

Exhibit B



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 19-136	Contact	John Kelley	
Type	Vacation of a drainage and utility easement located in Outlot G of the Coffee Creek Subdivision	Planning Commission Date		October 8, 2019
Deadline for Action	Application Date	September 4, 2019	60 Days	November 3, 2019
	Date Extension Letter Mailed	August 19, 2019	120 Days	January 2, 2020
Location of Subject		Outlot G Coffee Creek Subdivision		
Applicant	Wildamere Capital Management	Contact	Devin Doyle	
Agent	Northland Consulting Engineers	Contact		
Legal Description		010-0606-01200		
Site Visit Date		September 30, 2019	Sign Notice Date	September 25, 2019
Neighbor Letter Date		September 24, 2019	Number of Letters Sent	11

Proposal

The applicant proposes to vacate a drainage and utility easement, which currently has no piping or utility constructed within the easement. The vacation of the easement is necessary to provide sufficient area to develop the property.

Recommended Action

Recommend to City Council approval of the Vacation, subject to the conditions proposed by staff.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Vacant land	Urban Residential
North	R-1	Multi-family housing	Urban Residential
South	R-2	Vacant land	Urban Residential
East	R-2	Multi-family housing	Urban Residential
West	R-2, R-1	Vacant land, Single Family	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.

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.

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.

Site History – PL 18-145 Coffee Creek Wildamere Capital Wetland Delineation. The wetland was not included in the original development impact – mitigation permit, but was identified in the 2018 wetland delineation.

Review and Discussion Items

Staff finds that:

- 1) The applicant is requesting to vacate an existing drainage and utility easement in Out Lot G of the Coffee Creek Subdivision. The easement is approximately 3,429 square feet of delineated wetland area.
- 2) The easement has not been improved with piping for drainage or utility purposes.
- 3) The applicant would like to vacate the easement to provide ample area to develop the property.
- 4) The City Stormwater Engineer has stated that the wetland/drainage and utility easement area was not included in the original development impact – mitigation permit. The wetland is an isolated pocket of wetland that does provide minor benefits to the watershed, but with the surrounding grading and disturbance of past earthwork their value has lessened, and if retained as is, with a new proposed development surrounding them, their natural role will be even less. With wetland permitting required for the disturbance, the loss will be minimal. The site layout for the new development will be better without the limitations of the wetlands in the middle of the parcel.
- 5) The utility and drainage easement will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth.
- 6) The applicant will need to complete wetland mitigation in the form of wetland replacement and/or through the purchase of wetland credits.
- 7) No public or agency comments have been received to date.
- 8) Vacation of 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 drainage and utility easement as shown on the attached vacation exhibit, subject to the following condition:

- 1) The applicant will need to complete wetland mitigation in the form of wetland replacement and/or through the purchase of wetland credits prior to the recording of the vacation of the drainage and utility easement.



PL 19-136
Area Map



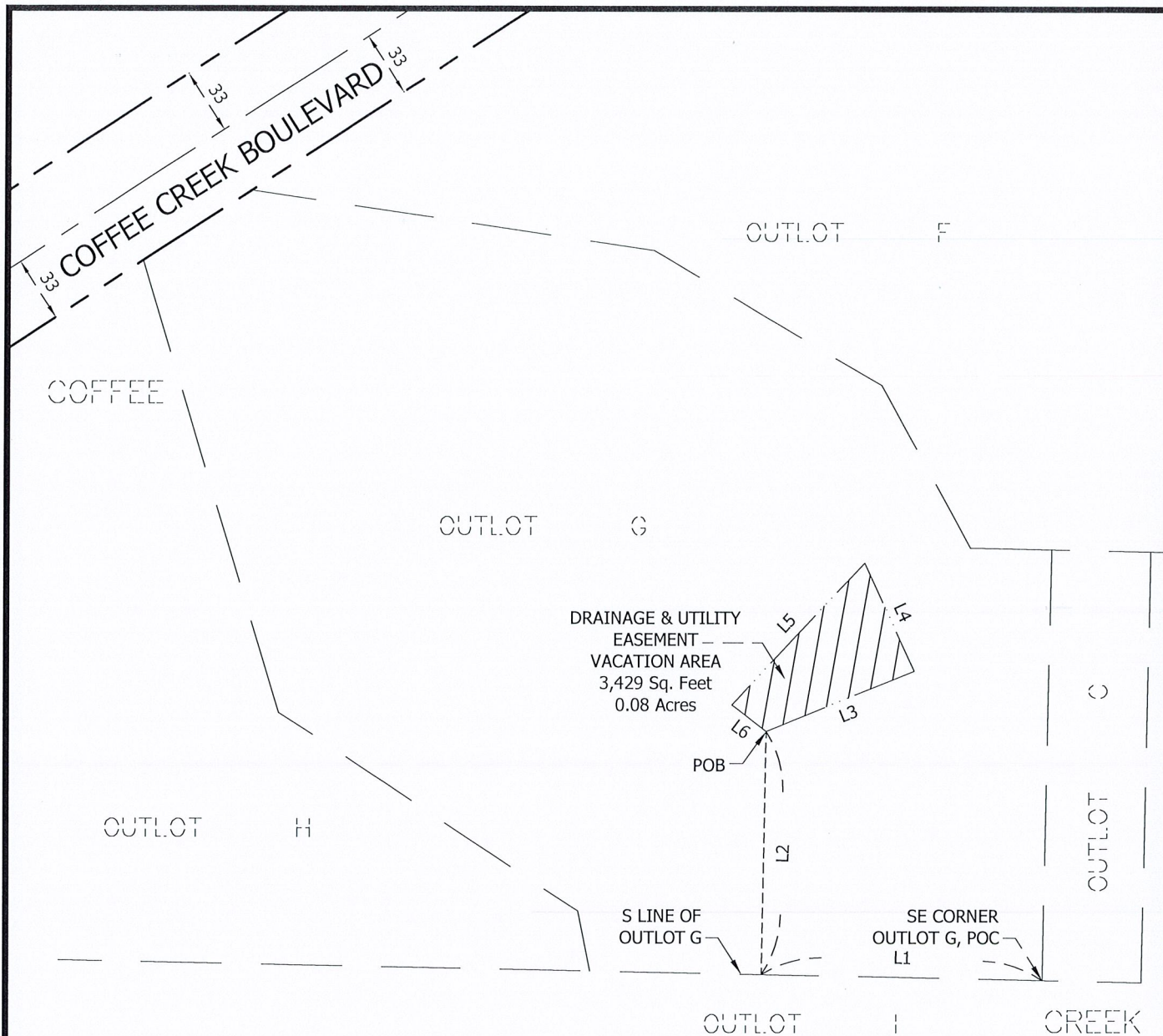
Legend

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.

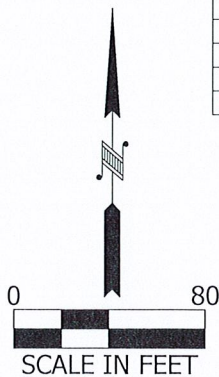
Aerial photography flown 2019


Prepared by: City of Duluth Community Planning Division, September 9, 2019; Source: City of Duluth.





LINE	BEARING	DISTANCE
L1	N88°53'26"W	140.85
L2	N01°06'34"E	121.46
L3	N67°54'37"E	79.84
L4	N24°35'19"W	59.26
L5	S43°25'38"W	97.47
L6	S53°24'24"E	22.02



EASEMENT VACATION EXHIBIT		 ALTA LAND SURVEY COMPANY <small>* LAND SURVEYING PHONE: 218-727-5211 * LAND DEVELOPMENT LICENSED IN MN & WI * PLATTING CERTIFIED FEDERAL SURVEYOR * LEGAL DESCRIPTIONS WWW.ALTALANDSURVEYDULUTH.COM * CONSTRUCTION STAKING</small>	
CLIENT: WILDAMERE C/O DEVIN DOYLE	REVISIONS: XXX		
DATE: SEPTEMBER 4, 2019	SHEET 2 OF 2		
ADDRESS: XXX COFFEE CREEK BOULEVARD, DULUTH, MN			
JOB NUMBER: 19-259			

LEGAL DESCRIPTION OF DRAINAGE AND UTILITY EASEMENT VACATION

That part of Outlot G, COFFEE CREEK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southeast corner of said Outlot G; thence on an assumed bearing of North 88 degrees 53 minutes 26 seconds West, along the South line of said Outlot G for a distance of 140.85 feet; thence North 01 degrees 06 minutes 34 seconds East 121.46 feet to the point of beginning of the drainage and utility easement vacation herein described; thence North 67 degrees 54 minutes 37 seconds East 79.84 feet; thence North 24 degrees 35 minutes 19 seconds West 59.26 feet; thence South 43 degrees 25 minutes 38 seconds West 97.47 feet; thence South 53 degrees 24 minutes 24 seconds East 22.02 feet to the point of beginning.

Said drainage and utility easement contains 3,429 square feet or 0.08 acres.

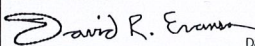
SURVEYOR'S NOTES

1. 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. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. BEARINGS ARE BASED ON THE SOUTH LINE OF OUTLOT G WHICH HAS A BEARING OF S88°53'26"E AS SHOWN ON COFFEE CREEK, ACCORDING TO THE RECORDED PLAT THEREOF, ST. LOUIS COUNTY, MINNESOTA.
3. THIS IS NOT A BOUNDARY SURVEY.

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

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

Date: SEPTEMBER 4, 2019

MN Lic. No. 49505

EASEMENT VACATION EXHIBIT

CLIENT: WILDAMERE C/O DEVIN DOYLE	REVISIONS: XXX
DATE: SEPTEMBER 4, 2019	SHEET 1 OF 2
ADDRESS: XXX COFFEE CREEK BOULEVARD, DULUTH, MN	
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* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
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