

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0172R

REPLACEMENT

RESOLUTION VACATING BUILDING LINE AND UTILITY EASEMENTS
SURROUNDING THE WOODLAND MIDDLE SCHOOL SITE AT 201
CLOVER STREET (VILLAGE CENTER DEVELOPMENT).

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation of building line and utility easements at the Woodland Middle School site (PL 12-010); and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing and the city planning commission found that the petitioned vacation is useless for vehicular, utility and pedestrian purposes; and

(c) The city planning commission, at its Tuesday, March 27, 2012, meeting, recommended approval of the easement vacation petition; and

(d) The city council of the city of Duluth approves the vacation of the following easements described below and as described and depicted on Public Document No. _____:

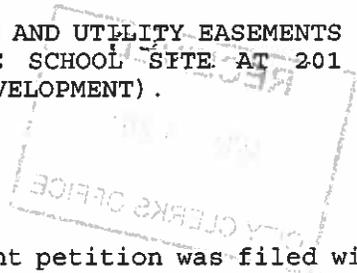
All land in the county of St. Louis, State of Minnesota:

All those lands encumbered by building lines affecting Blocks Two (2), Five (5) and Eight (8), Clover Hill Division of Duluth.

Together with:

That part of a gas line as now located affecting the westerly one-half of Prospect Avenue, East Griggs Place (a.k.a. Coddington Street), Blocks 18 and 19, Motor Line Division of Duluth, the vacated alley between said Blocks 18 and 19, except that portion of said gas line as now located lying northerly of the southerly line of Elizabeth Street, Motor Line Division of Duluth.

Together with:



A ten foot utility easement centering on existing storm sewer previously reserved per vacation of streets and alleys and approved by city council of Duluth on April 2, 1956.

and

All those parts of Blocks 8, 9 and vacated alley between said Blocks 8 and 9, Clover Hill Division of Duluth, being storm sewer directly connected to and downstream of the aforementioned ten foot utility easement approved by city council of Duluth on April 2, 1956, and lying northerly of the northerly line of Clover Street, said Clover Hill Division of Duluth;

(e) That the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution and public document showing the utility easement to be vacated.

Approved as to form:



Attorney

PC/PLNG JRM:eu 3/29/2012

STATEMENT OF PURPOSE: This resolution vacates building line and utility easements at the Woodland Middle School site to allow for redevelopment at the site.

On March 27, 2012, the Duluth city planning commission held a public hearing on the proposal and voted unanimously (8-0) to recommend that the city council approve the street vacation.

The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

Petition Received: January 31, 2012

Action Deadline: There is no action deadline for this resolution.

Applicant:

Mark Lambert

Village Center Development

122 South Water Street

Stillwater, MN 55082

651-689-2202

mlambert@summitre.net

VACATION EXHIBIT

VACATION DESCRIPTION:

ALL THOSE LANDS ENCUMBERED BY BUILDING LINES AFFECTING BLOCKS TWO (2), FIVE (5) AND EIGHT (8), CLOVER HILL DIVISION OF DULUTH.

TOGETHER WITH

THAT PART OF A GAS LINE AS NOW LOCATED AFFECTING THE WESTERLY ONE-HALF OF PROSPECT AVENUE, EAST GRIGGS PLACE (a.k.a. CODDINGTON STREET), BLOCKS 18 & 19, MOTOR LINE DIVISION OF DULUTH, THE VACATED ALLEY BETWEEN SAID BLOCKS 18 & 19, EXCEPT THAT PORTION OF SAID GAS LINE AS NOW LOCATED LYING NORTHERLY OF THE SOUTHERLY LINE OF ELIZABETH STREET, MOTOR LINE DIVISION OF DULUTH.

TOGETHER WITH

A 10 FOOT UTILITY EASEMENT CENTERING ON EXISTING STORM SEWER PREVIOUSLY RESERVED PER VACATION OF STREETS AND ALLEYS AND APPROVED BY CITY COUNCIL OF DULUTH ON APRIL 2, 1956.

AND

ALL THOSE PARTS OF BLOCKS 8, 9 AND VACATED ALLEY BETWEEN SAID BLOCKS 8 AND 9, CLOVER HILL DIVISION OF DULUTH BEING STORM SEWER DIRECTLY CONNECTED TO AND DOWNSTREAM OF THE AFOREMENTIONED 10 FOOT UTILITY EASEMENT APPROVED BY CITY COUNCIL OF DULUTH ON APRIL 2, 1956 AND LYING NORTHERLY OF THE NORTHERLY LINE OF CLOVER STREET, SAID CLOVER HILL DIVISION OF DULUTH.



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: [Signature] Date: 1/20/2012

DATE PREPARED: 1/12/12

PROJ NO: 110326

FILE: 110326 cVaca

SHEET 1 of 1 SHEETS



III E. 3

PERFORMANCE DESIGN.

LHBcorp.com

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CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
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STAFF REPORT

File Number	PL 12-010	Contact	Jenn Reed Moses	
Application Type	Vacation of Utility Easements	Planning Commission Date	March 27, 2012	
Deadline for Action	Application Date	January 31, 2012	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Woodland Middle School site			
Applicant	Village Center Development	Contact		
Agent	Mark Lambert	Contact	mlambert@summitre.net	
Legal Description	See attached			
Site Visit Date	March 1, 2012	Sign Notice Date	March 12, 2012	
Neighbor Letter Date	March 2, 2012	Number of Letters Sent	80	

Proposal

Request to vacate building line and utility easements at the Woodland Middle School site.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1, R-2	School	Neighborhood Mixed Use, Preservation
North	R-2	Clinic, Apartments	Urban Residential
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-2	College, Residential	Institutional, Neighborhood Mixed Use

Summary of Code Requirements (reference section with a brief description):

Vacation of public rights of way and/or easements requires 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.

Code Requirements are found in the UDC Section 50-37.6. 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.

III E. 1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Comprehensive Plan:

1. Principles

Principle #1 - Reuse previously developed lands

Principle #4 - Support emerging economic growth sectors

Principle #8 - Encourage mix of activities, uses and densities

2. Neighborhood Mixed Use land use category is described as a transitional use between more intensive commercial uses and purely residential neighborhoods.

Current History:

This site contains Woodland Middle School, which will be closing under the school district's long range facilities plan. Village Center Development has purchased the undeveloped portion of the site and plans to start construction in 2012; Village Center Development will acquire the remainder of the site after the school has closed.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1). There is a gas line in the easement that extends from N 27th Avenue E to Elizabeth Street and storm sewer in the easement extending from Clover Street to vacated Jackson Street.
- 2). Building line easements were historically used to regulate building setbacks (now done via zoning).
- 3). City engineering advises that these easements are not needed. City engineering will work with the developer on relocation of utilities and/or dedication of new easements over the course of development of this site.
- 4). Staff finds that this easement is not and will not be needed for the safe and efficient circulation of automobiles, trucks, bicycles or pedestrians in the city; that it is not and will not be needed to provide pedestrian or recreational access to the water; is not needed for utility purposes or public services; and is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the following finding Staff recommends that the Planning Commission recommend approval to the City Council of the street vacation request:

Request to vacate building line and utility easements at the Woodland Middle School site as shown in attached Vacation Exhibit dated 1/12/12.

III E.2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)

Legend

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

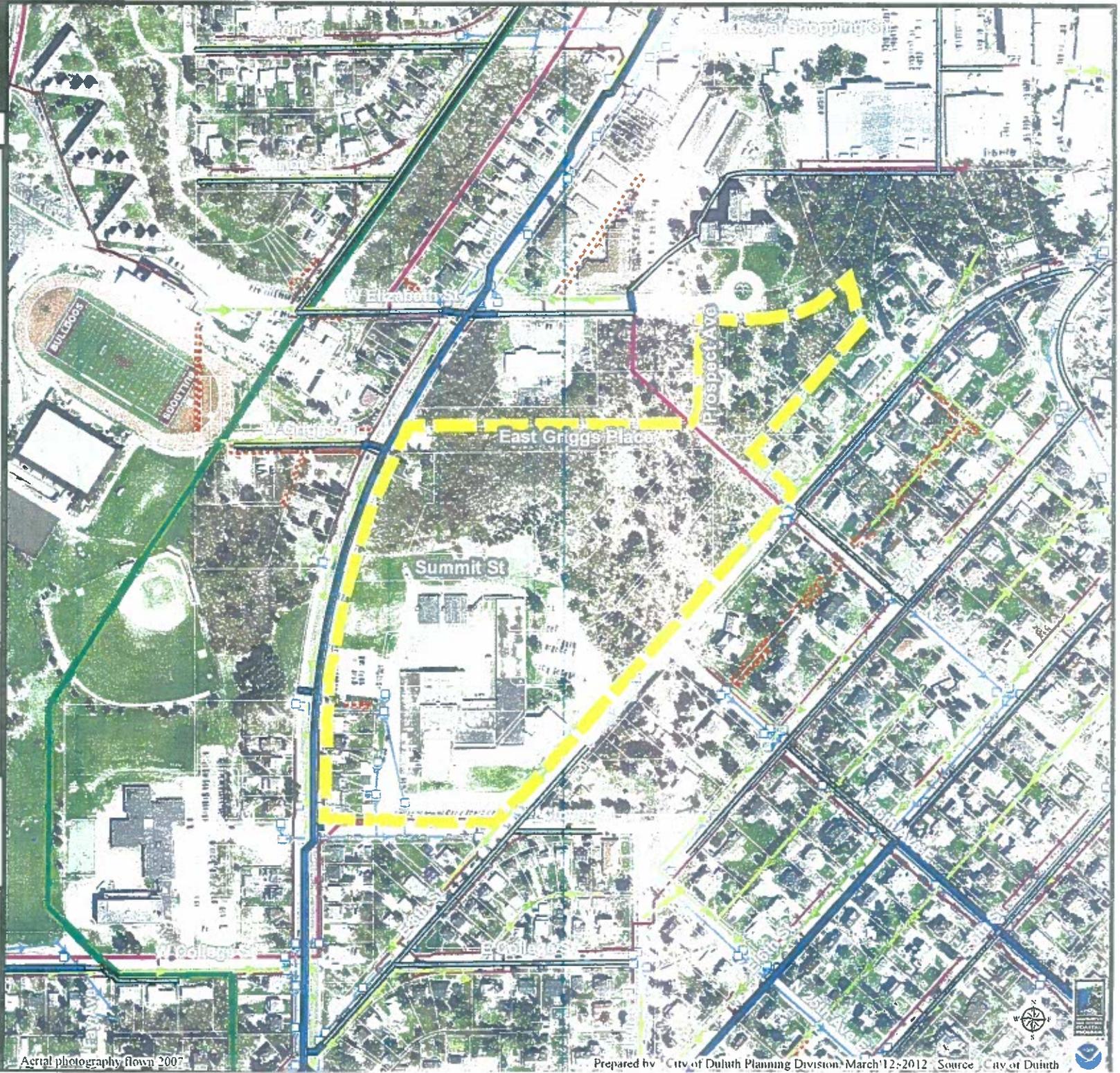
Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Discharge Points

Easement Type

- Utility Easement
- Other Easement

M.E.H



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.