



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 22-115	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of Platted Right of Way	Planning Commission Date		August 9, 2022
Deadline for Action	Application Date	July 6, 2022	60 Days	September 4, 2022
	Date Extension Letter Mailed	July 22, 2022	120 Days	November 2, 2022
Location of Subject		Platted and unimproved right of way in undeveloped portions of the Harbor Highland neighborhood.		
Applicant	Duluth HRA	Contact	Jill Keppers	
Agent	Heidi Bringman	Contact	LHB	
Legal Description		See Attached		
Site Visit Date		July 29, 2022	Sign Notice Date	July 26, 2022
Neighbor Letter Date		July 27, 2022	Number of Letters Sent	9

Proposal

The applicant is requesting to vacate one 66-foot wide portion of the platted right of way for Sunrise Parkway, a 56 foot wide platted right of way for Daybreak Overlook, a 16 foot wide platted alley for Sunrise Parkway Alley, and a portion of a 16 foot wide alley for Village View Drive in the recorded plat that is part of the Registered Land Survey Number 12, located in the Central Hillside neighborhood.

This vacation is to clear underlying rights-of-way to construct a multifamily building. There is a concurrent application for UDC text/map amendments.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-P	Vacant land	Urban Residential
North	R-P	Vacant land	Urban Residential
South	R-P	Vacant land	Urban Residential
East	R-P	Vacant land	Urban Residential
West	R-P	Vacant land	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.

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 #8 – Encourage mix of activities, uses, and densities.

The vacation will allow for existing vacant parcels to be reconfigured for the development of a multifamily apartment building in the Harbor Highlands TND

Future Land Use – Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of two platted streets (Daybreak Overlook and Sunrise Parkway) and alleys (Village View Drive Alley and Sunrise Parkway Alley) as part of the RLS No. 12 in the Central Hillside neighborhood, as shown on the attached exhibit.
2. The HRA plans to develop multi-family housing on the site. With the new development plans, these rights of way are not needed.
3. There are abandoned and removed utilities in the proposed vacated areas
4. The street and alley rights of way will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since City Engineering does not expect to need it in the future.
5. The City has determined that the rights of way are not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. No public or City comments have been received at the time of drafting this report.
7. 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:

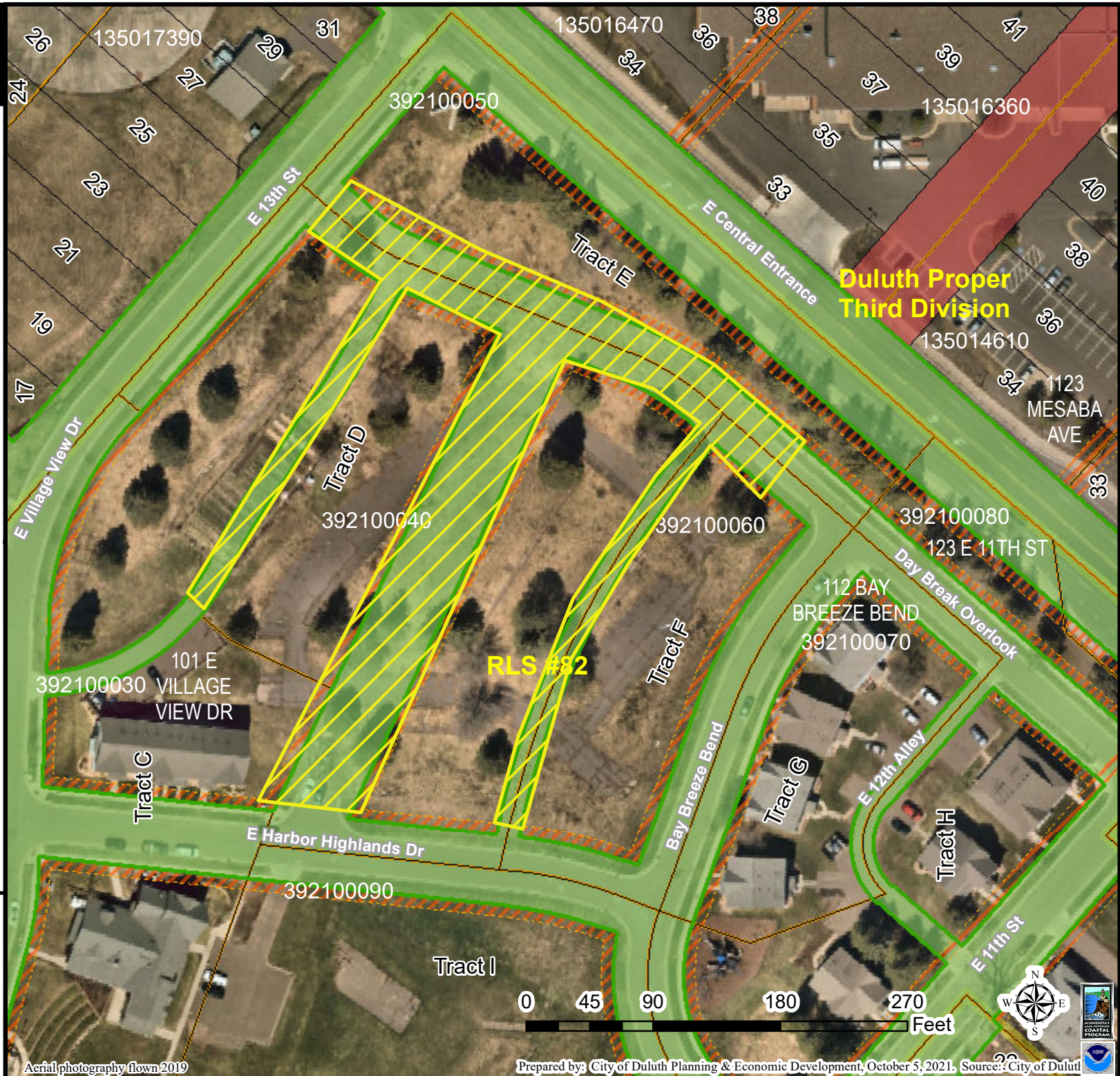
- 1.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.



P22-114, 22-115
Vacation and Map Amend
Harbor Highlands

Legend

- Lots**
Parcels
- ROW**
<all other values>
- SUBTYPE, ROW_STATUS**
- Utility, Active
 - Railroad, Active
 - Access, Active - currently in use
 - Access, Vacated - vacated via recorded document
 - Road, Active - currently in use
 - Utility, Vacated - vacated via recorded document
 - Road, Vacated - vacated via recorded document
 - Conservation, Vacated - vacated via recorded document
 - Conservation, Active - currently in use
 - Railroad, Inactive - Dedicated, but not built
 - Subdivision Boundaries
- Boundary Lines**
<all other values>
- Subtype, ROW_TYPE**
- Lot Line
 - Parcel Line
 - ROW (Road)
 - ROW (Not Road)
 - Subdivision Line
 - Water Line
 - Survey Line
 - Municipal Boundary



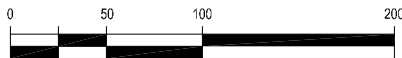
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2019

Prepared by: City of Duluth Planning & Economic Development, October 5, 2021. Source: City of Duluth

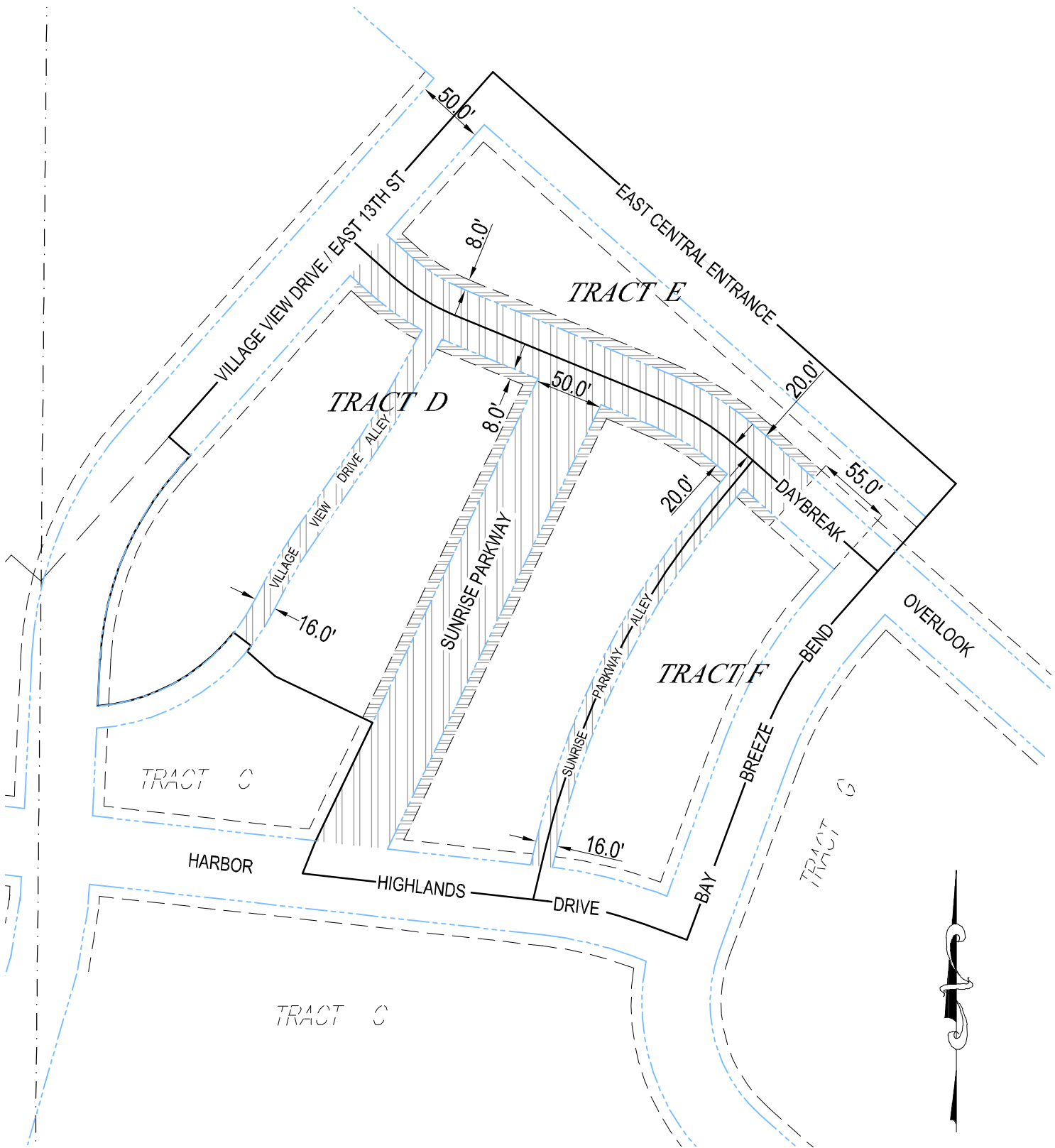
Vacation Exhibit

HRA of Duluth
part of Registered Land Survey Number 82
City of Duluth
St. Louis County, Minnesota



(SCALE IN FEET)

Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.



DESCRIPTION :

Sunrise Parkway right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

AND

Daybreak Overlook right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying 55.00 feet northwesterly of the northwesterly right of way line of Bay Breeze Bend extended.

Subject to retained utility easement under and a cross said Daybreak Overlook lying within 10 feet of the existing Sanitary and Storm sewers in-place.

AND

Village View Drive Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota lying within the bounds of Tract D, REGISTERED LAND SURVEY NUMBER 82, City of Duluth, St. Louis County, Minnesota.

AND

Sunrise Parkway Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

LEGEND

- VACATED RIGHT-OF-WAY
- VACATED UTILITY EASEMENT

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I hereby certify that this plan, specification, 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. Print Name: Paul A. Vogel License # 44075 Signature: Date: 6/30/2022	DATE PREPARED: 6/30/22	
	PROJ NO: 190902	
	FILE: 190902vEXHIB	
	SHEET 1 of 1 SHEETS	

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

FILE: .\\190902\\500 Drawings\\Survey\\190902vEXHIBIT-VACATION.dwg

EXHIBIT

Vacation Description:

Sunrise Parkway right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

AND

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AND

Sunrise Parkway Alley right of way and utility easements per Document No. 867024 as recorded April 13, 2009, in the Office of the Registrar of Titles, St. Louis County, Minnesota.

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.

Paul A. Vogel

Signed _____

Date 6/30/2022 License No. 44075