



**Planning & Development Division**  
*Planning & Economic Development Department*

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<b>File Number</b>	PL 20-006	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Vacation of Right-Of-Way	<b>Planning Commission Date</b>	February 11, 2020	
<b>Deadline for Action</b>	<b>Application Date</b>	January 21, 2020	<b>60 Days</b>	March 3, 2020
	<b>Date Extension Letter Mailed</b>	January 23, 2020	<b>120 Days</b>	May 2, 2020
<b>Location of Subject</b>	Block 1, 2 and 3 of the Hartley Hills Fourth Addition Plat.			
<b>Applicant</b>	Sanford Hoff	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	January 31, 2020	<b>Sign Notice Date</b>	January 28, 2020	
<b>Neighbor Letter Date</b>	January 29, 2020	<b>Number of Letters Sent</b>	47	

**Proposal**

The applicant is requesting to vacate existing street and utility easements within Block 1, 2 and 3 of the Hartley Hills Fourth Addition Plat. The vacation of these easements is for a replat of approximately 11.96 acres into 18 lots and 1 Outlot within the Hartley Hills Fourth Addition. As a part of the vacation process, the applicant is also submitting an application for a final plat of their property (PL 20-004).

Staff is recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>North</b>	R-1	Single Family	Traditional Neighborhood, Low Density Neighborhood
<b>South</b>	RR-1	Hartley Park	Open Space
<b>East</b>	R-1	Vacant/Undeveloped	Open Space
<b>West</b>	R-1	Single Family	Low Density 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.

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.

The vacation will allow for the replat of 11.96 acres into 18 lots for single-family homes.

**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.

**Review and Discussion Items:**

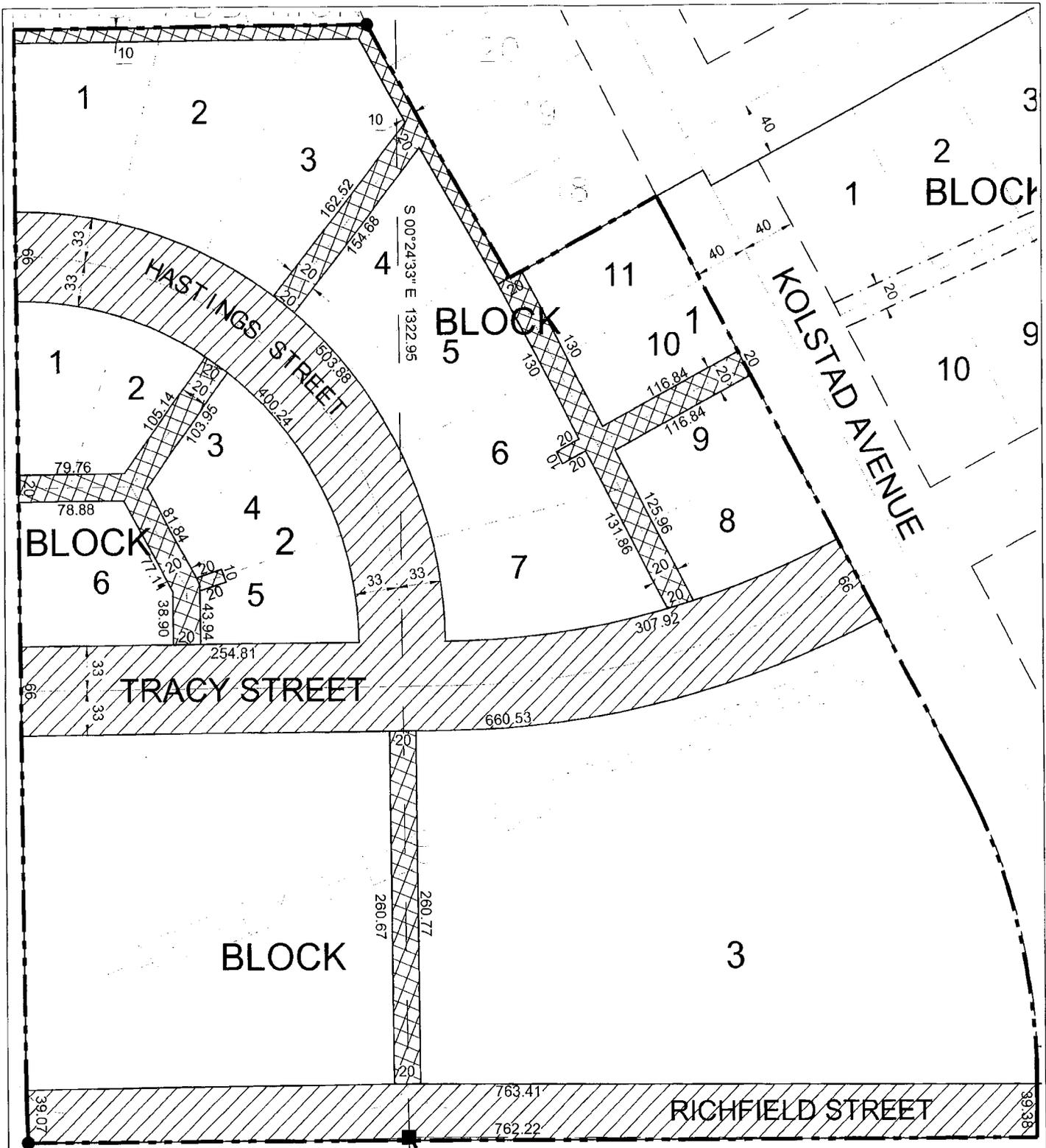
Staff finds that:

1. The land was previously platted as part of the Hartley Hills Fourth Addition in 1965 and contains 19 existing lots, three unimproved platted streets (Hastings, Tracy and Richfield Streets), and utility easements.
2. The applicant is requesting to vacate unimproved platted rights of way and utility easements within Blocks 1, 2 and 3 of the Hartley Hills Fourth Addition Plat as shown on the attached exhibit.
3. The proposed vacation will allow for a replat of approximately 11.96 acres into 18 lots and 1 Outlot within the Hartley Hills Fourth Addition.
4. The applicant is required to vacate existing easements and platted rights of way before a new plat can be recorded on the same site.
5. The platted rights of way and easements have never been developed or needed for a public purpose, and are not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
6. No other 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.) Approval of the vacation shown on the attached exhibit.
- 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 approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



**LEGEND**



PROPOSED RIGHT OF WAY VACATION



PROPOSED UTILITY EASEMENT VACATION



Approved by the City Engineer of  
the City of Duluth, MN this  
\_\_\_\_\_ day of \_\_\_\_\_

20\_\_

By \_\_\_\_\_

**UTILITY EASEMENT AND RIGHT OF WAY VACATION EXHIBIT**

SHEET 2 OF 2  
JANUARY 16, 2020

## **HARTLEY HILLS FOURTH ADDITION**

### **LEGAL DESCRIPTION OF PROPOSED UTILITY EASEMENT VACATION**

All that part of the platted utility easements lying within the following described property:

Blocks 1, 2, 3, HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said proposed utility easement area to be vacated containing 27,690 square feet or 0.63 acres.

### **LEGAL DESCRIPTION OF PROPOSED RIGHT OF WAY VACATION**

All of Hastings Street as dedicated on the plat of HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

AND

That part of Tracy Street contained within Blocks 1,2, 3 as dedicated on the plat of HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

AND

That part of Richfield Street lying adjacent to Block 3 as dedicated on the plat of HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said proposed right of way area to be vacated containing 102,959 square feet or 2.36 acres.