



**CITY OF DULUTH**

Planning Division

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

**STAFF REPORT**

<b>File Number</b>	14-048	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Application Type</b>	Vacation of Street Easement	<b>Planning Commission Date</b>	May 13, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	April 15, 2014	<b>60 Days</b>	N/A
	<b>Date Extension Letter Mailed</b>	April 24, 2014	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Commonwealth Ave and Becks Rd.			
<b>Applicant</b>	Wisconsin Central Ltd.	<b>Contact</b>		
<b>Agent</b>	Linda Armbruster	<b>Contact</b>	linda.armbruster@cn.ca	
<b>Legal Description</b>	Norton's Steel Plant Division of Duluth			
<b>Site Visit Date</b>	April 29, 2014	<b>Sign Notice Date</b>	April 30, 2014	
<b>Neighbor Letter Date</b>	April 24, 2014	<b>Number of Letters Sent</b>	12	

**Proposal**

Applicant is proposing a vacation of an unimproved platted street and alley in the Norton's Steel Plant Division of Duluth north of Becks Road and east of Commonwealth Avenue. The platted street portion is 33-feet in width and approximately 86-feet in length and the alley is 8-feet in width and approximately 190-feet in length.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	RR-1 (Rural Residential 1)	Unimproved street and alley	Auto oriented commercial
<b>North</b>	MU-B (Mixed Use Business)	Active rail line	Auto oriented commercial
<b>South</b>	RR-1	Residential/Becks Road	Auto oriented commercial
<b>East</b>	RR-1	Residential	Auto oriented commercial
<b>West</b>	RR-1	Vacant land	Preservation

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

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.

Code requirements are found in 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.

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

Governing Principle #1: Reuse previously developed lands.

Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with attendant alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets, utilities, and transit, fire and police services.

Governing Principle #3 - Support traditional economic base. Identified industries includes port operations, transportation services, manufacturing, bulk commodity handling, and related support services. Locational considerations include docks, shipping channels, railroad rights-of-way, Interstate highway and airport.

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

1) Applicant is proposing to vacate an unimproved platted street and alley in the Norton's Steel Plant Division of Duluth north of Becks Road and east of Commonwealth Avenue. The platted street portion is 33-feet in width and approximately 86-feet in length and the alley is 8-feet in width and approximately 190-feet in length.

2) The applicant owns the majority of the lots to the south of the proposed street vacation and a majority of the lots to the east of the proposed vacated alley. This vacation, if approved, will not deprive any currently platted lots of access to a public right of way. If the vacation request is granted by the City, the applicant intends to use the area for expansion to the existing railroad activity north of the proposed vacated area.

3) Minnesota Power currently maintains an overhead power line within the alley right-of-way proposed to be vacated. Representatives from MN Power have been in contact with the applicant's representative, and have indicated that they will be discussing a possible re-routing of an existing 3-phase overhead power line and requiring a new 30 foot wide easement for the power line on the Lovejoy Property.

4) The City has a 20-inch water main within the right-of-way of the alley and street proposed to be vacated. City Engineering is requesting that a 20-foot easement be maintained for the existing water line.

5) Staff believe 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 (as long as an easement is maintained); 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.

6) No comments from the public.

7) 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 above findings, Staff recommends that Planning Commission recommend approval to vacate the Street and Alley easement with the following conditions:

1) That a 20 foot utility easement be maintained for the existing water line located within the platted street and alley.

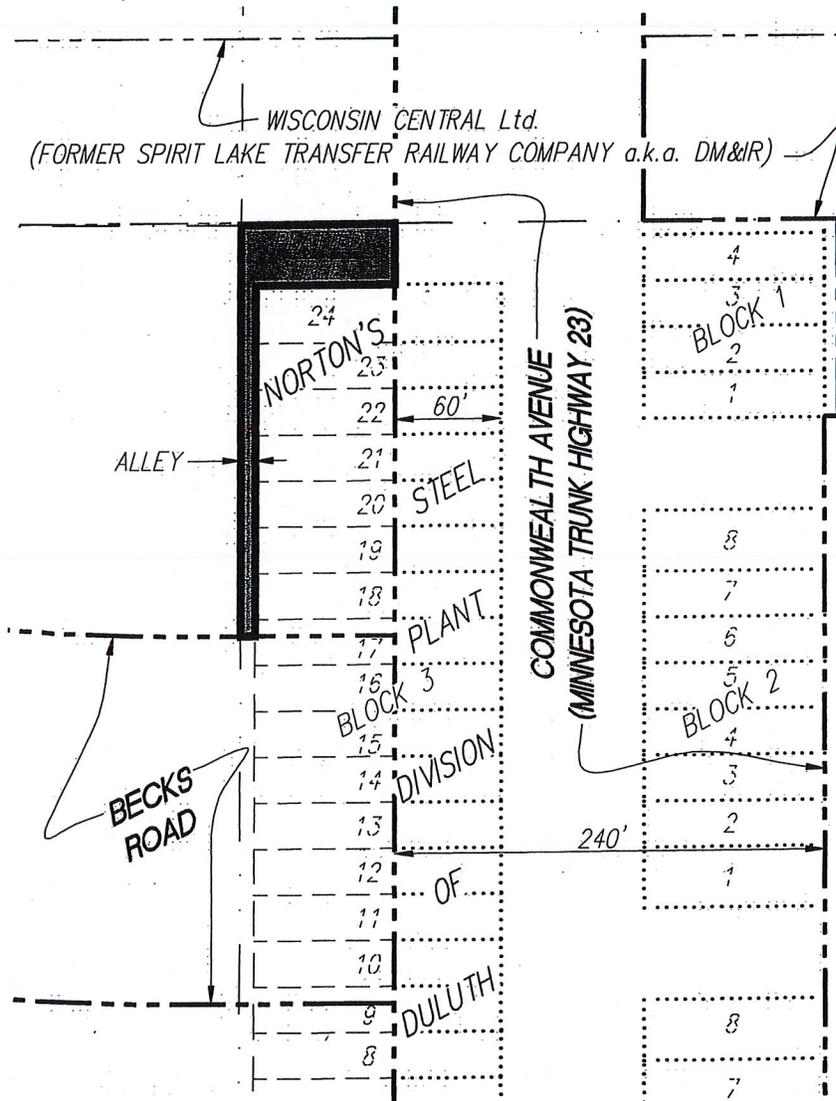
2) Vacation goes into effect after being recorded at the County Recorder's office. Applicant will work with Duluth City Clerk's office if needed to assist in the recording process.

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

# VACATION EXHIBIT

## NORTON'S STEEL PLANT DIVISION OF DULUTH



WISCONSIN CENTRAL Ltd.  
(FORMER SPIRIT LAKE TRANSFER RAILWAY COMPANY a.k.a. DM&IR)

ALLEY

NORTON'S

STEEL

PLANT

BLOCK 3

OF

DULUTH

COMMONWEALTH AVENUE  
(MINNESOTA TRUNK HIGHWAY 23)

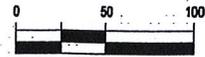
BLOCK 1

BLOCK 2

BECKS ROAD

240'

60'



(SCALE IN FEET)

Basis of Bearing is Grid North,  
St. Louis County Transverse  
Mercator 96 Coordinate System.

**LEGAL DESCRIPTION:**

All those parts of Alley and Platted Street, NORTON'S STEEL PLANT DIVISION OF DULUTH, City of Duluth, St. Louis County, Minnesota appurtenant to part of Lot Seventeen (17) and all of Lots Eighteen (18), Nineteen (19), Twenty (20), Twenty-One (21), Twenty-Two (22), Twent-Three (23) and Twent-Four (24), Block Three (3), lying north of the northerly right-of-way line of Becks Road and west of the westerly right-of-way line of Commonwealth Avenue (a.k.a. Minnesota Trunk Highway No. 23).

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:

Date: 3/18/2014

DATE PREPARED: 3/18/14

PROJ NO: 140017

FILE: 140017vSurv.

SHEET 1 of 1 SHEETS



PERFORMANCE DRIVEN DESIGN.

LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

FILE: ..140017\600 Drawings\Survey\140017vSurv.dwg

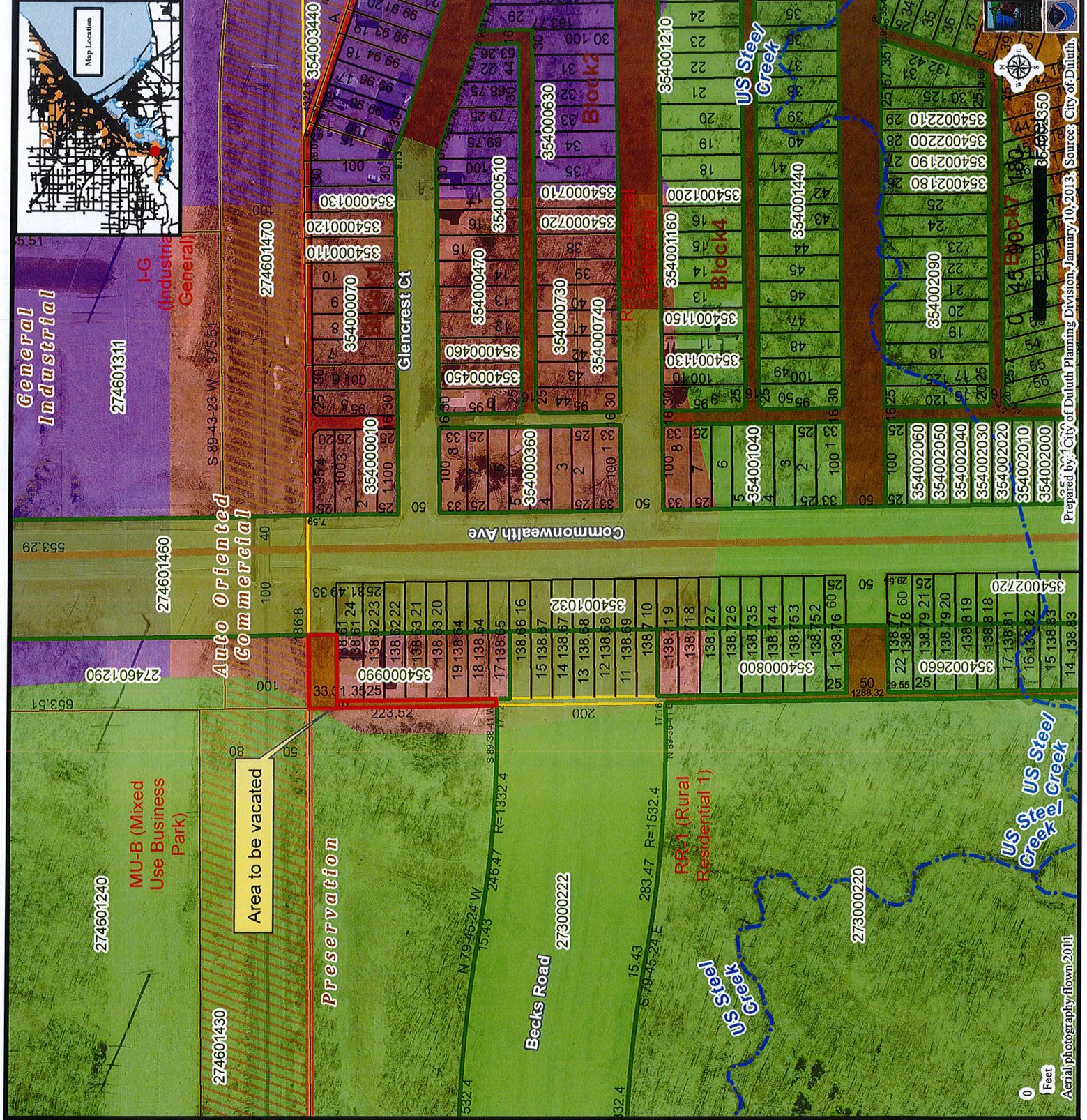
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**Area to vacate**

**Future Land Use - Plus**

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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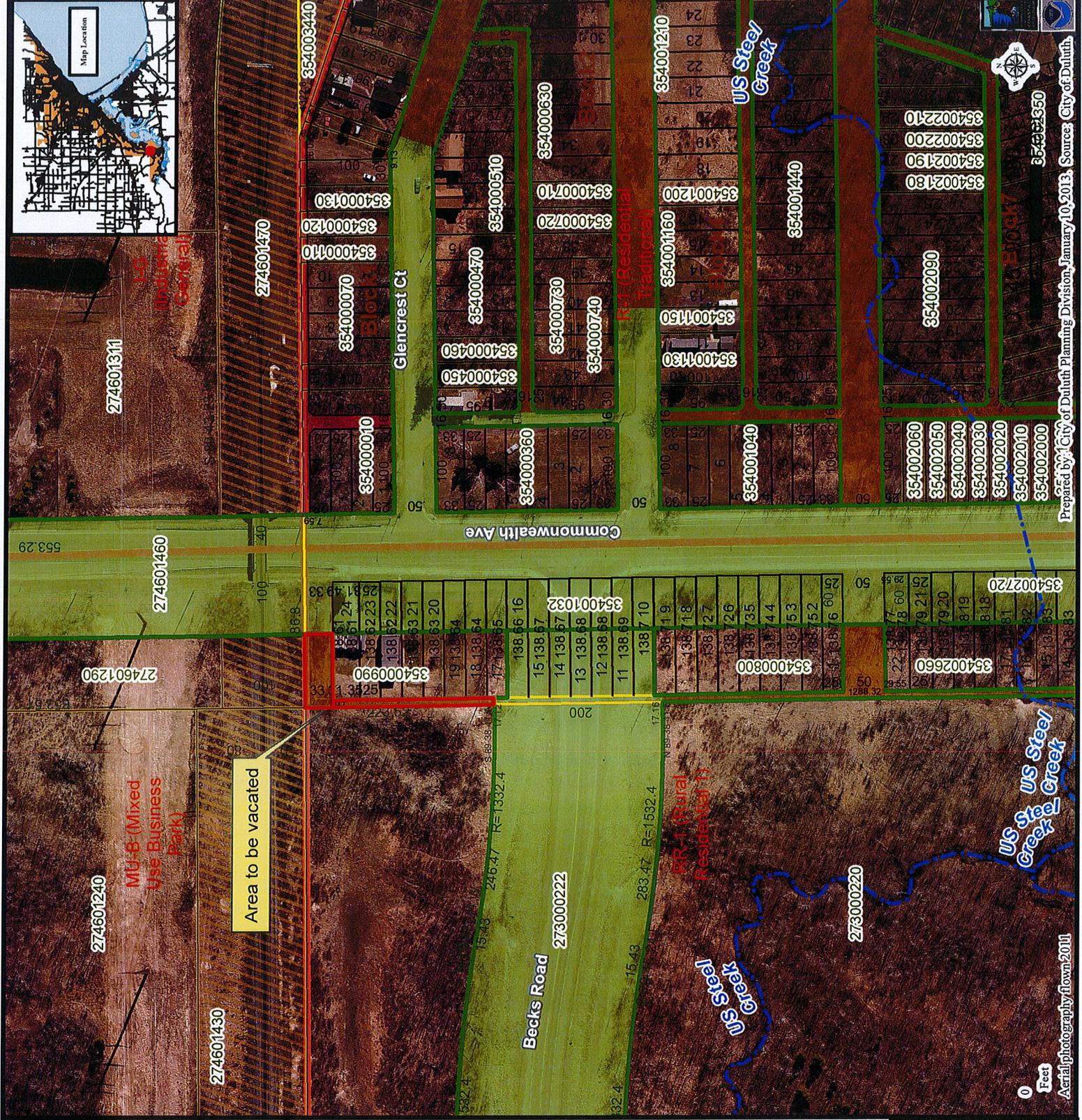


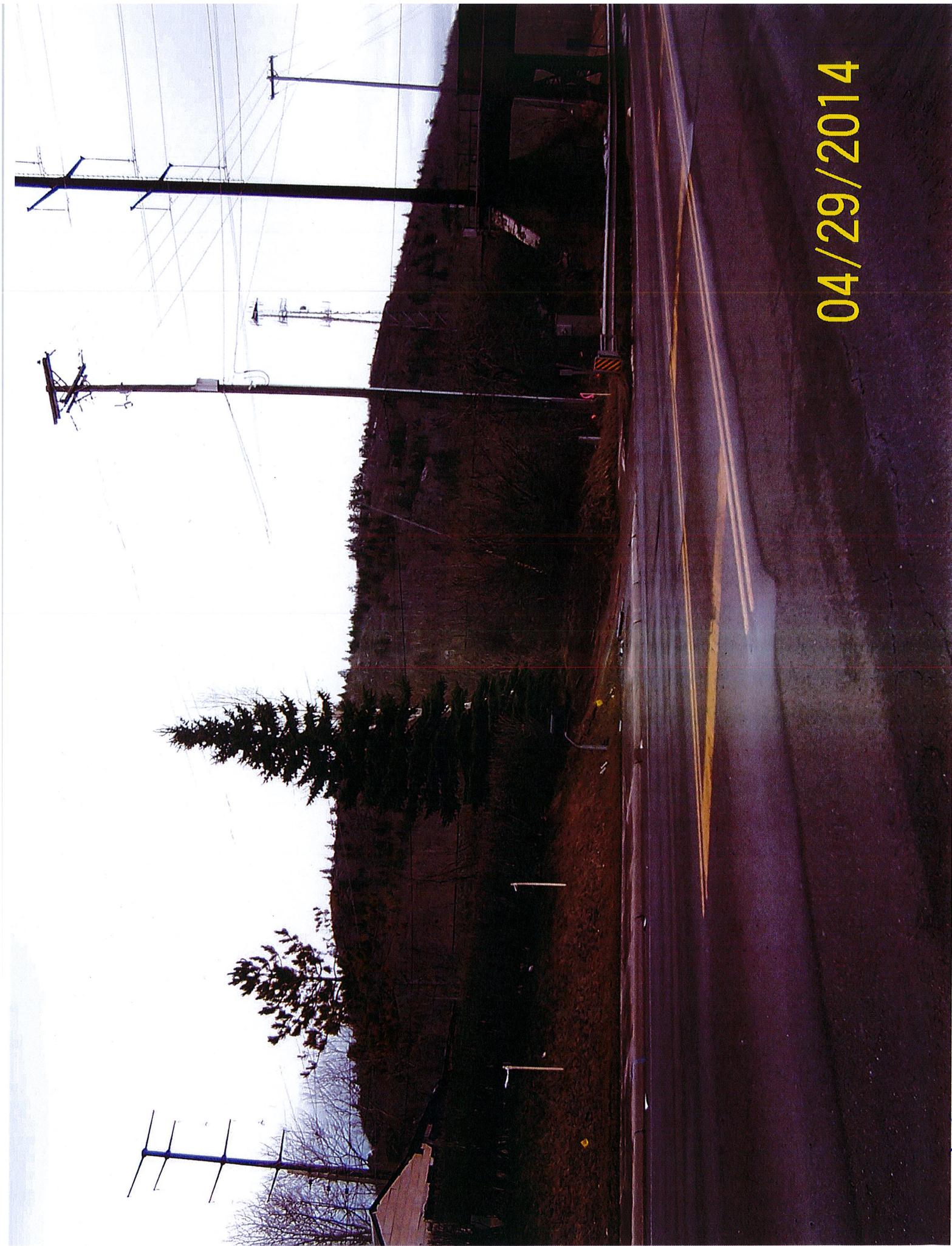


**City Planning**  
 PL 14-048  
 Vacation CN Norton's  
 Zoning Map

- Area to vacate
- Zoning-SDE

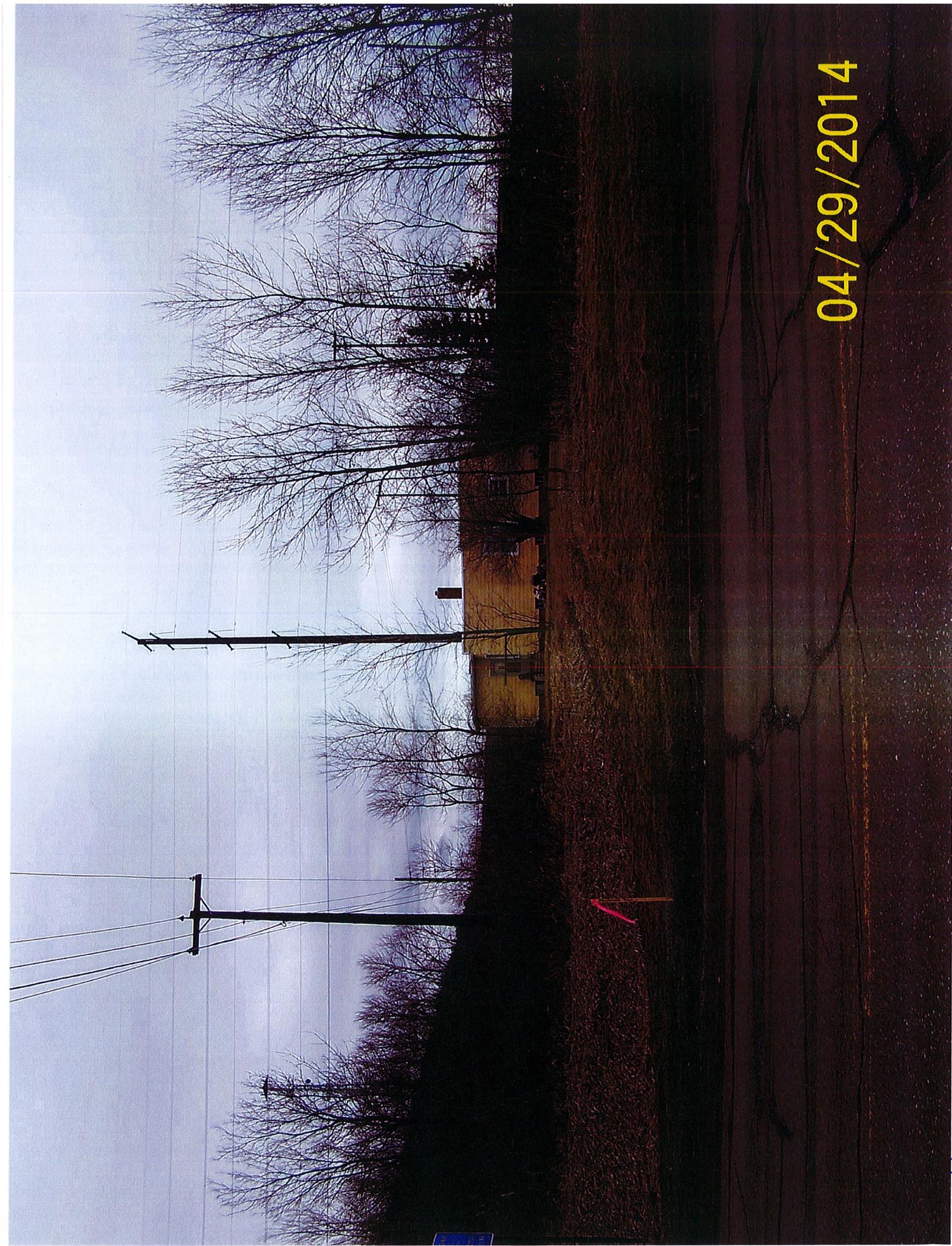
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04/29/2014

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04/29/2014

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