

# EXHIBIT C



**Planning & Development Division**  
Planning & Economic Development Department

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 20-164	Contact	Jenn Moses, jmoses@duluthmn.gov		
Type	Vacation of Right-Of-Way	Planning Commission Date		November 10, 2020	
Deadline for Action	Application Date	October 8, 2020	60 Days	December 7, 2020	
	Date Extension Letter Mailed	October 29, 2020	120 Days	February 5, 2021	
Location of Subject		102 S 21 <sup>st</sup> Avenue W			
Applicant	Jon Aamodt	Contact			
Agent		Contact			
Legal Description		See Attached			
Site Visit Date		November 2, 2020	Sign Notice Date		October 20, 2020
Neighbor Letter Date		October 29, 2020	Number of Letters Sent		21

## Proposal

The applicant is requesting to vacate an approximate 5' x 31' area that is occupied by their building.

## Recommended Action

Staff recommends the Planning Commission recommend approval with conditions. Final action on vacations is by City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	MU-C	Commercial	Central Business Secondary
<b>North</b>	F-5	Commercial	Central Business Secondary
<b>South</b>	I-G	Roadway/freeway	Transportation and Utilities
<b>East</b>	MU-C	Parking lot	Central Business Secondary
<b>West</b>	MU-C	Undeveloped	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.

UCD Sec. 50-37.6.C – The Planning Commission shall review the proposed vacation, and 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 #3 – Support existing economic base.** This commercial building was built in 1944 and currently houses an engineering firm.

**Governing Principle #7 – Create and maintain connectivity.** Vacations of streets should be supported only if the right of way or easement is not needed for connectivity.

**Future Land Use - Central Business Secondary:** An area adjacent to and supporting the central business primary 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. Form-based guidelines and pedestrian-oriented design are included.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate an approximate 5' x 31' space within the 21<sup>st</sup> Avenue W right-of-way; this area is currently occupied by the existing building, which was built in 1944.
2. The proposed vacation area was historically used as a railroad loading dock; it currently contains steps and a deck that provide access to the front door of the business.
3. Pedestrians, bicycles, and automobiles currently have efficient circulation within the remainder of the 21<sup>st</sup> Avenue W right-of-way, which includes a street with driving lanes and a sidewalk. This circulation and access will not be impeded by the proposed vacation. No separate bike facilities are in the long-range bikeways plan for this corridor.
4. No City utilities are located within the proposed vacation area.
5. This area is not needed for safe and efficient circulation, nor for the efficient supply of utilities or public services.
6. This area is not otherwise needed to promote the public health, safety, or welfare of Duluth citizens.
7. No public, agency, or City comments have been received.
8. Vacations of rights of way and easements 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 Planning Commission recommend approval of the vacation 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 20-164  
Vacation of ROW  
21st Ave W

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
  - CITY OF DULUTH
  - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Vacated ROW
- Easement Type**
  - Utility Easement
  - Other Easement

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.



LEGAL DESCRIPTION OF VACATION OF TWENTY FIRST AVE. W.

All that part of Twenty First Ave. W. adjacent to and abutting Block 15, DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:  
Commencing at the West most corner of said Block 15; thence on an assumed bearing of South 48 degrees 20 minutes 20 seconds East, along the Southwesterly line of said Block 15 for a distance of 109.05 feet to the point of beginning of the vacation herein described; thence South 41 degrees 39 minutes 40 seconds West 5.50 feet to a line parallel with and distant 5.50 feet Southwesterly of the Southwesterly line of said Block 15; thence South 48 degrees 20 minutes 20 seconds East, along said parallel line 31.50 feet; thence North 41 degrees 39 minutes 40 seconds East 5.50 feet to the Southwesterly line of said Block 15; thence North 48 degrees 20 minutes 20 seconds West, along said Southwesterly line 31.50 feet to the point of beginning.

Said parcel contains 173 square feet.

SURVEYOR'S NOTES

1. 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. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
3. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

Approved by the City Engineer of the  
City of Duluth, MN this 5th day  
of OCT 20 20

By [Signature]

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: 09-24-2020 MN Lic. No. 49505

**VACATION EXHIBIT**

CLIENT: JON AAMODT

REVISIONS:

ADDRESS: 102 S 21ST AVENUE WEST  
DULUTH, MN 55806

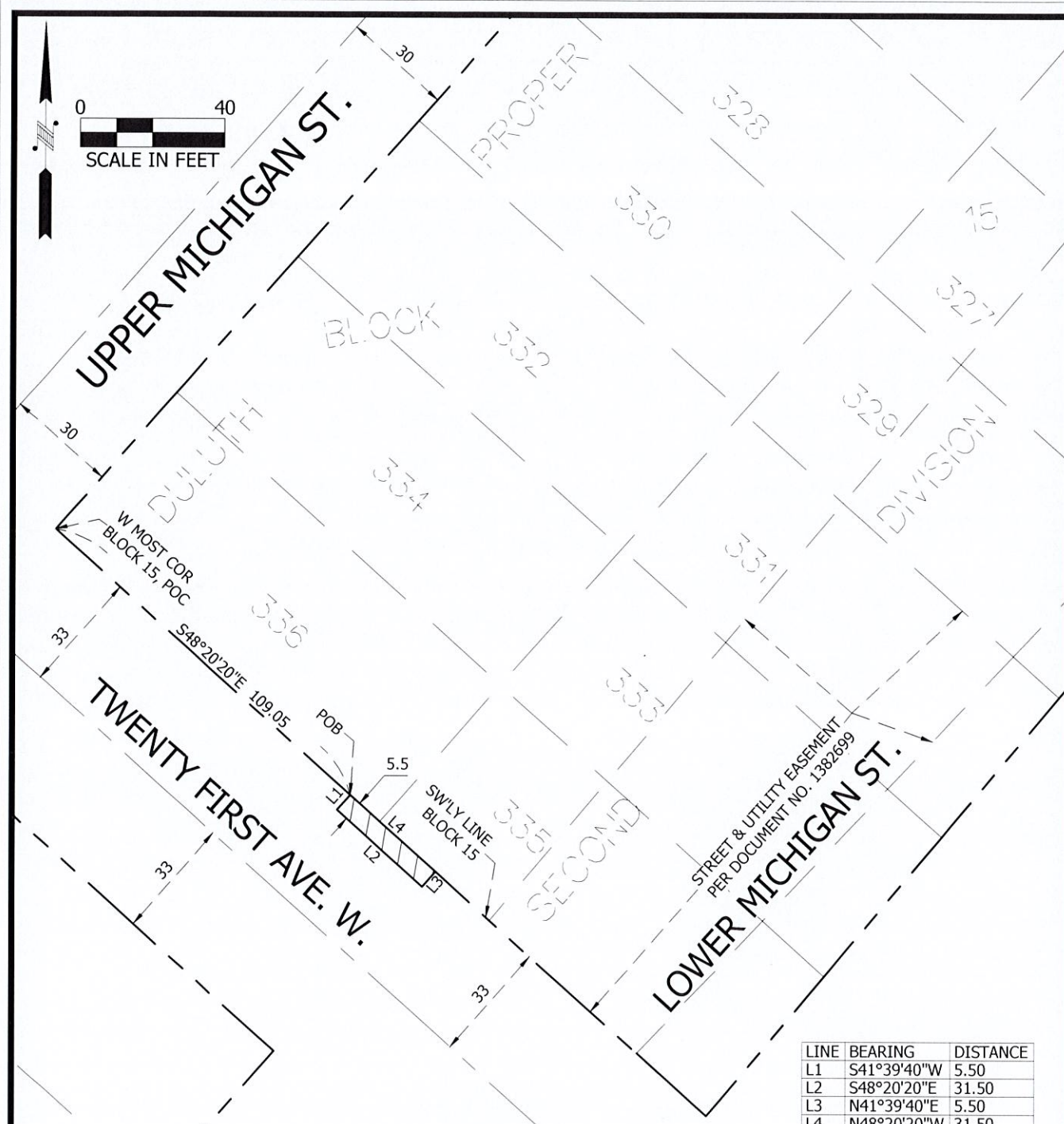
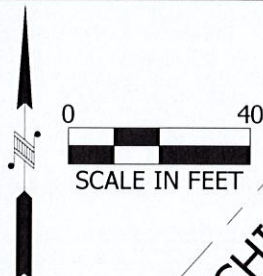
DATE: 09-24-2020

JOB NO: 20-305

SHEET 1 OF 2

**ALTA**  
LAND SURVEY COMPANY

PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW.ALTLANDSURVEYDULUTH.COM



LINE	BEARING	DISTANCE
L1	S41°39'40"W	5.50
L2	S48°20'20"E	31.50
L3	N41°39'40"E	5.50
L4	N48°20'20"W	31.50

### LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- CENTER LINE
- EXISTING EASEMENT LINE
- RIGHT OF WAY LINE
- PLAT LINE
- VACATION OF TWENTY FIRST AVE. W.

### VACATION EXHIBIT

CLIENT: JON AAMODT	REVISIONS:
ADDRESS: 102 S 21ST AVENUE WEST DULUTH, MN 55806	
DATE: 09-24-2020	JOB NO: 20-305 SHEET 2 OF 2



# ALTA

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**Street View of CUP Area**

