

**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 16-075		Contact	Jenn Moses, jmoses@duluthmn.gov	
Type	Vacation		Planning Commission Date		August 9, 2016
Deadline for Action	Application Date		July 28, 2016	60 Days	September 26, 2016
	Date Extension Letter Mailed		July 28, 2016	120 Days	November 25, 2016
Location of Subject		1505 N 28 th Ave W			
Applicant	Renee Borson		Contact	349-8788, reneeborson@hotmail.com	
Agent	N/A		Contact	N/A	
Legal Description		All that part of the 20.00 foot wide platted alley lying within Block 2, Piedmont Park Addition to Duluth			
Site Visit Date		July 25, 2016	Sign Notice Date		July 26, 2016
Neighbor Letter Date		July 25, 2016	Number of Letters Sent		36

Proposal

Application for City to vacate undeveloped alley. The applicant intends to use the alley to extend their garage and landscaping.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single-family residential	Traditional Neighborhood
North	R-1	Single-family residential	Preservation
South	R-1	Single-family residential	Traditional Neighborhood
East	R-1	Single-family residential	Traditional Neighborhood
West	R-1	Single-family residential	Traditional Neighborhood

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.

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.

Review and Discussion Items

Staff finds that:

- 1.) Proposal is to vacate an undeveloped alley that lies north of the applicant's property. Applicant wants to use the vacated alley to extend their garage and landscaping.
- 2.) Platted alley ends just west of the proposed vacation. Alley was originally platted as part of the Piedmont Park Division, but was not continued with the Mont Du Vue First Division. This right of way is not and will not be needed for the safe and efficient circulation of automobiles or pedestrians.
- 3.) There are no city utilities located in the right of way. There are no plans to extend any utilities within this right of way. Right of way is not needed for the efficient supply of utilities or public services in the city.
- 4.) Neighbor's driveway to the north of applicant is located within portion of alley that, if vacated, would be granted to the property at 2811 W 1st Street. These affected neighbors have signed the vacation petition.
- 5.) The UDC requires signatures from the majority of property owners affected by the vacation (determined by linear feet). Applicant has acquired approximately 80 percent of affected property owner's signatures.
- 6.) The right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 7.) Governing Principle # 7 of the Comprehensive Plan addresses the implications of connectivity; however, as the platted alley dead-ends, it is not needed for connectivity purposes. Note that generally, the City's policy is to avoid dead-end streets and alleys as they are problematic from a maintenance and life safety standpoint.
- 8.) One comment was received opposing the vacation (email attached to staff report). No other public, agency, or City comments were received.
- 9.) Vacations of streets 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 the street easement, 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; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



City Planning

PL 16-075
1505 N. 28th Ave W.

Legend

Zoning Boundaries

Zoning Boundaries

Water Distribution System

30 - 60" Water Pipe

16 - 24" Water Pipe

4 - 6" Water Pipe

Sanitary Sewer Collection System

Sanitary Sewer Collector

Sanitary Sewer Interceptor

Sanitary Sewer Forced Main

Storage Basin

Pump Station

Gas Distribution Main

8" - 16" Gas Pipes

4" - 6" Gas Pipes

0" - 4" Gas Pipes

Storm Sewer Collection System

Storm Sewer Pipe

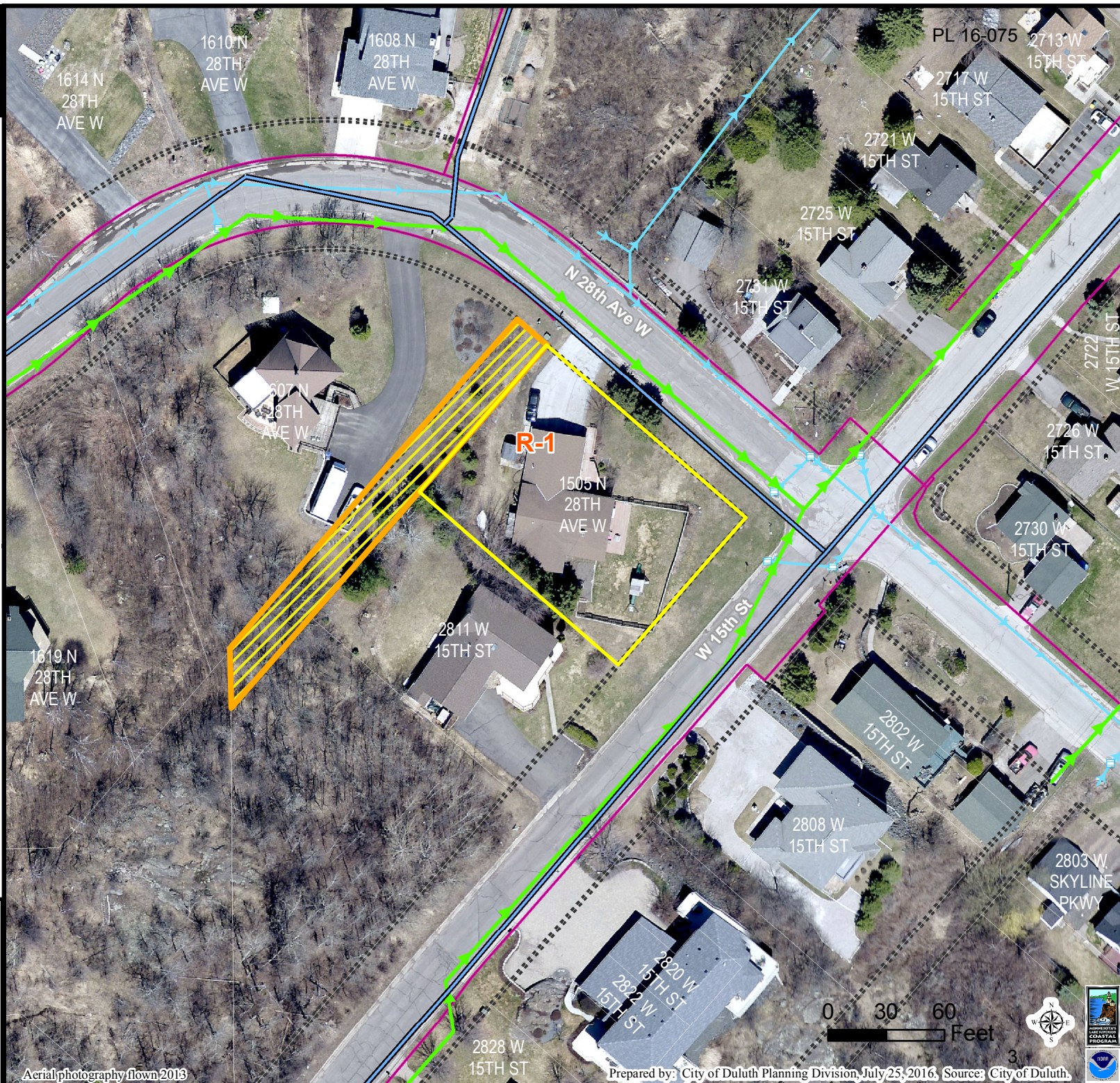
Storm Sewer Catch Basin

Right-of-Way Type

Road or Alley ROW

Vacated ROW

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 2013

Prepared by: City of Duluth Planning Division, July 25, 2016. Source: City of Duluth.



City Planning

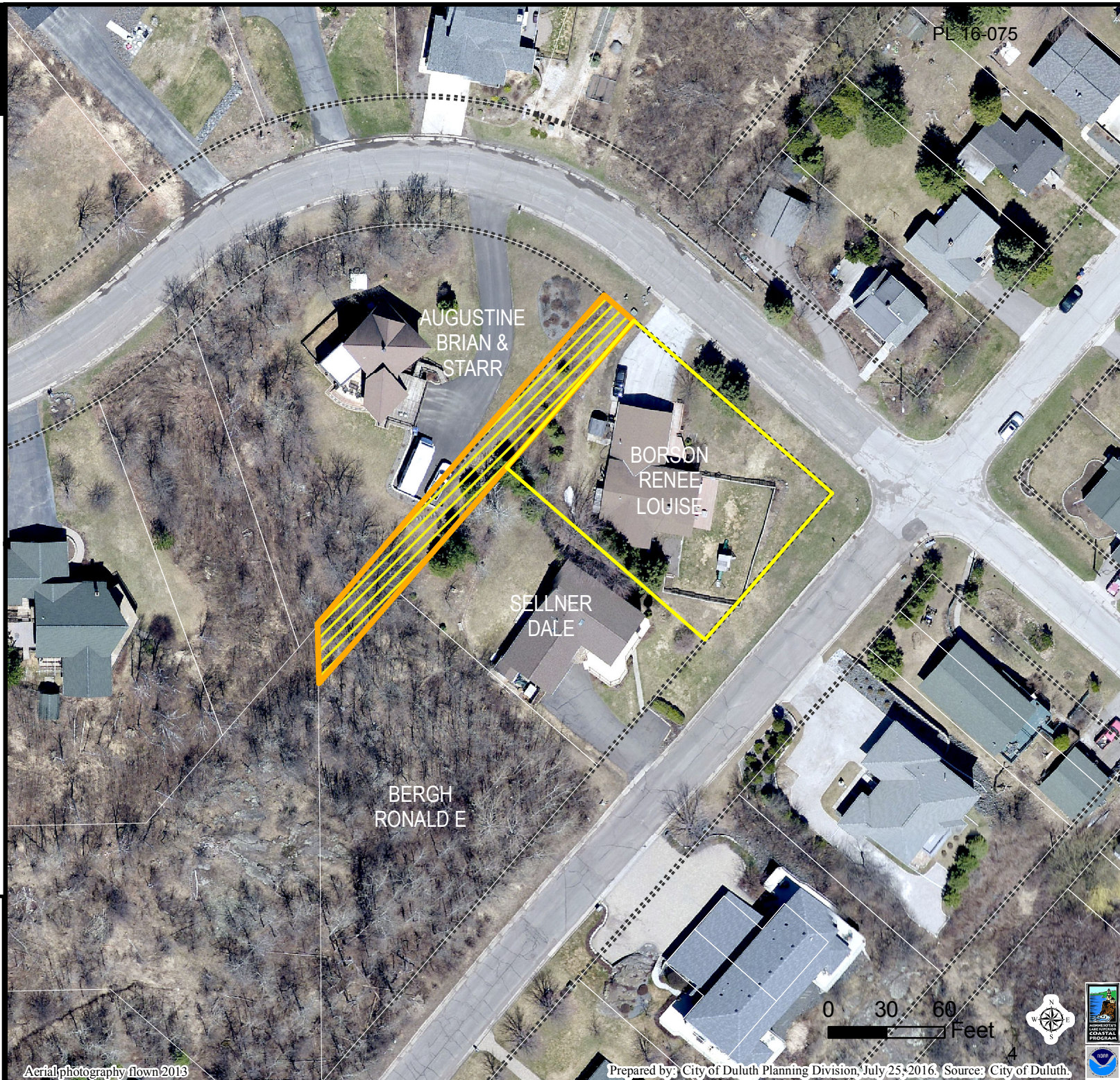
PL 16-075
1505 N. 28th Ave W.

Legend

Right-of-Way Type

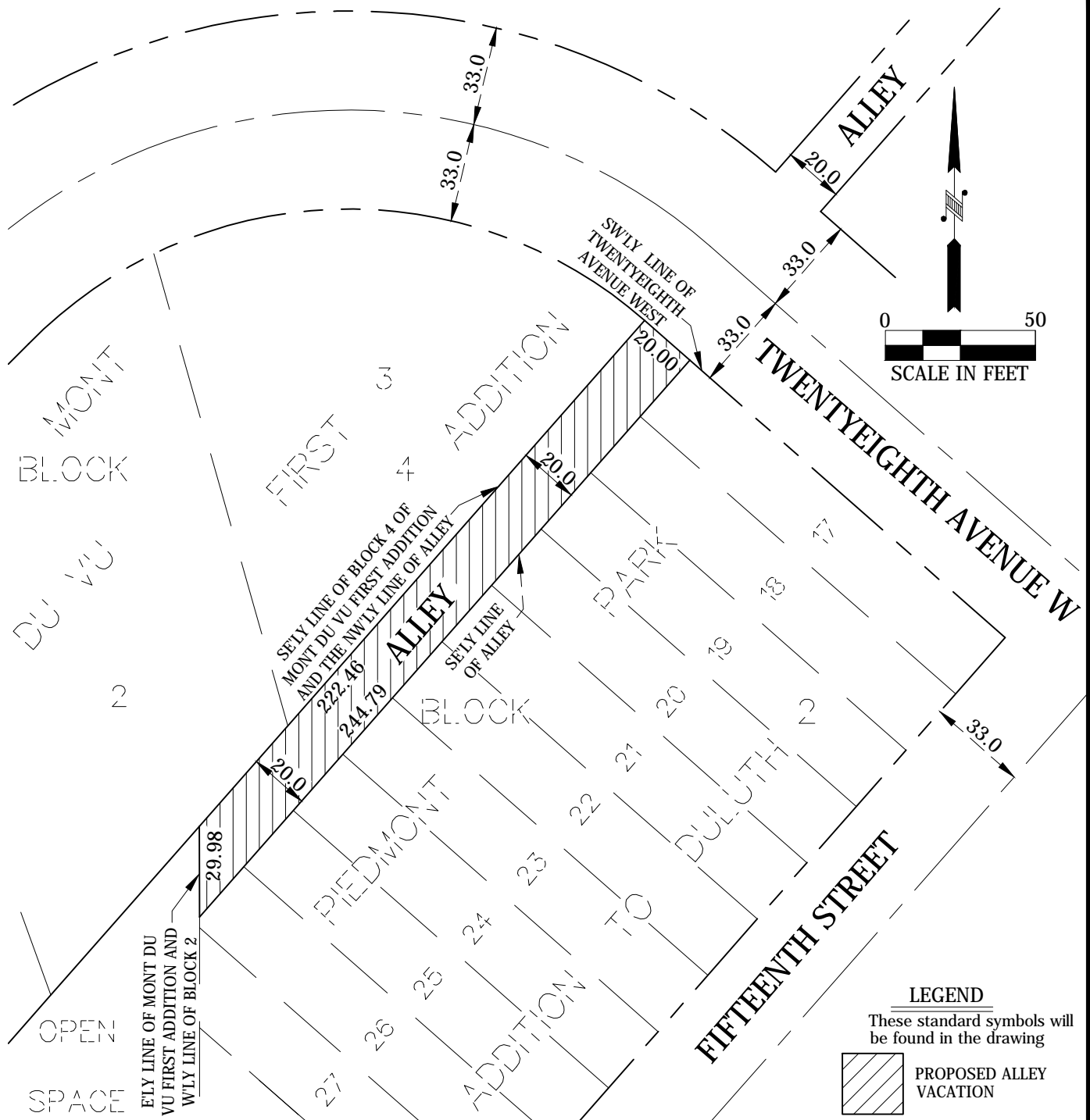
..... Road or Alley ROW

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 2013

Prepared by: City of Duluth Planning Division, July 25, 2016. Source: City of Duluth.



THIS IS NOT A BOUNDARY SURVEY.

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.

LEGAL DESCRIPTION OF VACATION OF ALLEY

All that part of the 20.00 foot wide platted alley lying within Block 2, PIEDMONT PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Approved by the City Engineer of the City of Duluth, MN. this ____ day of ____ 20__

Said alley contains 4,719 square feet or 0.11 acres.

By _____

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: JUNE 21, 2016

MN Lic. No. 49505

ALLEY VACATION EXHIBIT

CLIENT: RENEE BORSON

REVISIONS: XXX

DATE: JUNE 21, 2016

ADDRESS: 1505 NORTH 28TH AVENUE
WEST, DULUTH, MN 55806

JOB NUMBER: 16-100



LAND SURVEY COMPANY

* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
* CONSTRUCTION STAKING

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

1505 N 28th Ave W

Site Photos



Photo taken of
proposed Vacation
from N 28th Ave W.



From: [Jennifer Moses](#)
To: [George Knutson](#)
Subject: FW: Alley Vacation at 1505 N. 28 Ave West (PL 16-075)
Date: Monday, August 01, 2016 9:41:46 AM

From: ron bergh [mailto:berghr@hotmail.com]
Sent: Sunday, July 31, 2016 12:51 PM
To: Jennifer Moses
Subject: Alley Vacation at 1505 N. 28 Ave West (PL 16-075)

Dear Duluth Planning Commission: My name is Ronald Bergh. I own Lots: 24,25,26,27,28,29,30,31, & 32 in Block 2 of Piedmont Park Addition. I do not want my alley vacated. I do not want to restrict future access to my property with this proposed alley vacation. Thank you, Ronald Bergh 4227 Cooke St. , Duluth, MN. 55804.