



**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>	PL 14-088	<b>Contact</b>	Kyle Deming; kdeming@duluthmn.gov	
<b>Application Type</b>	Vacation of Sewer Easement	<b>Planning Commission Date</b>	August 12, 2014	
<b>Deadline for Action</b>	<b>Application Date</b>	July 8, 2014	<b>60 Days</b>	N/A
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	A sewer easement south of Maple Grove Road 316' east of Cottonwood St. (1408 Maple Grove Rd.)			
<b>Applicant</b>	PLB Miller Hill, LLC - Ryan Boman	<b>Contact</b>	218-249-1954; ryan@melhus.com	
<b>Agent</b>	William M. Burns - Hanft Fride P.A.	<b>Contact</b>	218-722-4766; wmb@hanftlaw.com	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	July 31, 2014	<b>Sign Notice Date</b>	July 28, 2014	
<b>Neighbor Letter Date</b>	July 22, 2014	<b>Number of Letters Sent</b>	19	

**Proposal**

Vacate 10' wide sewer easement that has no utilities installed in it and has a building built on top of part of it.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-N	Apartments	Neighborhood Mixed-Use
<b>North</b>	MU-N	Homes	Neighborhood Mixed-Use
<b>South</b>	MU-C	Retail	Large-Scale Commercial
<b>East</b>	MU-N	Vacant	Neighborhood Mixed-Use
<b>West</b>	MU-N	Apartments	Neighborhood Mixed-Use

**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):**

Neighborhood Mixed-Use - A transitional area 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. Site design should maintain a largely residential building character. Commercial-only uses should be adjacent to non-residential or other mixed use areas.

Governing Principle #1: Reuse previously developed lands.

Governing Principle #7: Create and maintain connectivity.

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

- 1) The proposed vacation area is a platted 10' wide sewer easement that was part of the original plat for the area.
- 2) A portion of the easement has been covered with the existing Miller Hill Manor apartment building.
- 3) The easement has no utilities installed within it. Staff believe this sewer easement is not and will not be needed for the efficient supply of utilities or public services in the City and the easement is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.
- 4) No comments from the public or City concerning the vacation.

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

Staff recommends that the Planning Commission recommend approval to the City Council, without conditions, based on the findings above, that the petitioned sewer easement be vacated.

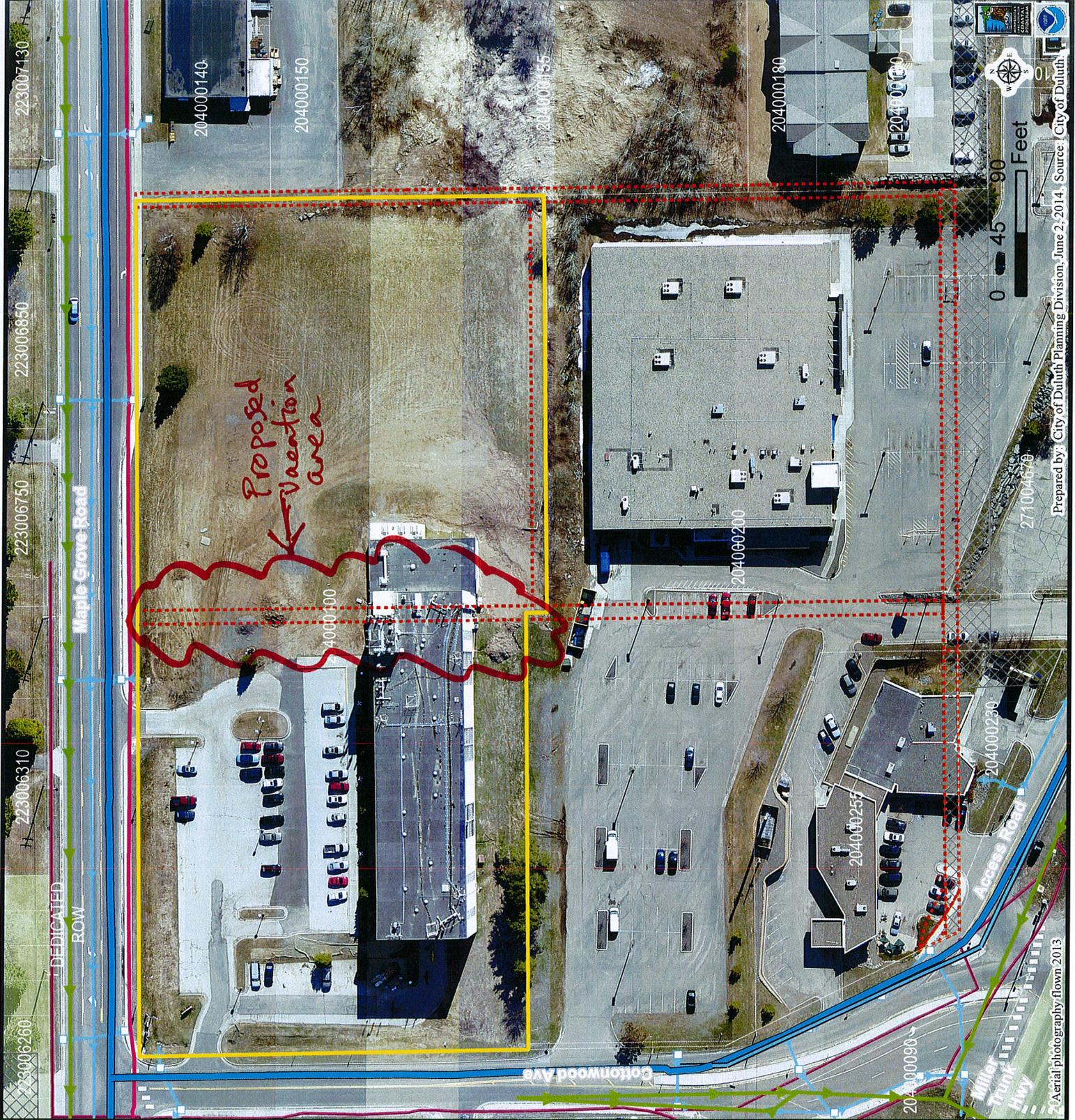
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**Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)**

*PL14-088 Vacate 10' Wide Sewer Easement*

**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**
  - Vacated ROW
  - Utility Easement
  - Other Easement



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.

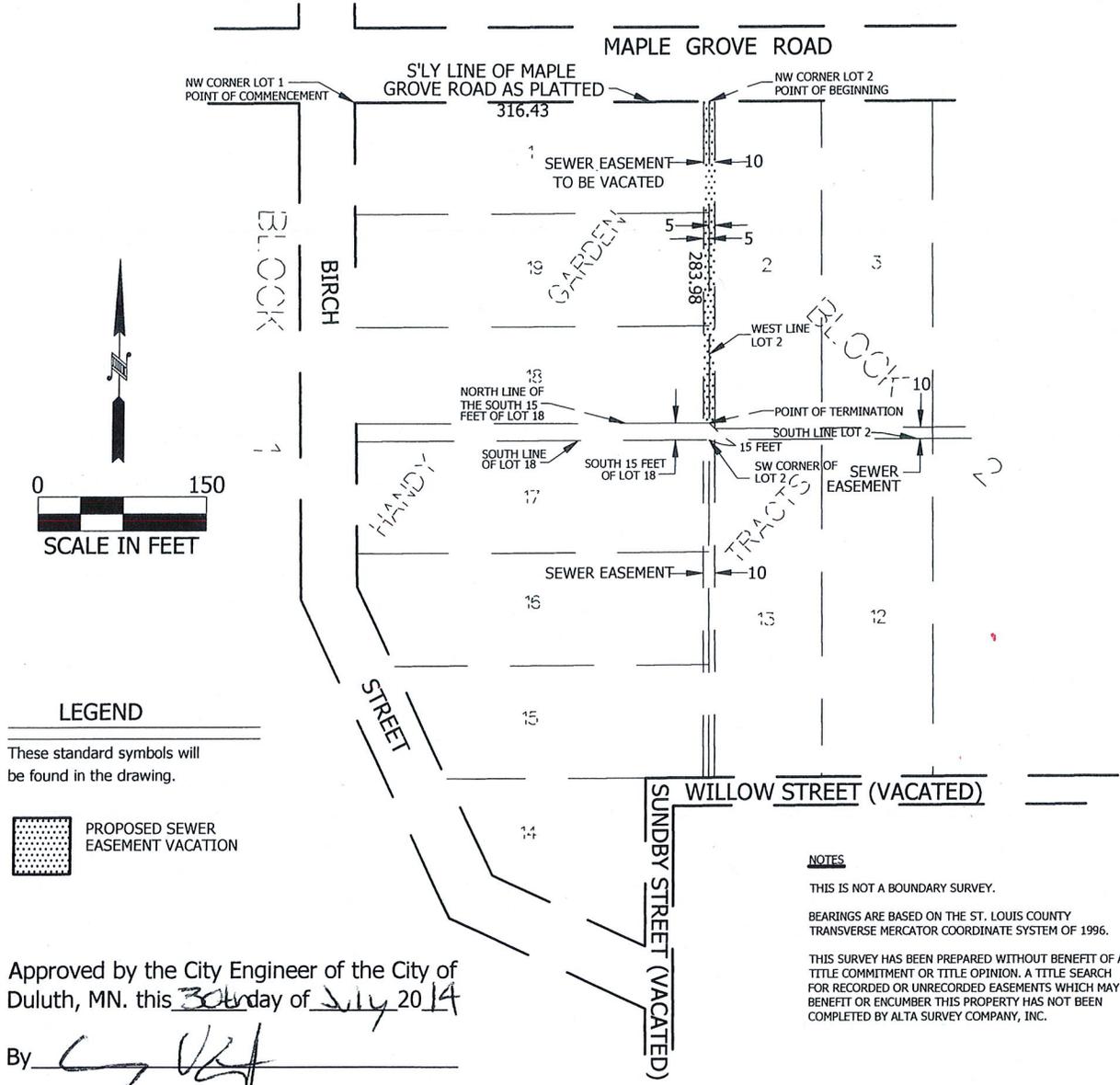
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**LEGAL DESCRIPTION OF VACATION SEWER EASEMENT**

All that part of the platted 10 foot wide sewer easement lying in Block 2 of HANDY GARDEN TRACTS, according to the recorded plat thereof, St. Louis County, Minnesota, the centerline of said easement is described as follows:

Commencing at the northwest corner of Lot 1, said Block 2; thence easterly, along the southerly right of way line of Maple Grove road as platted, a distance of 316.43 feet to the northwest corner of Lot 2, said Block 2, said point being the Point of Beginning of the easement centerline; thence southerly along the westerly line of said Lot 2, a distance of 283.98 feet to a point which lies 15 feet north of the southwest corner of said Lot 2, and there terminating.

Said easement contains 2,843 sq. ft or 0.07 acres, more or less.



**LEGEND**

These standard symbols will be found in the drawing.

 PROPOSED SEWER EASEMENT VACATION

Approved by the City Engineer of the City of Duluth, MN. this 30 day of July 2014

By [Signature]

**NOTES**

THIS IS NOT A BOUNDARY SURVEY.

BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996.

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 ENCLUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

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.

Date: 7-07-14

David R. Evanson

David R. Evanson MN License No. 49505

VACATION SKETCH OF SEWER EASEMENT	
CLIENT: <u>PLB MILLER HILL LLC</u>	REVISIONS: <u>XXX</u>
DATE: <u>7-07-14</u>	
ADDRESS: <u>XXX</u>	
JOB NUMBER: <u>14-325</u>	

**ALTA**

LAND SURVEY COMPANY

\* LAND SURVEYING PHONE: 218-727-5211  
 \* LAND DEVELOPMENT FAX: 218-727-3798  
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