

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 17-111			Contact Jenn Mo		Jenn Mose	ses, jmoses@duluthmn.gov	
Туре	Vacation of Alley		Planning Commission Date		on 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 F	aunch Properties c/o Scott Moe					
Agent	Kimley-Horn and Associates		Contact	Brian W	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		ent ²	27	

Proposal

Applicant proposes to vacate an undeveloped alley between Myrtle Street and Teak Street, running parallel to West Central Entrance, in Duluth Heights Sixth Division. A utility easement would be retained over the eastern portion of the alley.

	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: Connectivity should be provided for vehicular and non-vehicular modes.

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 an undeveloped alley running parallel to W Central Entrance. Although platted in 1891, this alley has never been developed or needed for a public purpose other than the provision of utilities.
- 2) All properties abutting the alley have access via existing public streets.
- 3) A gas line currently exists within this alley. The city will retain a utility easement over the eastern portion of the alley, where the gas line serves existing property. Applicant will work with City Engineering to remove the gas line within the alley on the western portion, and utilities for any development on this site will be private.
- 4) Staff has coordinated with Minnesota Power, who has power lines within the alley. Minnesota Power is working with the applicant on designs for relocation of any existing power lines outside the retained utility easement.
- 5) With retention of a utility easement, this right of way 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.
- 6) This right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
- 7) No public, agency, or City comments have been received.
- 8) 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 and retention 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.

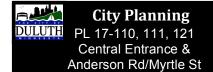


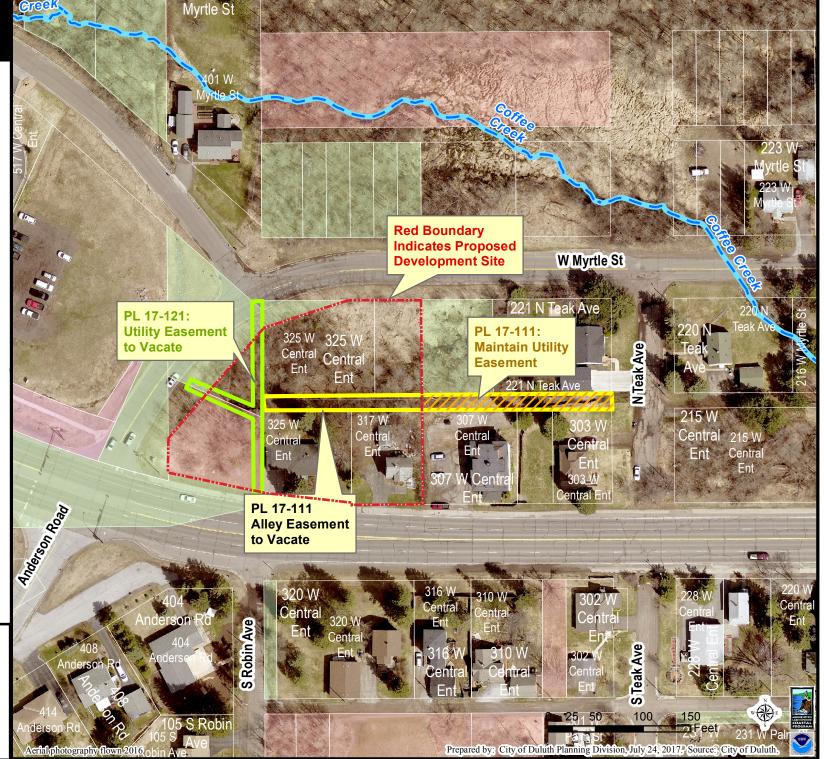
City Planning DULUTH PL 17-110, 111, 121

Central Entrance & Anderson Rd/Myrtle St

W Locust St Linden St W Myrtle St W Orange St Prepared by: City of Duluth Planning Division, July 24, 2017, Source: City of Duluth. Aerial photography flown

The City of Duluth has tried to ensure that the information 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 contained within.



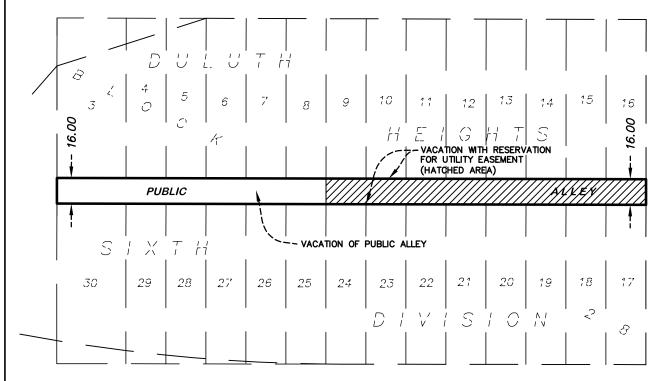


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

ALLEY VACATION EXHIBIT

MYRTLE STREET

66 FOOT WIDE PUBLIC RIGHT OF WAY



WEST CENTRAL ENTRANCE TRUNK HIGHWAY NO. 194

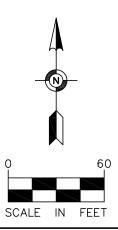
VARIABLE WIDTH PUBLIC RIGHT OF WAY

DESCRIPTION OF ALLEY TO BE VACATED:

All that part of the 16.00 foot wide alley dedicated in Block 28, DULUTH HEIGHTS, SIXTH DIVISION. Reserving a utility easement over all that part of said vacated alley lying easterly of the east line of Lot 25 and its northerly extension.

Approved this _____, 2017.

Approved by: _____, City of Duluth Engineer



FOOT WIDE PUBLIC RIGHT OF

99

ALLEY VACATION EXHIBIT FOR:

Kimley-Horn and Associates, Inc.

SITE LOCATION: 317 & 325 West Central Entrance Duluth, Minnesota 55811

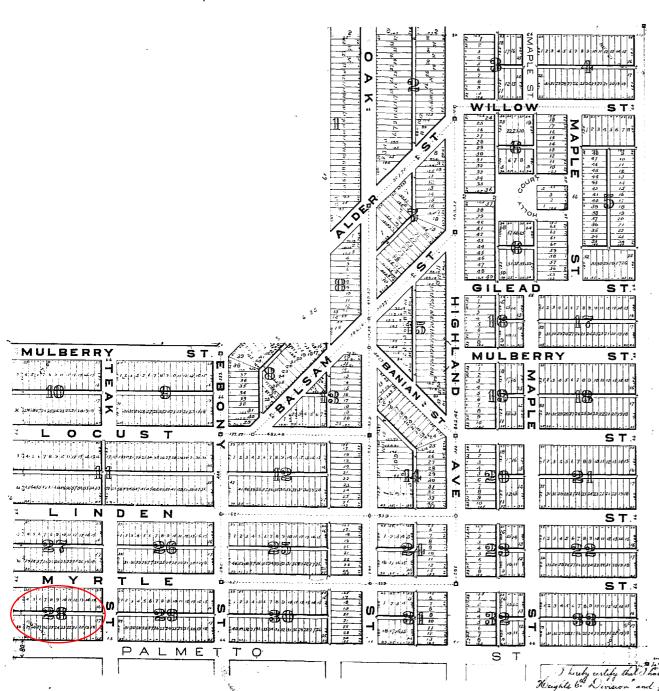


1229 Tyler Street NE, Suite 100 Minneapolis, Minnesota 55413 PHONE: (612) 466-3300 FAX: (612) 466-3383 WWW.EFNSURVEY.COM COPYRIGHT © 2017 By EGAN, FIELD & NOWAK, INC.

DULUTH HEIGHTS.

SIXTH DIVISION.

SCALE, HNCH = 200 FT - S.L.RICE, C.E



KNOW ALL MEN BY THESE PRESENTS, that the Highland Improve KNOW ALL MEN BY THESE PRESENTS, that the Highland Imberrment Company, a corporation organized under the lows of the state of Minnesota, has caused to be surveyed and platted into lots, blocks, stricts, arenus and alleys, that had or parcel of land bying and being in the City of Duluth, Country of St. Louis State of Minnesota and described as follows, to wit: being the East one half (E. 8) of the Northheast one quarter freight and the Doubh-west one quarter freight and the Doubh-west one quarter for the East one flowing of - beginning at the East 14 Dost of section 20, I 50 th, R. 14 Ot. thence west along the east and west center line of said section to the center of said section, thence north along the north and south center line of said section to the center of said section, thence north along the north and south center line of the their these cast to a point on the east section line of said section, 76.4 cet north of the East 14. Just of said section 20, thence south to the place of beginning.

The structs are nearly dedicated to public use and said plat being a stat of the above described land is also made for the same purpose:

same burpose.

IN WITNESS WHEREOF, the same Reguland Improvement Company hath caused this instrument to be drawn up and signed by its MAS susade at la corporale sent to be hereto affined by its secretary, this 2H day of October - A. L. 1891.

Lone in presence of Charles P. Oraig View President.

Chas. P. Craig View Prosident.

State of Minnesota) IJ.

" this ... 2.4 the day of Movember it it is go been my a steered Vin P Der and Chas M. Fray to me sersonally known to be the identical bersons whose ag-matures are suiscribed to the above certificate, who being by me duly and severally sworn and Lay that they are respectively the Desident and the Lecretary of the Highland In sovement Co. of Dulith Klinn, that the foregoing instrument was segued and sential in school of and Cantend - Embrovement Combany, by authority of ils Scard of Levelors, tout the society and instituted town is the corporate seat of said corporation and said to 1 to name! I have be seen so known before said stat and said certificale to be the own act and deed of said Corporation.

I have undersigned surveyor horeby earlily that at the result of the Klantiand - ment Company I have surveyed the land described in built forwards or britished -more company of have surveyed the land described in their forwards or listed to and represented on the blat annexed hereto and that said state is a feel and accuracy best of such survey. I from mants have been blaced where regress and of a said state and conformance with the law and to make bernanent and burvey and state.

State of Minuscla 3.5.5.

County of Strains

Con this 21.4 million day of November 1. L. 1800 become in a most be and say that an executed the correction S.L. Rice to me bersonally known and he bold say that he exercited and acknowledged the same to be his own one act and doch

Derivity of £ 1891

My Xacris Villa Vilson

Atlat Ohunter M. Mari Charge Sound of Justic home Accepted by the common council of the Wily of Lutide at a mo

I near by certify that In faxes on by a your discussed land are our wind " Dutath Million Def to 50 th A. S. 2 Seco. H. Sully good to your

.33 10935

State of Alinnesola) County of St Louis SO PAL 1899 at hereby certify that this stat was filed in this office of the State of the state

I hereby certify that I have made a careful examination of the survey and Meights to Devision and find the same to be correct and monuments blanted as shown.

"But leg I Frank of Louis to Minn by Everyte Stronger Stronger Stronger Stronger Stronger Stronger

deads to of Lasts of Louis to Alina