



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 18-102	Contact	Steven Robertson, 218 730-5295	
Type	Vacation of Platted Right of Way (Alley)	Planning Commission Date		September 11, 2018
Deadline for Action	Application Date	July 18, 2018	60 Days	September 16, 2018
	Date Extension Letter Mailed	August 28, 2018	120 Days	November 15, 2018
Location of Subject	901 North Arlington Avenue			
Applicant	Adrienne Pearson and Michael Pearson	Contact		
Agent		Contact		
Legal Description	See attached			
Site Visit Date	August 31, 2018	Sign Notice Date	August 29, 2018	
Neighbor Letter Date	August 24, 2018	Number of Letters Sent	12	

Proposal: The applicant is requesting the vacation of a platted, but unimproved alley.

Recommended Action: Recommend to the City Council to Approve.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Vacant	Preservation
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	P-1	Park	Park

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 #5 – Promote reinvestment in neighborhoods.

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

Future Land Use: Traditional-Neighborhood. Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

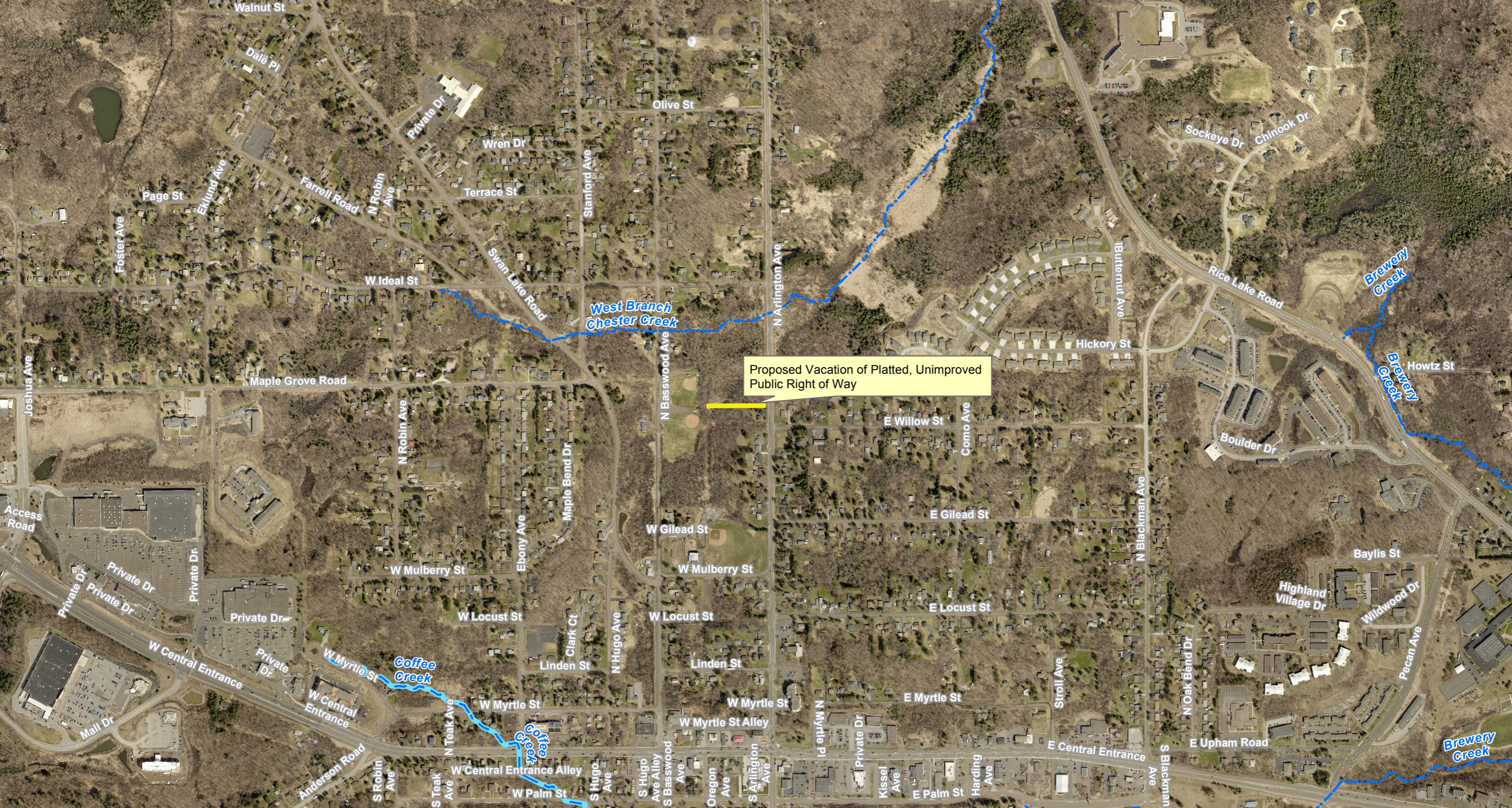
Review and Discussion Items

Staff finds that:

- 1) The applicant is requesting that the City vacate the subject alley to unify property that they own on both sides of the platted, but unimproved alley.
- 2) The alley has not been improved for public use. The City Engineering office has reviewed the proposed vacation and has indicated it is not needed for street or utility purposes. The City Engineering has signed the exhibit.
- 3) The pattern of platted streets and alleys in this area was done without regard to the topography and it is not likely that the City would want to try to extend the alley as platted due to the rolling topography.
- 4) The alley is not needed to provide public recreational access to any public water. The alley is not needed for access to the adjacent public park.
- 5) No new citizen comments have been received on this project
- 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 alley as shown in the attached vacation exhibit.



Proposed Vacation of Platted, Unimproved
Public Right of Way



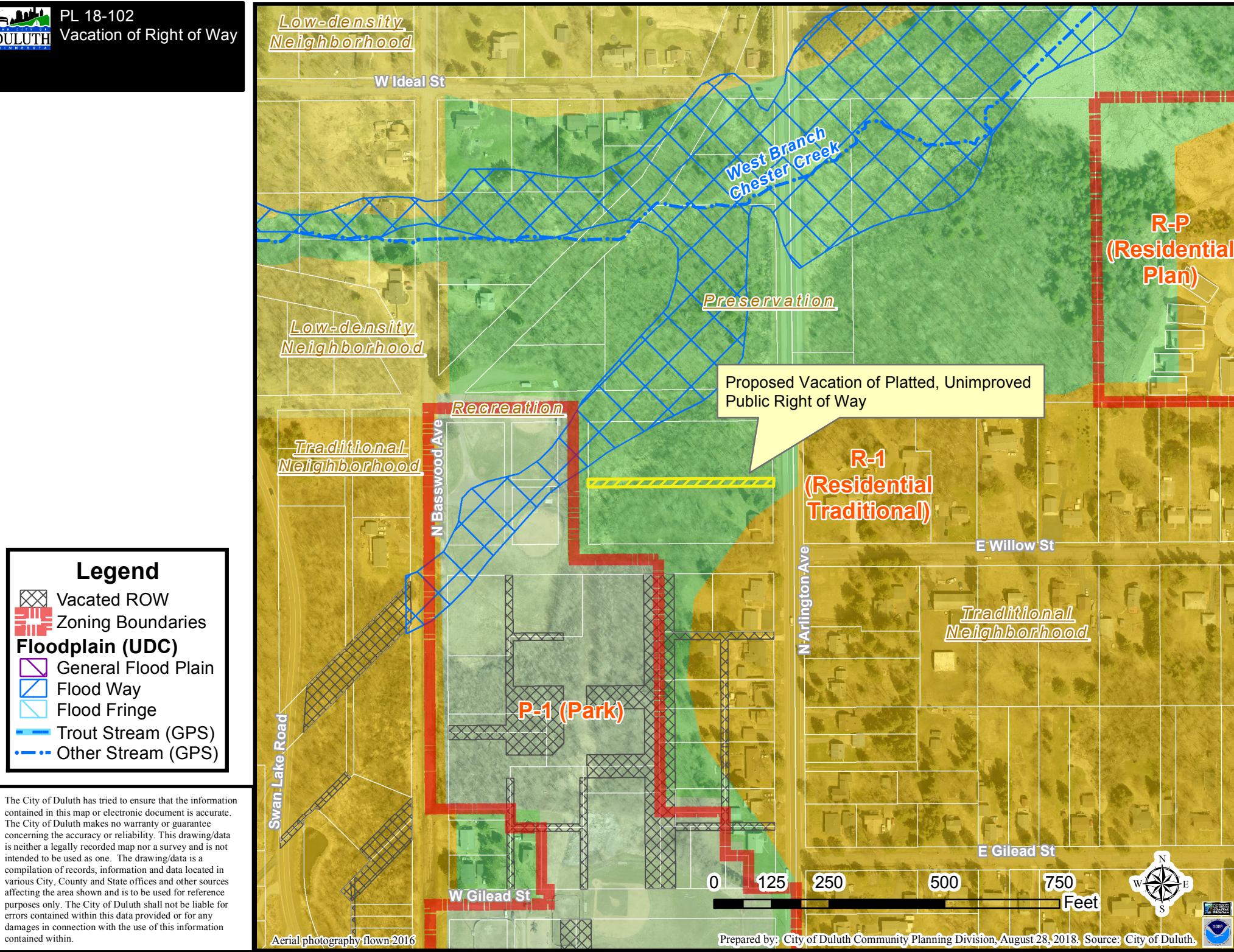


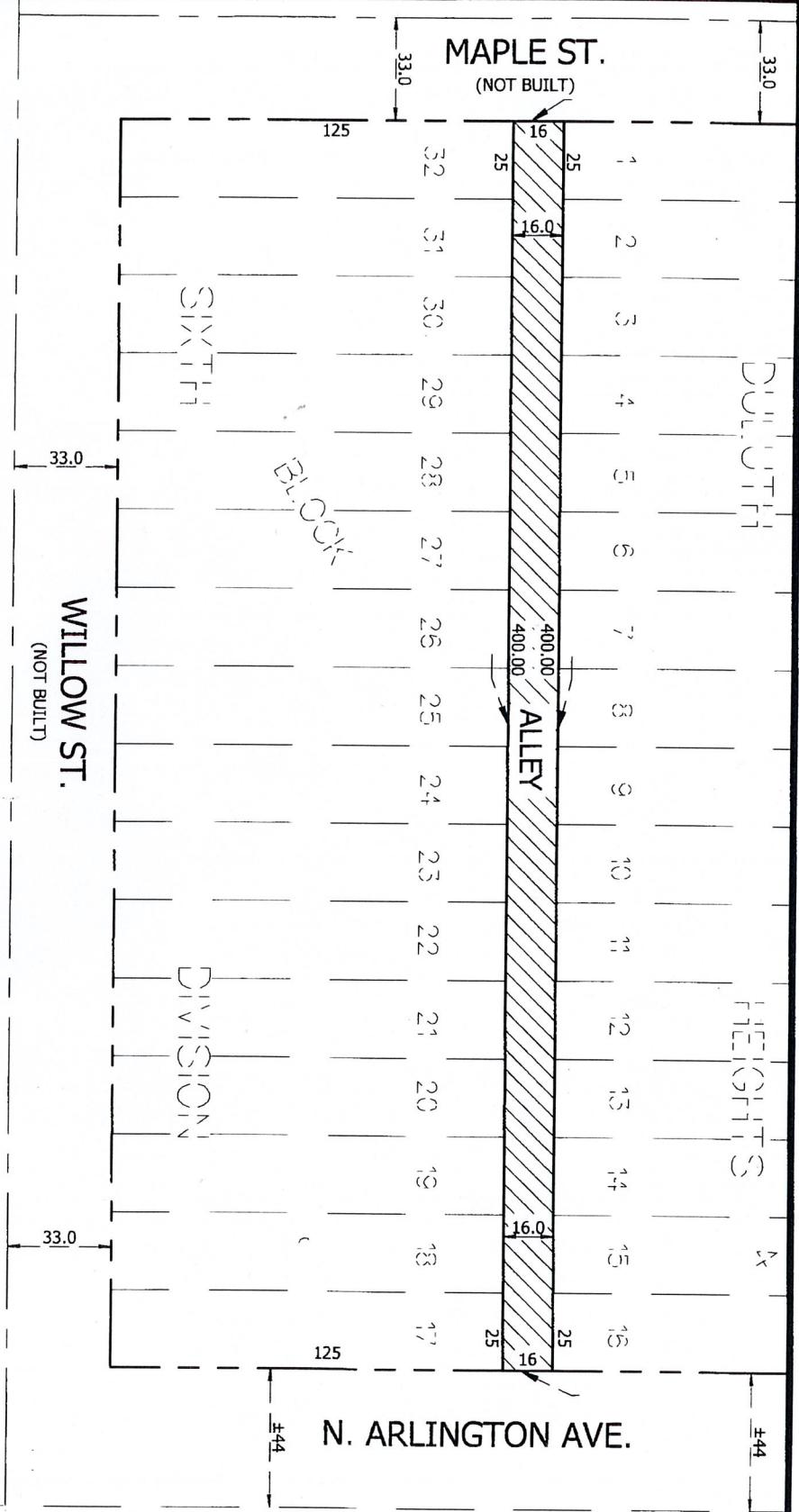
Legend

- Vacated ROW
- Zoning Boundaries
- Floodplain (UDC)**
 - General Flood Plain
 - Flood Way
 - Flood Fringe
- 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





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.

<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><u>David R. Emerson</u> David R. Emerson</p>	
<p>DATE: DECEMBER 6, 2017</p> <p>MN Lc. No. 49500</p> <p>JOB NUMBER: 17-411</p>	
CLIENT: ADRIENNE	DATE: 12-6-17
ADDRESS: 901 N VARS	DULUTH,

LEGEND
These standard symbols will be found in the drawing.

LEGAL DESCRIPTION OF VACATION OF ALLEY
All that part of the 16.00 foot wide platted alley lying
within Block 4, DULUTH HEIGHTS SIXTH DIVISION,
according to the recorded plat thereof, St. Louis County
Minnesota.

Approved by the City Engineer of the
City of Duluth, MN. this 7th day
of July 2018

 David R. Evanson	
DATE: DECEMBER 6, 2017	David R. Evanson
MN Lic. No. 49505	DATE: 12-6-17
ADDRESS: 901 N MARSH	CLIENT: ADRIENNE L
DULUTH, MN	STATE OF MINNESOTA
JOB NUMBER: 17-4118	LICENCED LAND SURVEYOR UNDER THE LAWS OF THE