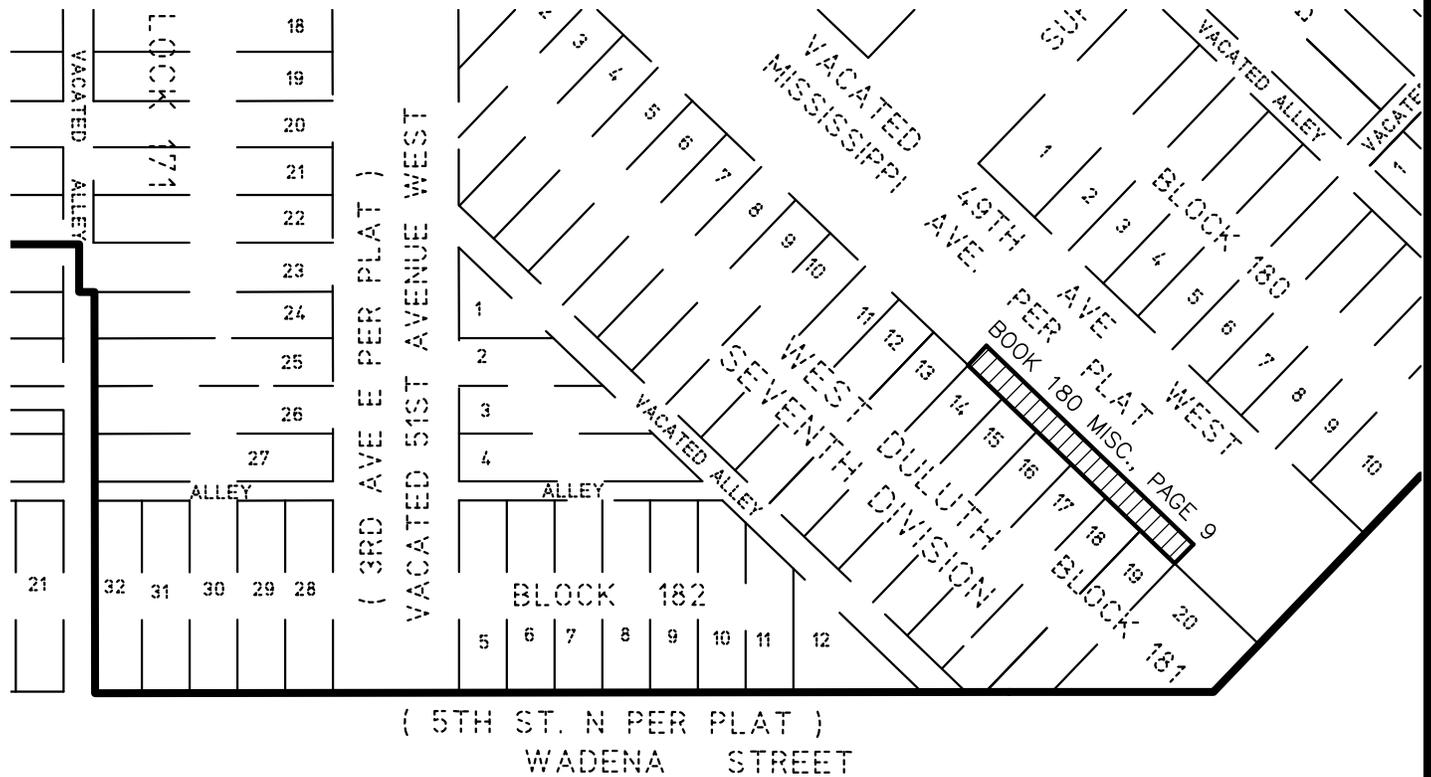
JOB NO. 2685002
VACATION EXHIBIT 6
ALLEY BLOCK 178, 179 AND 180



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UTILITY EASEMENT VACATION EXHIBIT



AREA TO BE VACATED

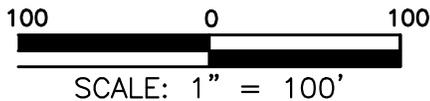
UTILITY EASEMENT VACATION LEGAL DESCRIPTION:

A 14.00 FOOT UTILITY EASEMENT LYING ADJACENT TO AND EASTERLY OF THE WEST LINE OF VACATED 49TH AVENUE WEST LYING BETWEEN THE EXTENDED COMMON LOT LINE BETWEEN LOTS 13 AND 14 AND THE EXTENDED COMMON LOT LINE BETWEEN LOTS 19 AND 20, ALL IN BLOCK 181, WEST DULUTH, SEVENTH DIVISION.

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JOB NO. 2685002
VACATION EXHIBIT 7
UTILITY BLOCK 181 14.00 FOOT



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STREET VACATION EXHIBIT



AREA TO BE VACATED

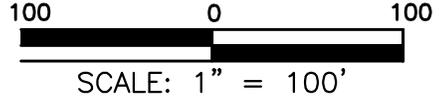
STREET VACATION LEGAL DESCRIPTION:

THAT PART OF PLATTED 3RD AVE E ALSO KNOWN AS 51ST AVENUE WEST, WEST DULUTH SEVENTH DIVISION ACCORDING TO THE PLAT ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY RECORDER, ST. LOUIS COUNTY, MINNESOTA LYING SOUTHERLY OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 4, BLOCK 182, WEST DULUTH SEVENTH DIVISION AND LYING NORTHERLY OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 5, BLOCK 182, WEST DULUTH SEVENTH DIVISION.

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 JOB NO. 2685002
 VACATION EXHIBIT 10
 STREET 51ST STREET

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January 23, 2017

VIA US Mail

Jenn Moses
City of Duluth
411 W. 1st Street, Room 208
Duluth, MN 55802

RE: Vacation Application – Menard, Inc.

Ms. Moses,

Enclosed is the vacation application along with the required fee for that. I will forward you the more detailed vacation exhibit once I get that from my engineer. If you need anything in the meantime, please let me know. Thank you.

Sincerely,



Nick Brenner
Corporate Counsel
Menard Inc.
5101 Menard Drive,
Eau Claire, WI 54703
nbrenner@menard-inc.com
[P] 715-876-2177