CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	PL 13-033		**Contact**	Steven Robertson, 218 730-5295	
Application Type	Vacation of Unimproved Street Easement		**Planning Commission Date**	February 12, 2013	
Deadline for Action	**Application Date**		February 11, 2013	**60 Days**	N/A
	Date Extension Letter Mailed		February 19, 2013	**120 Days**	N/A
Location of Subject	1732 London Road				
Applicant	Coldwell Banker/Greg Kamp		**Contact**		
Agent	Greg Strom		**Contact**	gps.foundations@gmail.com	
Legal Description	See attached				
Site Visit Date	February 23, 2013		**Sign Notice Date**	February 25, 2013	
Neighbor Letter Date	February 19, 2013		**Number of Letters Sent**	38	

Proposal

Property owner is requesting a one foot vacation of an unimproved street easement, adding that "the building already encroaches slightly on to the property line."

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-2	Commercial	Neighborhood Mixed Use
North	F-2	Commercial	Neighborhood Mixed Use
South	F-2	Residential	Neighborhood Mixed Use
East	F-2	Commercial	Neighborhood Mixed Use
West	F-2	Commercial/Residential	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 .

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

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.

Principle #3 - Support traditional economic base
Supporting Duluth's traditional economic foundation maintains jobs, tax base, and opportunity. Economic activity with specific location requirements may be subject to displacement or site competition with changes in real estate values. This traditional economic activity faces change as result of global economic patterns, changing markets, new regulation and aging of extensive infrastructure. Nevertheless, fundamentals remain and the economic contribution, sometimes taken for granted, is significant.

Note, this item is related to PL 12-032, request for a concurrent use permit.

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

Staff finds that:

1) The applicant owns the land adjacent of the proposed vacation area. Due to the very limited scope of the vacation (one foot), only the property owner is affected by the vacation. The structure was found to have been constructed a few inches over the property line. The applicant is seeking a one foot vacation to allow the structure to remain.

2) The right of way is 99 feet wide. While there are utilities in the London Road right of way, there are no utilities are located in the easement requested to be vacated. This vacation, if approved, will not create a dead end nor will it deprive any currently platted lots of access to a public right of way.

3) This 1 foot partial vacation of the street easement 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; the right of way is not and will not be needed to provide pedestrian or recreational access to the water; and the public right of way is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

4) Only one comment was received from the public or city or government agencies on this proposal. There was some confusion between MnDOT and the City of who had jurisdiction of this section of the London Road. It was resolved that this section was formally turned back to the City in 1995.

5) Vacations of streets lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

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

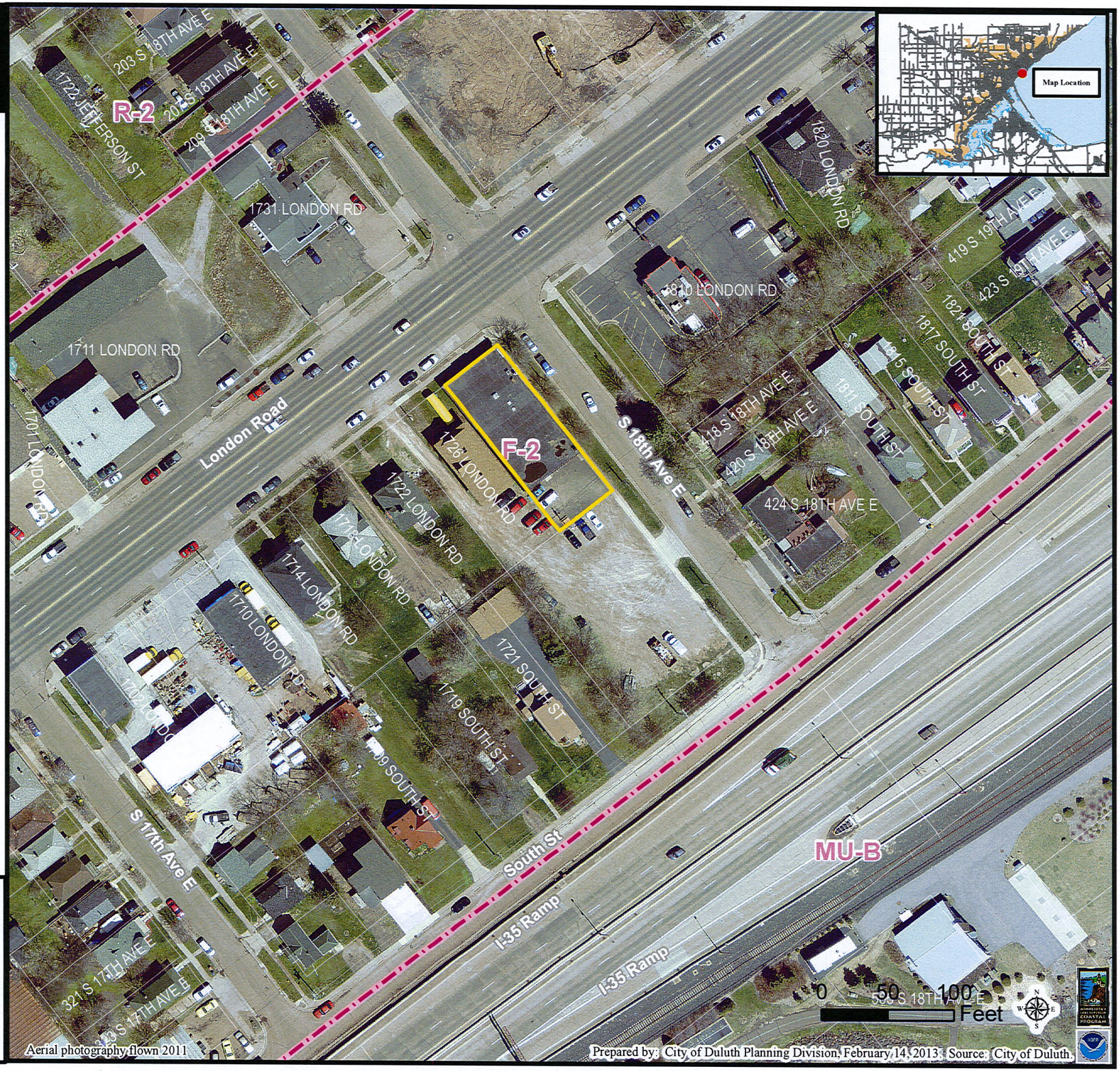
Based on the findings, Staff recommends that the Planning Commission recommend approval to the City Council for the petition to vacate the street easement with the following condition:

1) Vacation goes into effect after being recorded at the County Recorder's office. Applicant will work with Duluth City Clerk's office if needed to assist in the recording process.

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

City Planning

13-032 and 33
Vacation and Concurrent Use
Coldwell Banker



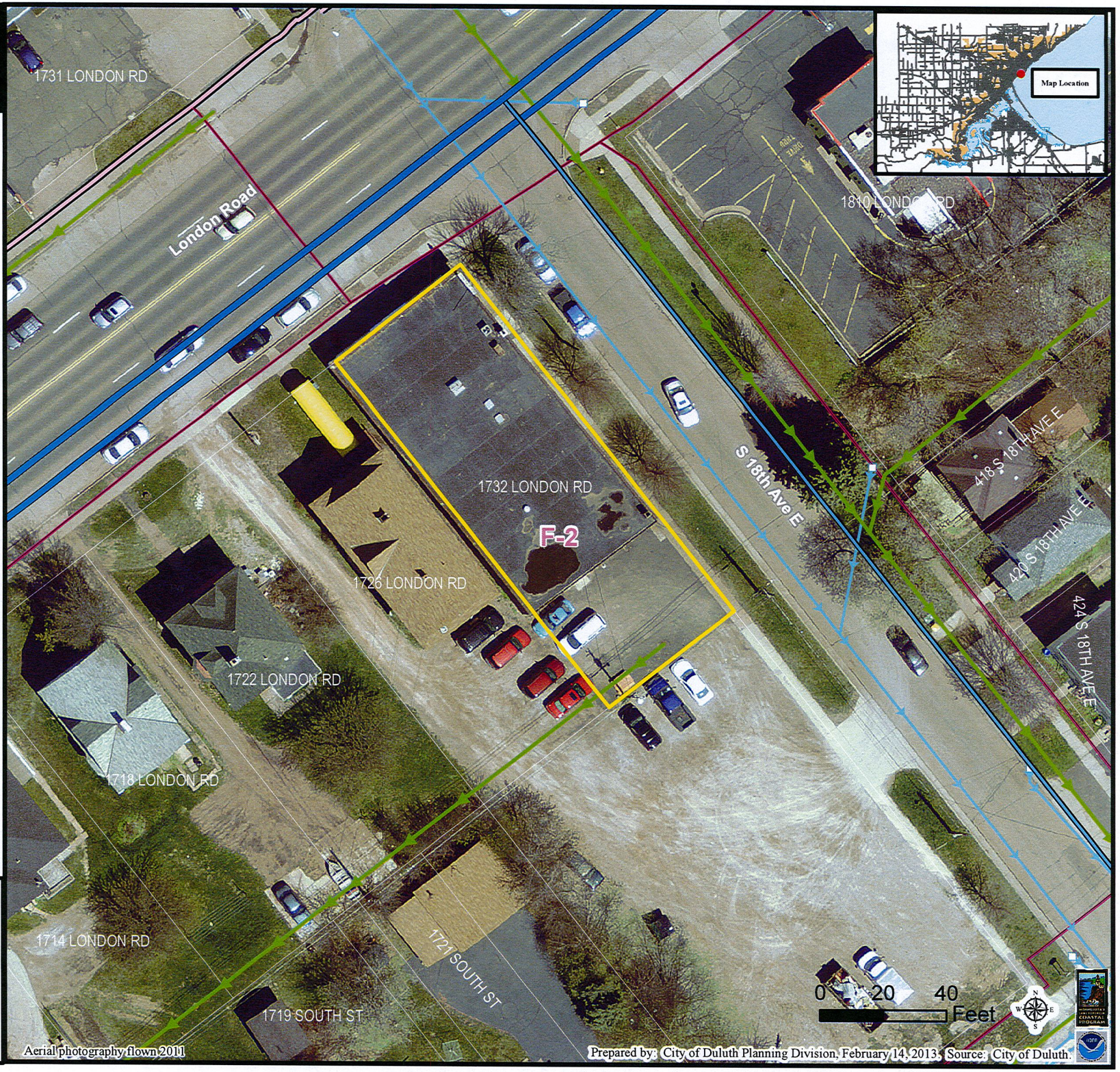
Legend

Zoning (Final)

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.

City Planning

13-032 and 33
Vacation and Concurrent Use
Coldwell Banker



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
- PS 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
- D Discharge_Points
- Zoning (Final)

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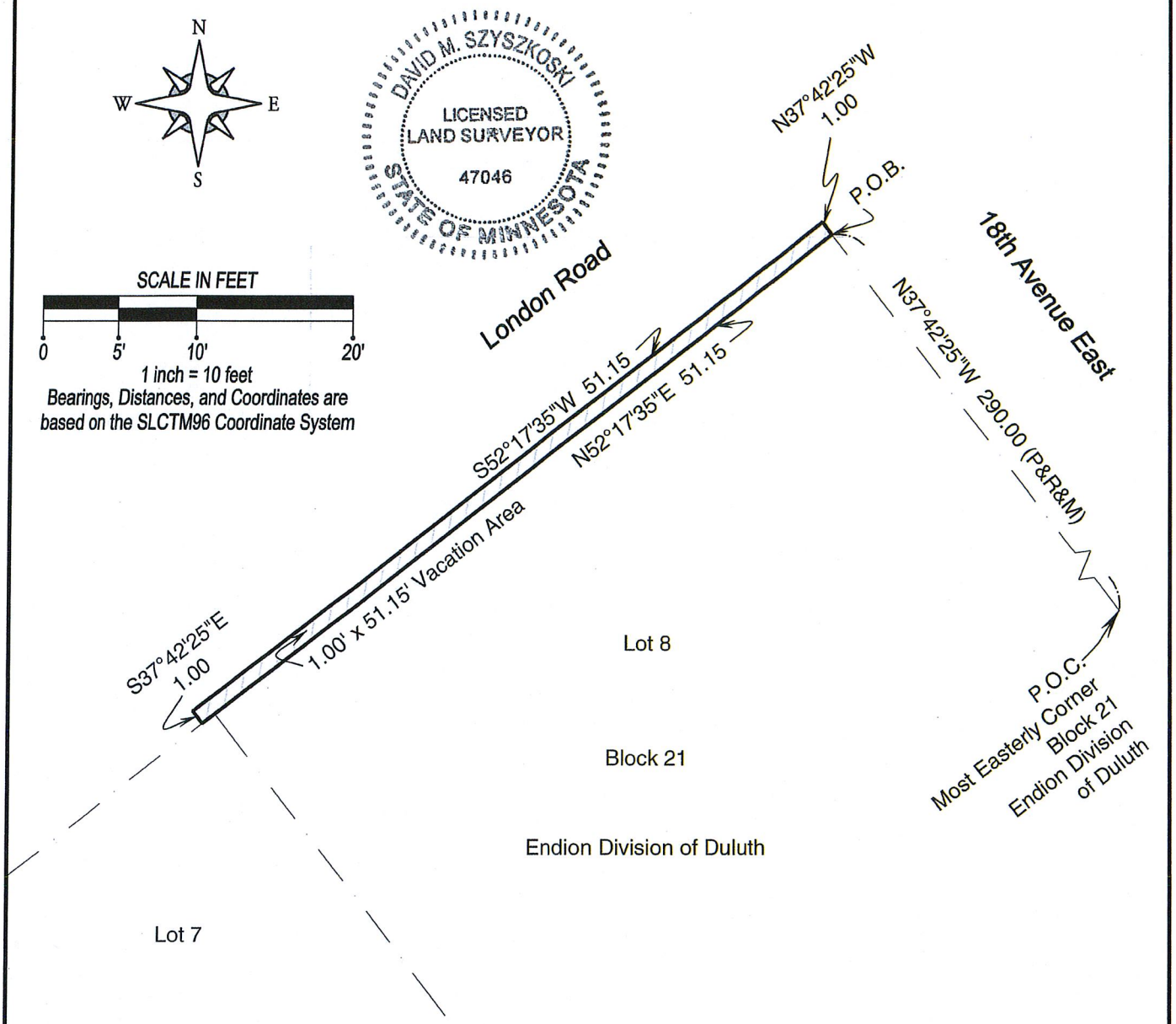
Vacation Exhibit

in Section 23, Township 50 North, Range 14 West, St. Louis County, Minnesota



Proposed Vacation Legal Description:
Commencing at the most easterly corner of Block 21, Endion Division of Duluth; thence North 37°42'25" West on the northeasterly line of Block 21 for a distance of 290.00 feet to a point at the intersection of the northeasterly line of Block 21 and the Right-of-Way of London Road, said point being the point of beginning; thence continuing North 37°42'25" West for a distance of 1.00 foot; thence South 52°17'35" West on a line parallel with the northwesterly line of Block 21 for a distance of 51.15 feet; thence South 37°42'25" East for a distance of 1.00 foot to the Right-of-Way of London Road; thence North 52°17'35" East on a line parallel with the northwesterly line of Block 21 for a distance of 51.15 feet to the point of beginning.

Approved by the City Engineer of Duluth, MN

Date:_____ by: _____

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. 2/15/2013 DAVID SZYSZKOSKI MINNESOTA LICENSE NO. 47046	ENGINEERS ▫ SURVEYORS ▫ PLANNERS SALO ENGINEERING, INC. 4560 Norway Pines Place ▫ Duluth, MN 55802 SALO JOB NUMBER: L4676 ph 218/727-8796	Vacation Exhibit of part of London Road adjacent to Block 21, Endion Division For : Gregory Kamp

Coldwell Banker – East West Realty
1732 London Road
Property and proposed vacation descriptions:

Existing Property:

Lots 7-10, Block 21, Endion Division of Duluth. Section 23, T50N, R14W, St. Louis County, MN.

Proposed Vacation Legal Description:

Commencing at the most easterly corner of Block 21, Endion Division of Duluth; thence North 37°42'25" West on the northeasterly line of Block 21 for a distance of 290.00 feet to a point at the intersection of the northeasterly line of Block 21 and the Right-of-Way of London Road, said point being the point of beginning; thence continuing North 37°42'25" West for a distance of 1.00 foot; thence South 52°17'35" West on a line parallel with the northwesterly line of Block 21 for a distance of 51.15 feet; thence South 37°42'25" East for a distance of 1.00 foot to the Right-of-Way of London Road; thence North 52°17'35" East on a line parallel with the northwesterly line of Block 21 for a distance of 51.15 feet to the point of beginning.

Minnesota Department of Transportation

Transportation Building
395 John Ireland Boulevard
Saint Paul, Minnesota 55155-1899

December 12, 1995 296-6967

Mr. Jeffrey Cox
City Clerk of Duluth
C. Hall: 411 West 1st Street
Duluth, MN 55802-1101

In reply refer to: 7300
State Project No. 6925
County of St. Louis
Notice of Release of a portion
of Trunk Highway No. 61
Release No. 1086

Dear Mr. Cox:

Attached is a Notice of Release of a portion of Trunk Highway No. 61. This will be effective December 15, 1995, and the description reads as follows:

Beginning in the City of Duluth at the junction of Old Trunk Highway No. 23 (2nd Street) and Old Trunk Highway No. 61 (12th Avenue East); thence easterly and northeasterly along the centerline of said Old Trunk Highway No. 61 (12th Avenue East and London Road) to its intersection with 26th Avenue East and there terminating. Also including all that portion of Old Trunk Highway No. 61 (14th Avenue East) between 3rd Street and London Road.

The subject portion of road reverts to the jurisdiction of the City of Duluth in accordance with Minnesota Statutes, Section 161.16 and 161.24 (and Acts amendatory thereto).

If you require additional information, call Mr. Neal Bartelt, Office of Right of Way and Surveys, at the above number, or write this office.

Sincerely,

Karl F Rasmussen

K. F. Rasmussen, Director
Office of Right of Way and Surveys

Enclosure:
Release No. 1086
R29977G.R1W

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