



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 17-121	Contact	Jenn Moses, jmoses@duluthmn.gov
Type	Vacation of Utility Easement	Planning Commission Date	August 8, 2017
Deadline for Action	Application Date		60 Days
	Date Extension Letter Mailed		120 Days
Location of Subject	Northeast Corner of W Central Entrance and Myrtle Street		
Applicant	Launch Properties c/o Scott Moe	Contact	
Agent	Kimley-Horn and Associates	Contact	Brian Wurdeman
Legal Description	PIDs 010-0890-08890, 010-0890-08930, 010-0890-08890, 010-0890-09120		
Site Visit Date	July 19, 2017	Sign Notice Date	July 24, 2017
Neighbor Letter Date	July 25, 2017	Number of Letters Sent	27

Proposal

Applicant proposes to vacate an utility easement that was dedicated in 1921. Utility easement currently contains Minnesota Power lines, which applicant plans to relocate in coordination with Minnesota Power.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Vacant	Neighborhood Mixed Use
North	R-1	Undeveloped	Traditional Neighborhood
South	MN-N	Residential	Neighborhood Mixed Use
East	MU-N	Residential	Neighborhood Mixed Use
West	MU-C	Commercial	Neighborhood Mixed Use

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: Utility easements are used to connect the utility infrastructure and provide services to nearby sites.

Future Land Use – Neighborhood Mixed Use: A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

History: The development site formerly contained two houses; one has been moved to another location and another house was demolished.

Note that this application has not been deemed complete due to outstanding wetland permitting in progress.

Review and Discussion Items

Staff finds that:

- 1) Applicant is proposing to vacate a utility easement that is part of the Maple Grove Acre Tracts of Duluth, platted in 1921.
- 2) Staff has coordinated with Minnesota Power, who has power lines within the easement. Minnesota Power is working with the applicant on designs for relocation of any existing power lines outside the retained utility easement. No other utilities exist within this easement.
- 3) Once power lines are relocated, this easement is not and will not be needed for the efficient supply of utilities or public services in the city, and as a dedicated utility easement, could not be used for other purposes.
- 4) This easement is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 5) No public, agency, or City comments have been received.
- 6) Vacations of streets and easement 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 a utility easement, with the following conditions:

1. Applicant pay for and relocate any remaining and needed Minnesota Power lines per Minnesota Power direction.
2. 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.



City Planning
 PL 17-110, 111, 121
 Central Entrance &
 Anderson Rd/Myrtle St



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.

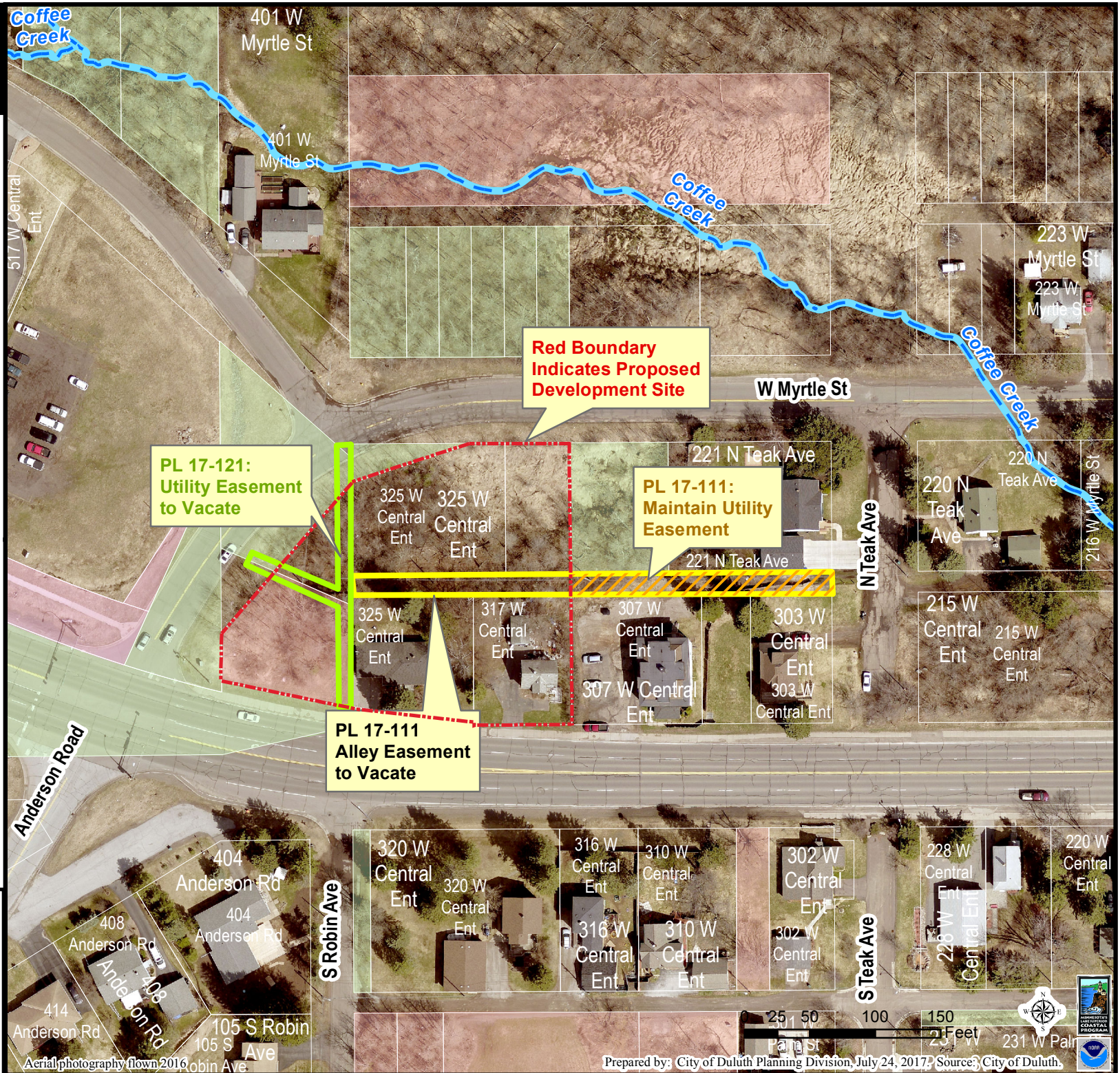
Aerial photography flown 2016



Prepared by: City of Duluth Planning Division, July 24, 2017. Source: City of Duluth.

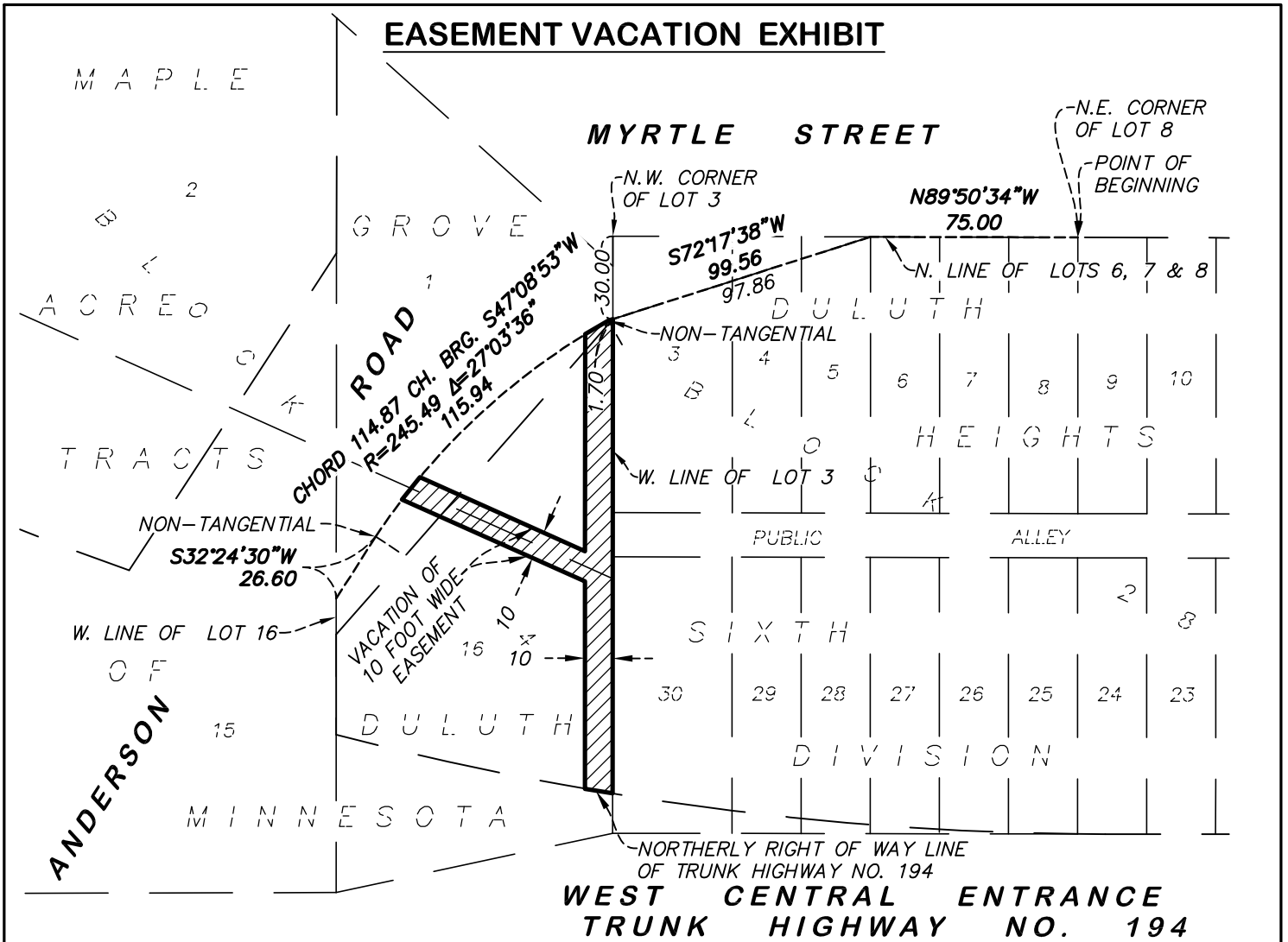


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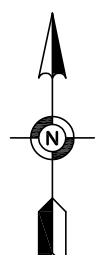
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EASEMENT VACATION EXHIBIT



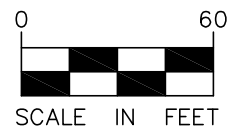
All that part of the 10 foot easement dedicated in the plat of Maple Grove Acre Tracts of Duluth Minnesota located upon Lots 1 and 16, Block 1, said Maple Grove Acre Tracts of Duluth Minnesota which lies northerly of the northerly right of way line of Trunk Highway No. 194 as now located and established and southerly and southeasterly of the following described line:

Beginning at the northeast corner of Lot 8, Block 28 said Duluth Heights Sixth Division; thence North 89 degrees 50 minutes 34 seconds West, an assumed bearing along the north line of Lots 6, 7 & 8, said Block 28, a distance of 75.00 feet to the northeast corner of Lot 5, Block 28 said Duluth Heights Sixth Division; thence South 72 degrees 17 minutes 38 seconds West a distance of 97.86 to a point on the west line of Lot 3, Block 28 said Duluth Heights Sixth Division, 30.00 feet southerly of the northwesterly corner thereof; thence continue South 72 degrees 17 minutes 38 seconds West, a distance of 1.70 feet; thence Southwesterly 115.94 feet along a non-tangential curve concave to the southeast, said curve has a central angle of 27 degrees 03 minutes 36 seconds, a radius of 245.49 feet and a chord that bears South 47 degrees 08 minutes 53 seconds West; thence South 32 degrees 24 minutes 30 seconds West not tangent to the last described curve a distance of 26.60 feet to the west line of Lot 16, Block 4, Maple Grove Acre Tracts of Duluth Minnesota and said line there terminating.



Approved this _____ day of _____, 2017.

Approved by: _____, City of Duluth Engineer



EASEMENT VACATION EXHIBIT FOR:
Kimley-Horn and Associates, Inc.
 SITE LOCATION: 317 & 325 West Central Entrance
 Duluth, Minnesota 55811

Egan, Field & Nowak, Inc.
 land surveyors since 1872

1229 Tyler Street NE, Suite 100
 Minneapolis, Minnesota 55413
 PHONE: (612) 466-3300
 FAX: (612) 466-3383
 WWW.EFNSURVEY.COM
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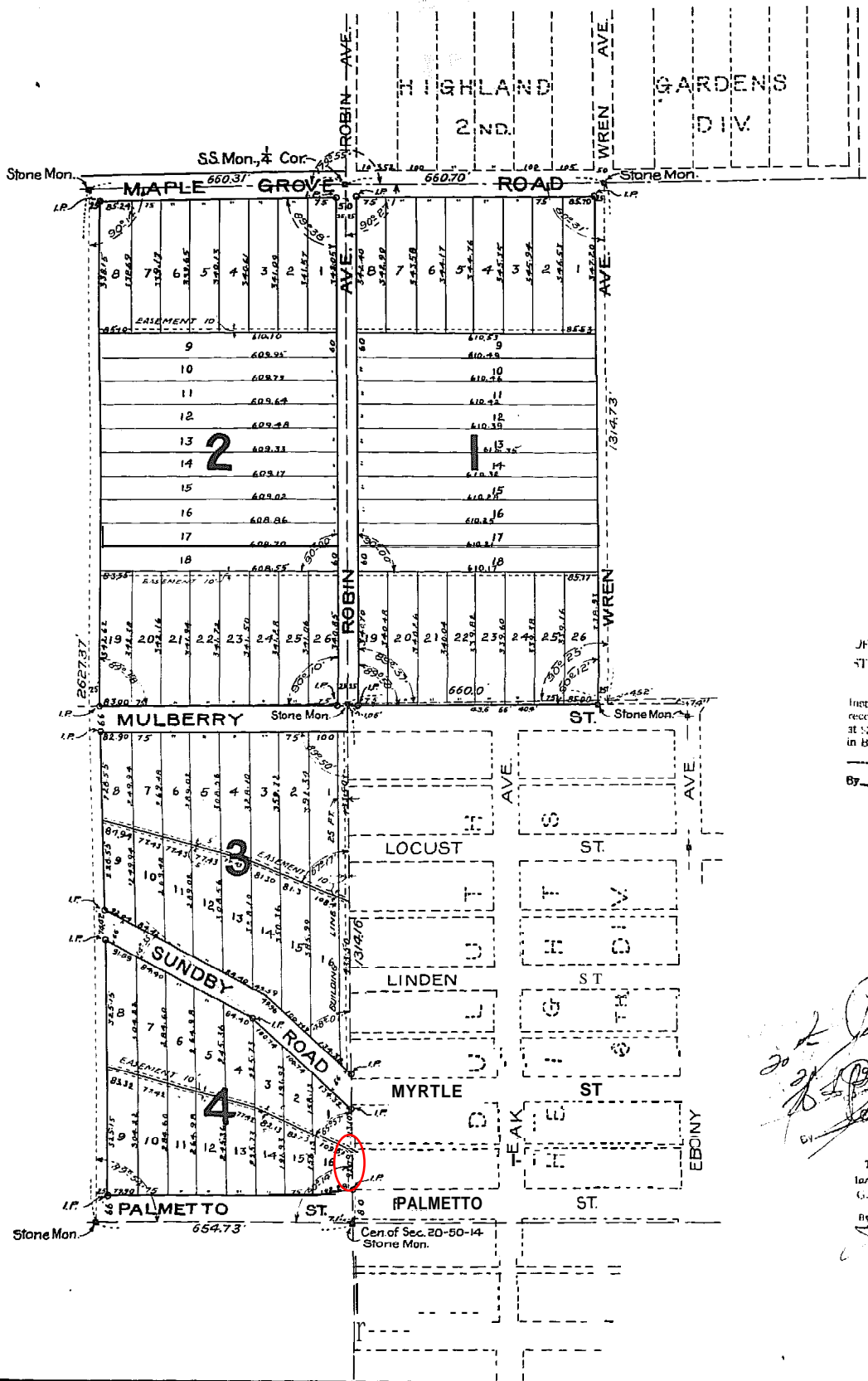
PLAT OF Maple Grove Acre Tracts

—OF— DULUTH, MINNESOTA

Part of Sec. 20, T. 50, R. 14, St. Louis County, Minn.

July, 1921. JOHN WILSON, Engineer.

Scale 1 Inch=200 feet. Legend Iron Pipe Monuments. Legend Stone Monuments.



339173

OFFICE OF REGISTER OF DEEDS
STATE OF MINNESOTA,
County of St. Louis

I hereby certify that the within instrument was filed in this office for record on this 26th day of July, 1921, at 11:52 A.M. and was duly recorded in Book 10 of 252 pages.

By *[Signature]* Registrar of Deeds
Deputy

Know All Men by these Presents, that we, Robert H. Tennant and Helen W. Tennant his wife, being the owners of the following described property, lying in the City of Duluth, County of St. Louis and State of Minnesota, and more particularly described as follows:

The east one-half of the northeast quarter of the northwest quarter (E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$), the east one-half of the southeast quarter, of the northwest quarter (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$), the west one-half of the northwest quarter of the northeast quarter (W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$) and all that portion of Duluth Heights, Sixth Division, north of Mulberry Street and adjacent to the above described property.

And being desirous of platting the Same into blocks, lots, streets, avenues and roads, have caused the same to be surveyed and the annexed plat thereof to be made in accordance with the Statutes in such cases made and provided, and have further re-arranged said portion of Duluth Heights, Sixth Division to conform in all respects and become a part of said plat.

NOW, THEREFORE, we, Robert H. Tennant and Helen W. Tennant, his wife, do hereby ratify and confirm in all respects said survey and the plat thereof as Maple Grove Acre Tracts, of Duluth, Minnesota, and hereby dedicate to public use the streets, avenues, and roads therein delineated, and further dedicate easements for the construction and maintenance of sewers, water mains, gas mains and heating conduits as delineated in annexed plot.

IN WITNESS WHEREOF we have hereunto set our bonds and seals this 26th day of July, 1921.

IN PRESENCE OF:

[Signature]
[Signature]

[Signature]
[Signature]

State of Minnesota,
COUNTY OF ST. LOUIS.

On this 26th day of July, 1921, before me a Notary Public, within and fur wid County and State, personally appeared Robert H. Tennant, to me known to be the same person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed; also at the same time and place, personally appeared before me Helen W. Tennant, wife of said Robert H. Tennant, and acknowledged that she executed the same as her free act and deed.

[Signature]
Notary Public, St. Louis County, Minn.

My commission expires July 28th 1924

I, John Wilson, do hereby certify that I am a civil engineer and surveyor and that I have at the request of the proprietors thereof made a careful survey of the property described in the foregoing certificate of the proprietors, and have platted the same into blocks, lots, streets, roads and avenues, as more fully appear on the annexed entitled plot of Maple Grove Acre Tracts of Duluth, Minnesota. Monuments for the guidance of future surveys have been correctly placed in the ground as shown on the plot. The boundary lines, blocks and lots, the widths of all streets, roads and avenues are correctly given on annexed plat. There are no wet lands, rivers, streams and creeks, or public highways and thoroughfares opened or traveled existing before the plotting other than shown on said plat.

I hereby certify that the above instrument is true and correct.

[Signature]
Surveyor.

Subscribed and sworn to before me this 26th day of July, 1921.

[Signature]
Notary Public, St. Louis County, Minn.
My commission expires July 28th 1924

I hereby certify that the annexed is a true copy of the Plat of Maple Grove Acre Tracts of Duluth, Minnesota, as approved by the City Council at a regular meeting on the 22nd day of July, 1921; in witness thereof I hereby attach the corporate seal of the City of Duluth.

[Signature]
City Clerk.

The annexed plat has been examined and approved by me this 26th day of July, 1921.

City Engineer.

Approved as to form and legality.

Taxes paid and transfer entered this
day of July A. D. 1921
W. H. BORGAN, County Auditor

City Attorney.

By *[Signature]*
Deputy

[Handwritten notes and signatures]

Taxes for the year of 1920 on lands described in this plat
G. B. BORGAN, County Auditor

[Signature]

[Signature]
July 15 - 21