



**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

<b>File Number</b>	PL 18-159	<b>Contact</b>	John Kelley
<b>Type</b>	Vacation of Right of Way	<b>Planning Commission Date</b>	January 8, 2019
<b>Deadline for Action</b>	<b>Application Date</b>	Dec. 11, 2018	60 Days
	<b>Date Extension Letter Mailed</b>	Dec. 19, 2018	120 Days
<b>Location of Subject</b>	Adjacent to the intersection of Oneota Street and Recycle Way, and east of I-35		
<b>Applicant</b>	City of Duluth	<b>Contact</b>	Danielle Erjavec
<b>Agent</b>		<b>Contact</b>	
<b>Legal Description</b>	See Attached		
<b>Site Visit Date</b>	December 21, 2018	<b>Sign Notice Date</b>	December 26, 2018
<b>Neighbor Letter Date</b>	December 27, 2018	<b>Number of Letters Sent</b>	22

**Proposal:** The applicant is requesting the vacation of a portion of the platted right-of-way of Recycle Way.

**Recommended Action:** Recommend to the City Council to Approve.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-B, I-G	Paved Street	General Industrial
<b>North</b>	MU-B	Utilities/Highway	General Industrial
<b>South</b>	I-G	Industrial/Verso Corporation	General Industrial
<b>East</b>	MU-B, I-G	Paved Street	General Industrial
<b>West</b>	MU-B, I-G	Highway	General Industrial

#### **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 #7 - Create and maintain connectivity: Connectivity should be provided for vehicular and non-vehicular modes.

Policy #3 – Add to the transportation network by systematically enhancing multi-modal options

### Transportation Section - Funding & Projects

- Completion of the Cross City Trail

Future Land Use – General Industrial. Description: Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure.

## **Review and Discussion Items**

Staff finds that:

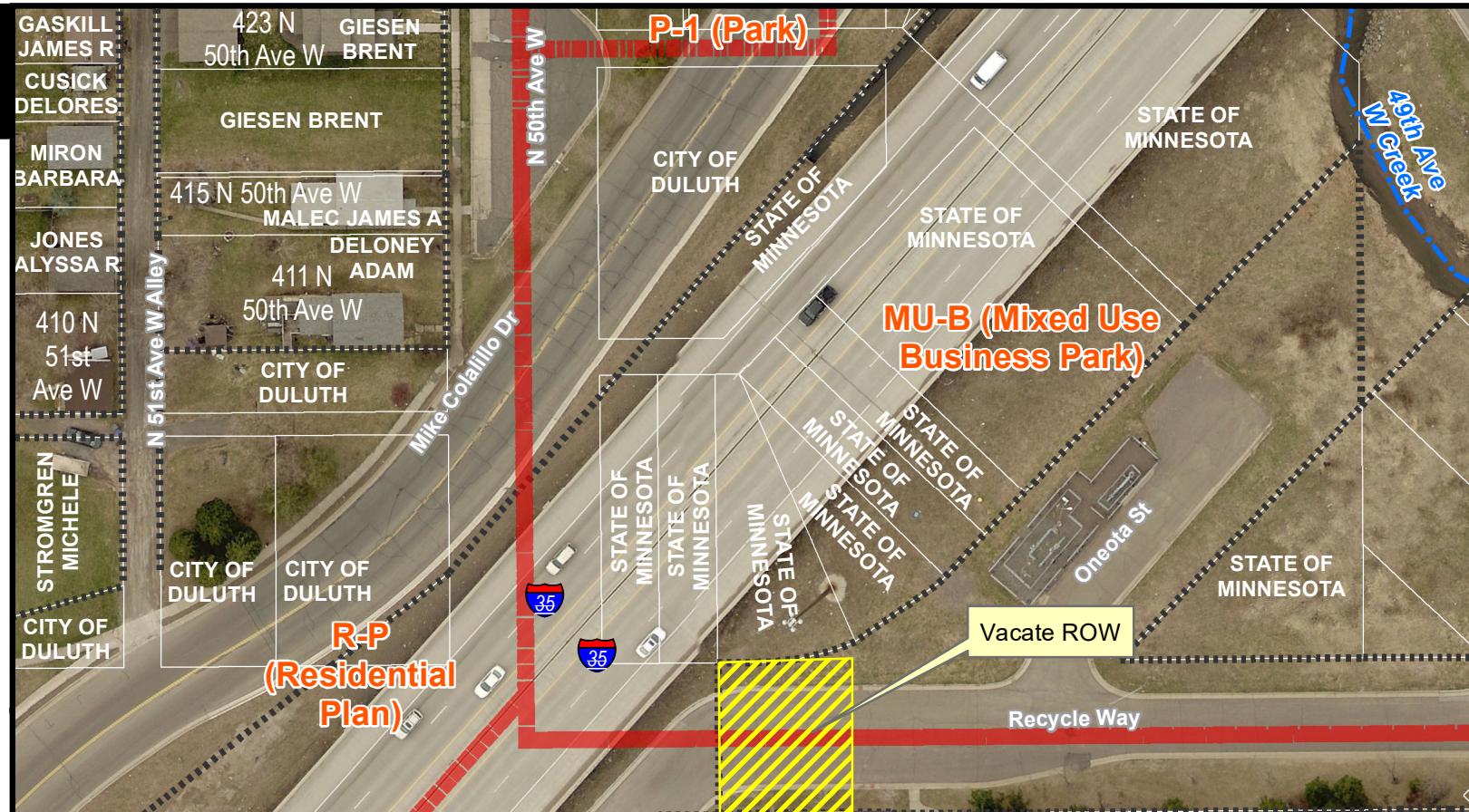
- 1) The applicant is requesting that the City vacate a portion of the platted right-of-way of Recycle Way shown in the attached exhibit with the retention of the entire vacated area as an utility easement. The portion of street subject to this application is used as an entrance to private property and will improve operation and security of the property.
- 2) The City has been working with the Minnesota Department of Transportation and Verso Corporation for two years on securing an easement to construct the Cross City Trail in this area. The proposed trail alignment does not cross through the platted ROW. The vacation of a portion of the ROW will allow Verso Corporation to use the area for their business purposes. In exchange for the vacated ROW, Verso Corporation will grant a trail easement in favor of the City for the Cross City Trail.
- 3) The proposed vacated portion of Recycled Way is not needed for public use. The City Engineering office has reviewed the proposed vacation and has indicated that it is not needed for street purposes. An easement will be retained for utilities.
- 4) This portion of the right of way is not needed to provide access to any public water. Vacating the right of way will not have impacted or deny access to other property owners.
- 5) No public or City comments have been received. Written comments were received by Western Lake Superior Sanitary District regarding a utility easement (see attached).
- 6) 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 of the right of way as shown in the attached vacation exhibit.



PL 18-159  
Vacation of ROW



## Legend

----- Road or Alley ROW

☒ Vacated ROW

## Easement Type

Utility Easement

Other Easement

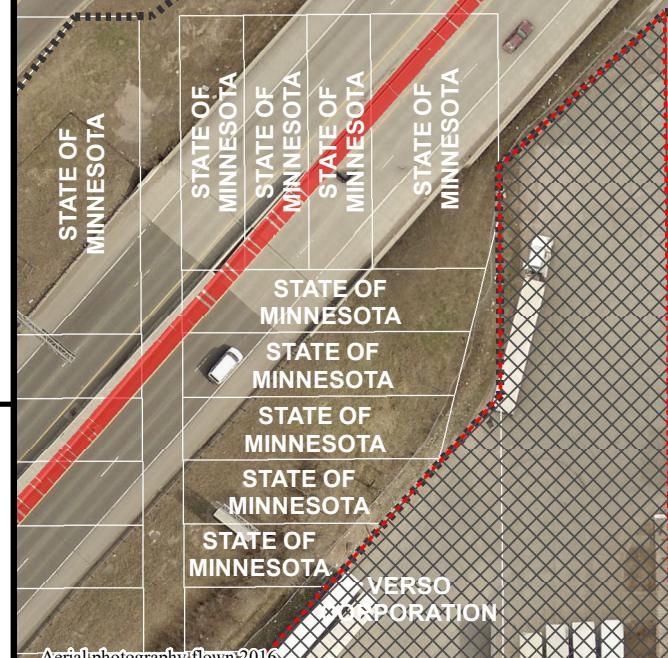
Zoning Boundaries

Trout Stream (GPS)

Other Stream (GPS)

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, October 30, 2018. Source: City of Duluth.





## Legend

- Road or Alley ROW
- ☒ Vacated ROW
- Easement Type**
  - Utility Easement
  - Other Easement
  - Trout Stream (GPS)
  - Other Stream (GPS)

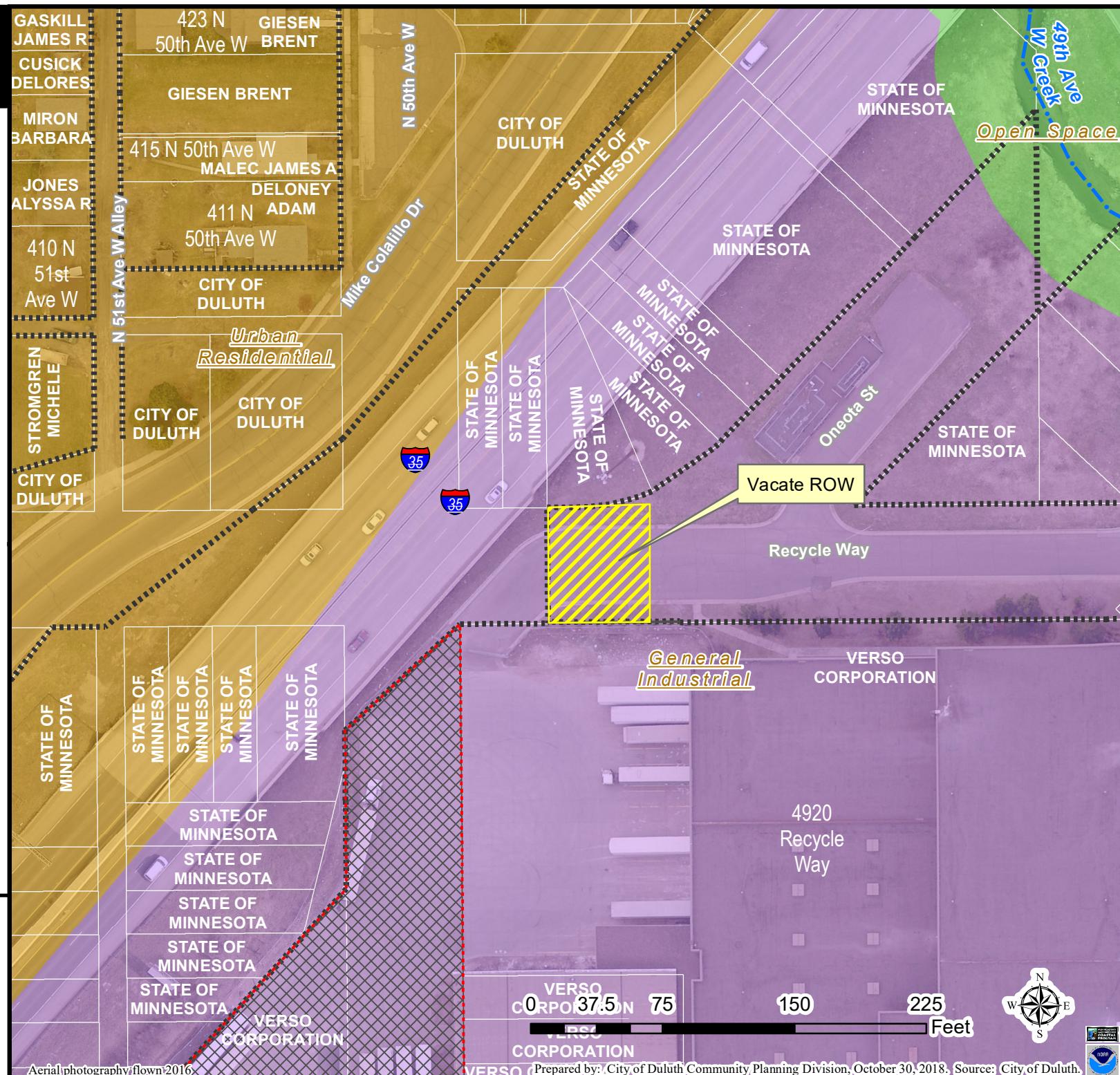
## Future Land Use

- Open Space
- 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

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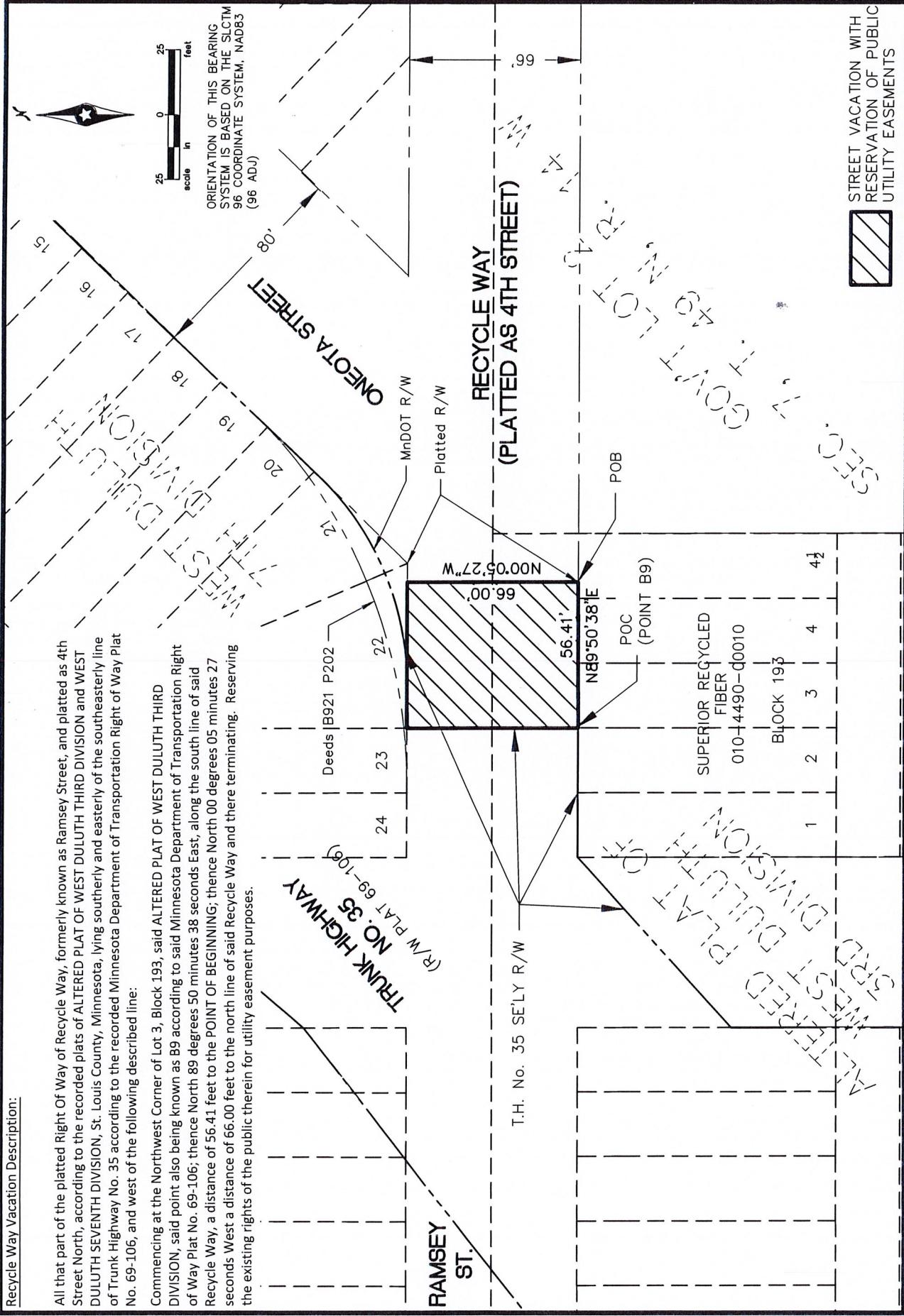
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Recycle Way Vacation Description:

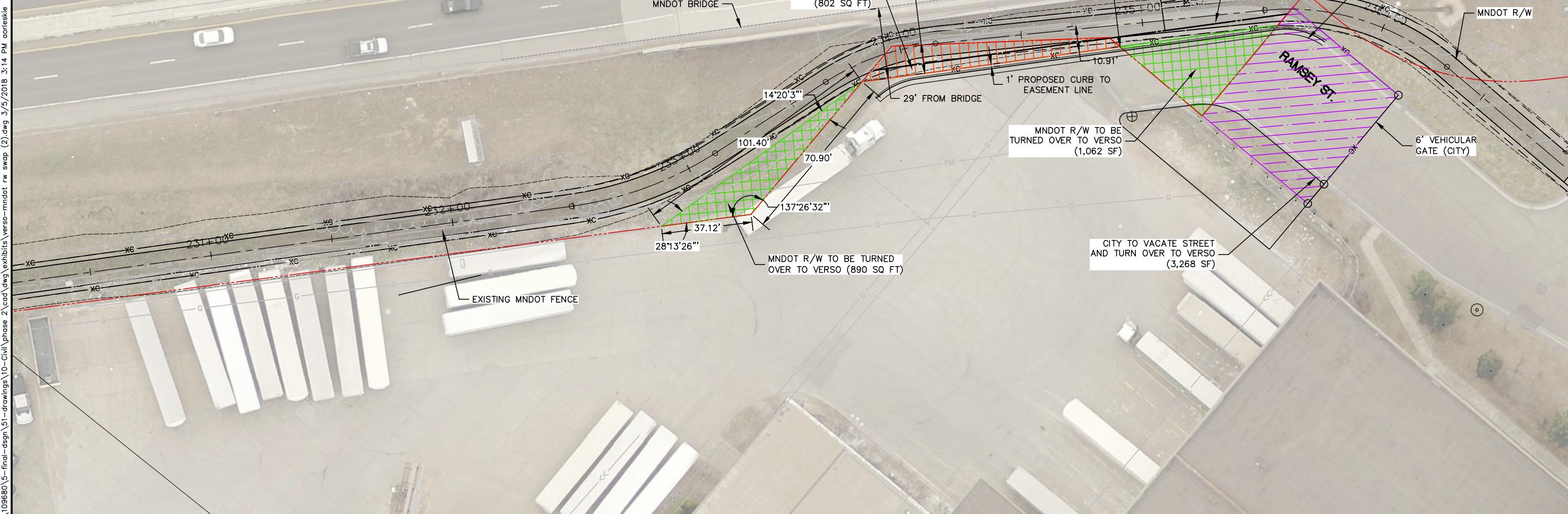
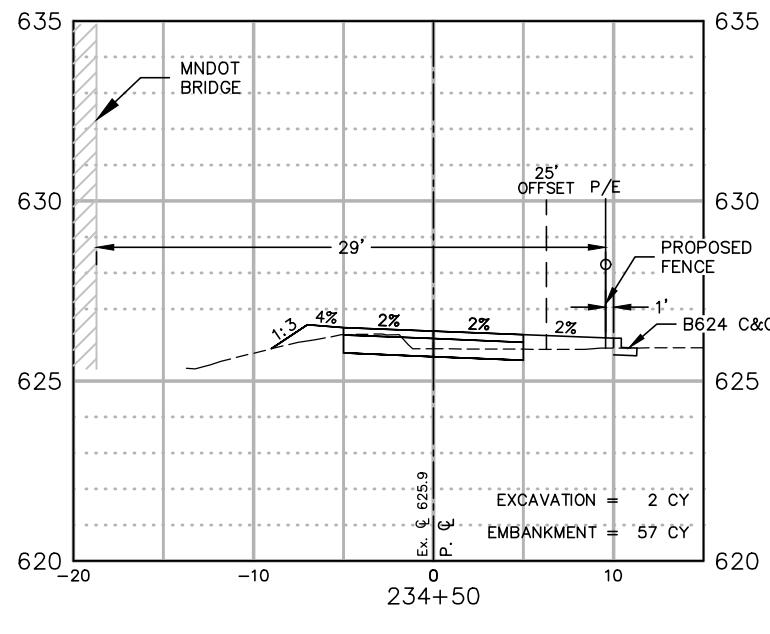
All that part of the platted Right Of Way of Recycle Way, formerly known as Ramsey Street, and platted as 4th Street North, according to the recorded plats of ALTERED PLAT OF WEST DULUTH THIRD DIVISION and WEST DULUTH SEVENTH DIVISION, St. Louis County, Minnesota, lying southerly and easterly of the southeasterly line of Trunk Highway No. 35 according to the recorded Minnesota Department of Transportation Right of Way, Plat No. 69-106, and west of the following described line:

Commencing at the Northwest Corner of Lot 3, Block 193, said ALTERED PLAT OF WEST DULUTH THIRD DIVISION, said point also being known as B9 according to said Minnesota Department of Transportation Right of Way Plat No. 69-105; thence North 89 degrees 50 minutes 38 seconds East, along the south line of said Recycle Way, a distance of 56.41 feet to the POINT OF BEGINNING; thence North 00 degrees 05 minutes 27 seconds West a distance of 66.00 feet to the north line of said Recycle Way and there terminating. Reserving the existing rights of the public therein for utility easement purposes.



DRAWN BY: <u>ACO</u>	RECYCLE WAY	FILE NO. DULUT 109680
CHECKED BY: <u>Cal</u>	STREET VACATION	DATE 12/21/2018
SURVEYED BY: N/A	DULUTH, MN	SHEET 1 OF 1
<p>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.</p> <p> </p> <p>Signature: <u>Chris A. Larsen</u> Printed Name: <u>CHRIS A. LARSEN</u> Date: <u>12/21/18</u></p>		REVISIONS
<p>PHONE: 218.279.3000 418 W SUPERIOR ST SUITE 200 DULUTH, MN 55802-1512 www.sehinc.com</p>		

TOTAL MNDOT R/W VACATION 1,952 SF  
 TOTAL CITY R/W VACATION 3,268 SF  
 TOTAL = 5,220 SF  
 VERSO EASEMENT TO MNDOT 802 SF



DRAWN BY: \_\_\_\_\_  
 DESIGNER: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 DESIGN TEAM

NO. BY DATE

REVISIONS

CROSS CITY TRAIL

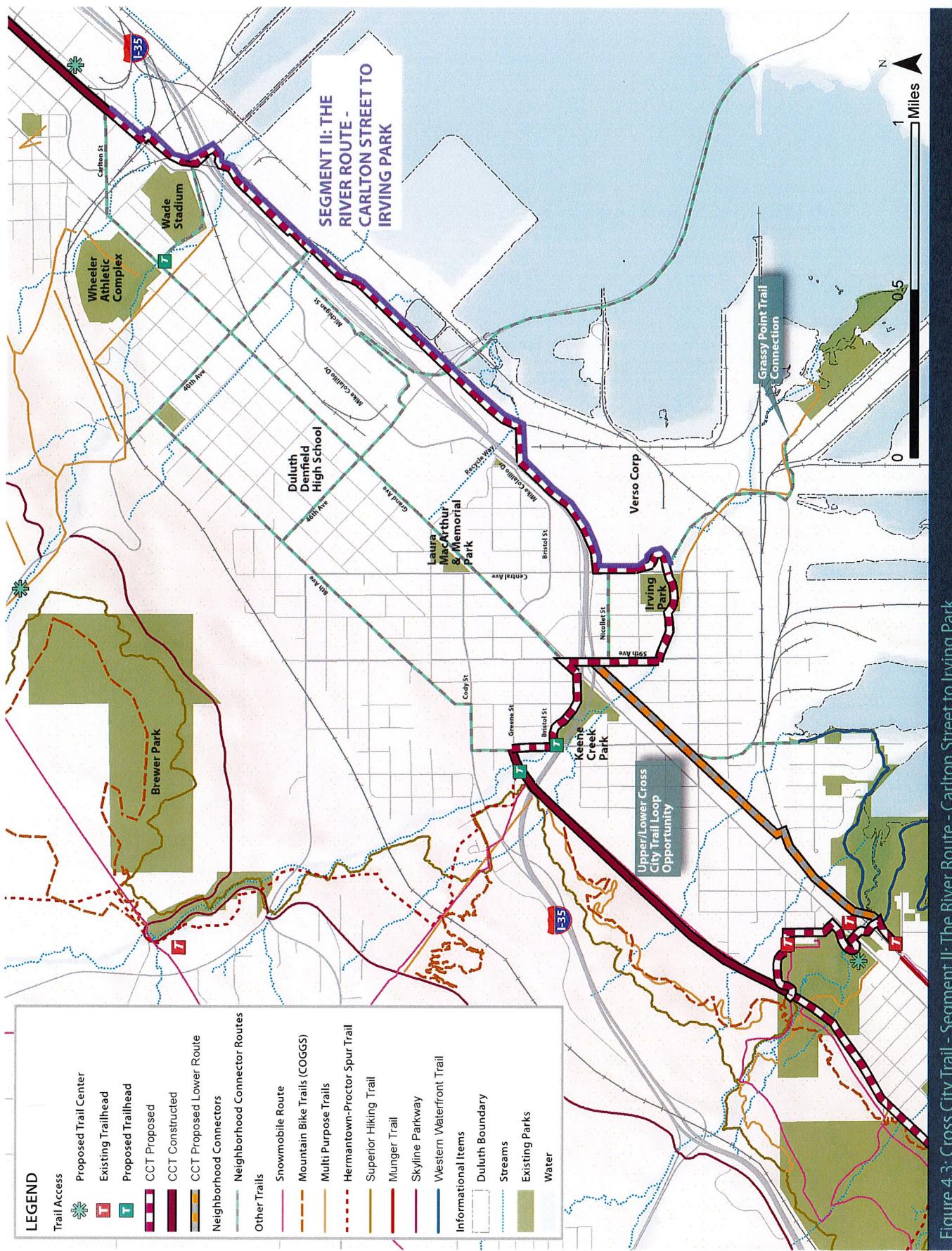


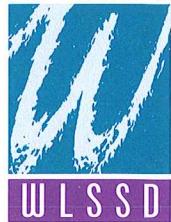
PHONE: 218.279.3000  
 418 W. SUPERIOR ST STE. 200  
 DULUTH, MN 55802-1512  
[www.sehinc.com](http://www.sehinc.com)

DULUTH,  
 MINNESOTA

VERS0 IMPROVEMENTS

FILE NO.  
 DULUT 109680  
 1  
 1





2626 Courtland Street  
Duluth, MN 55806-1894  
phone 218.722.3336  
fax 218.727.7471  
www.wlssd.com

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## Western Lake Superior Sanitary District

December 28, 2018

City of Duluth Planning Commission  
C/O Keith Hamre  
411 West First Street, Room 208  
Duluth, MN 55802

**RE: COMMENTS ON PLANNING COMMISSION ITEM PL 18-159 – VACATION OF PLATTED  
RIGHT-OF-WAY OF RECYCLE WAY**

Dear Mr. Hamre:

In response to the City of Duluth Notice of Public Hearing for a vacation of a portion of the platted right-of-way of Recycle Way, the Western Lake Superior Sanitary District (WLSSD) offers the following comments:

- 1) The WLSSD Knowlton Creek Interceptor passes through the area proposed for vacation. This is a 54" diameter ductile iron sanitary sewer pipeline. The location of the pipeline relative to the right-of-way area proposed for vacation is shown on the enclosed exhibit.
- 2) The existing Knowlton Creek Interceptor is currently located within public right-of-way and the rights for WLSSD to access, operate, repair and maintain this pipeline would need to be preserved through an easement agreement with the proposed property owner.

Thank you for the opportunity to comment. If you have any questions in this regard I can be reached at 218-740-4798 or [brandon.kohlts@wlssd.com](mailto:brandon.kohlts@wlssd.com).

Sincerely,

Brandon Kohlts  
Senior Planner

Encl. WLSSD Knowlton Creek Interceptor Exhibit

