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 14-146		**Contact**	Steven Robertson; 218 730 5295	
Application Type	Vacation of Utility Easement		**Planning Commission Date**	October 14, 2014	
Deadline for Action	**Application Date**	September 23, 2014	**60 Days**	N/A	
	Date Extension Letter Mailed	October 6, 2014	**120 Days**	N/A	
Location of Subject	1115 West Michigan Street				
Applicant	Augusta Housing Company		**Contact**		
Agent	Aaron Schweiger		**Contact**	schweiger.aaron@gmail.com	
Legal Description	See Attached				
Site Visit Date	September 28, 2014		**Sign Notice Date**	September 30, 2014	
Neighbor Letter Date	September 30, 2014		**Number of Letters Sent**	7	

Proposal

Applicant is proposing a vacation of an inactive utility easement.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Multi Family Residential	Urban Residential
North	R-2	Multi Family Residential	Urban Residential
South	R-2/I-G	Road	Transportation and Utilities
East	R-2/I-G	Road	Preservation
West	R-2	Undeveloped	Urban Residential

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.

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

Urban Residential: Greatest variety of 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.

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

1) Applicant is proposing a vacation of an unimproved street easements adjacent. The applicant is the only affected property owner.

2) The utility easement is 50 feet wide at the northern edge of the property, and constricts to 33 feet wide at the bottom of the property. The applicant is requesting to vacate 20 feet of the utility easement, leaving13 feet. There is an abandoned sanitary sewer line in the easement that is not needed by the City. There is an active storm sewer catch basin, which is being left in place in the 13 feet of the utility easement that will not be vacated.

3) This vacation, if approved, will not deprive any currently platted lots or property owners access to a public right of way.

4) Staff believe this easement vacation 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.

5) No comments from the public concerning the vacation. City engineering has requested that a portion of the easement be maintained for the storm sewer catch basis (as shown in the updated, signed, vacation exhibit).

6) 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, after City Council approval.

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

Staff recommends that the Planning Commission recommend approval to the City Council, based on the findings above, the request to vacate a portion of the utility easement, as shown on the signed vacation exhibit dated 9-18-14.

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

City Planning

PL 14-146
1115 W Michigan St

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

Right-of-Way Type
- Road or Alley ROW
- Vacated ROW

Easement Type
- 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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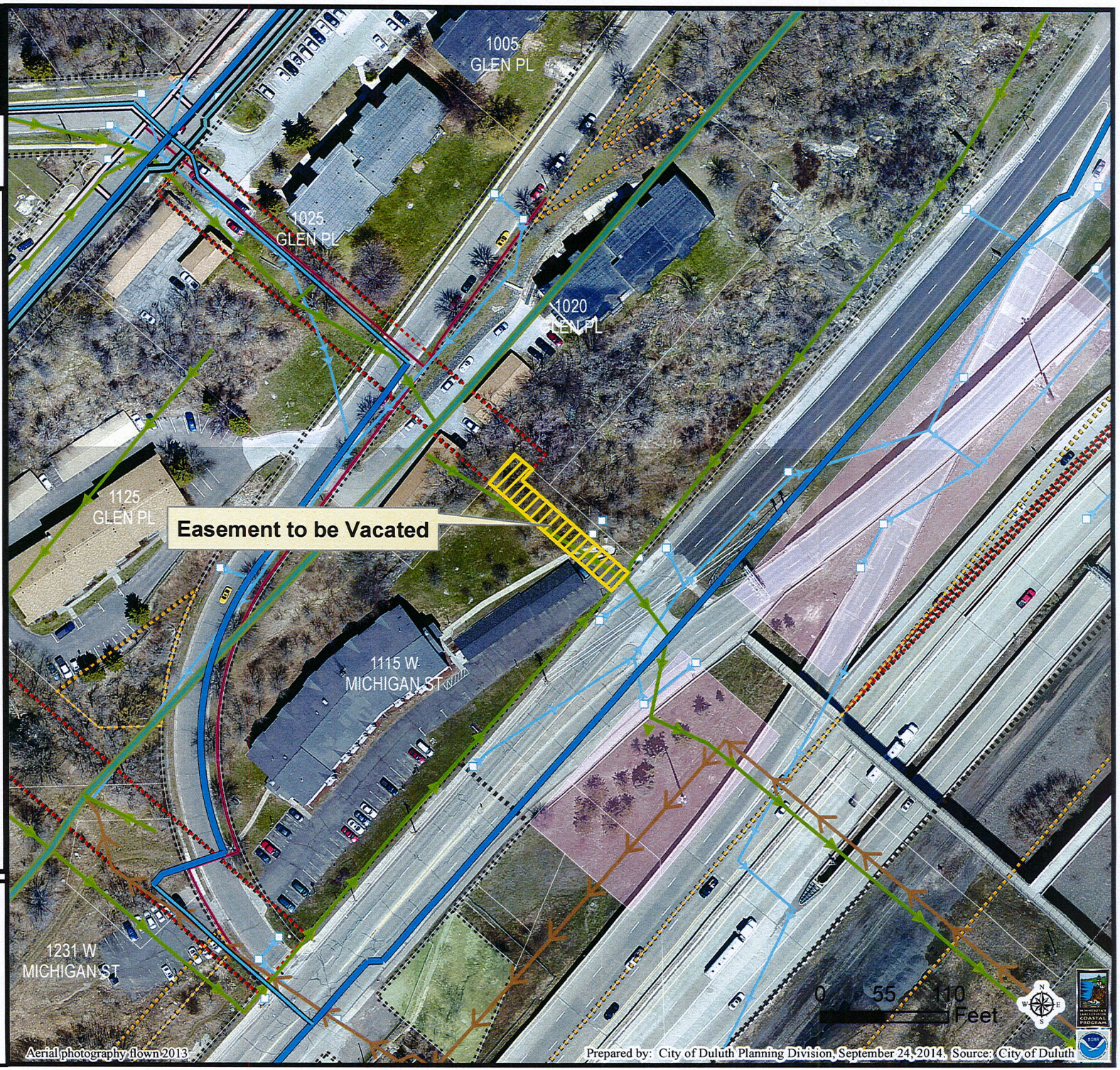

City Planning

PL 14-146
1115 W Michigan St

Legend

Zoning Boundaries

- Zoning Boundaries

Future Land Use

- 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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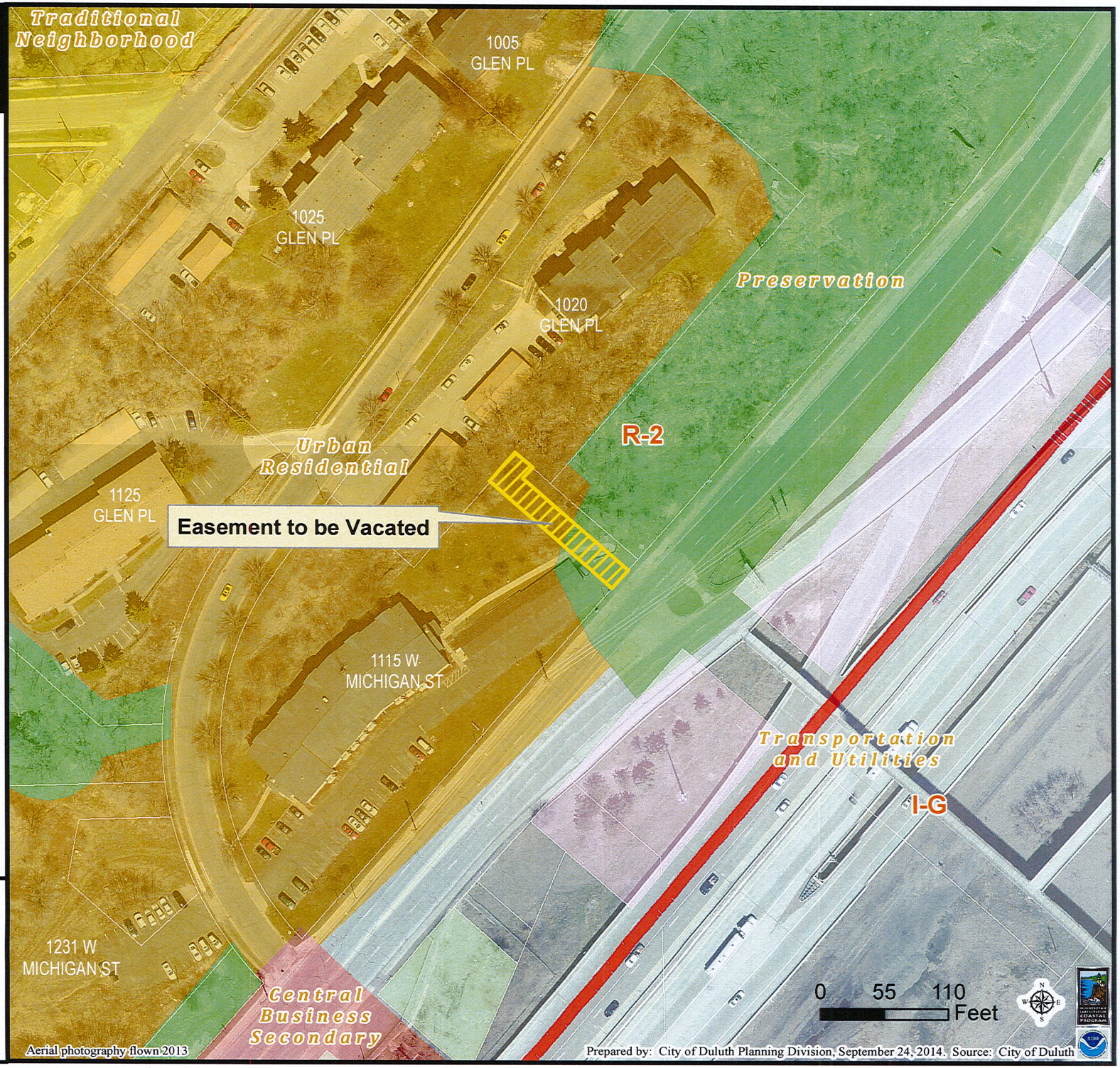


VACATED UTILITY EASEMENT

The 20.00 foot wide utility easement lying over, under and across Lot 2, Block 1, GLEN PLACE DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

said easement containing 3059.8 sq. ft or 0.07 acres.

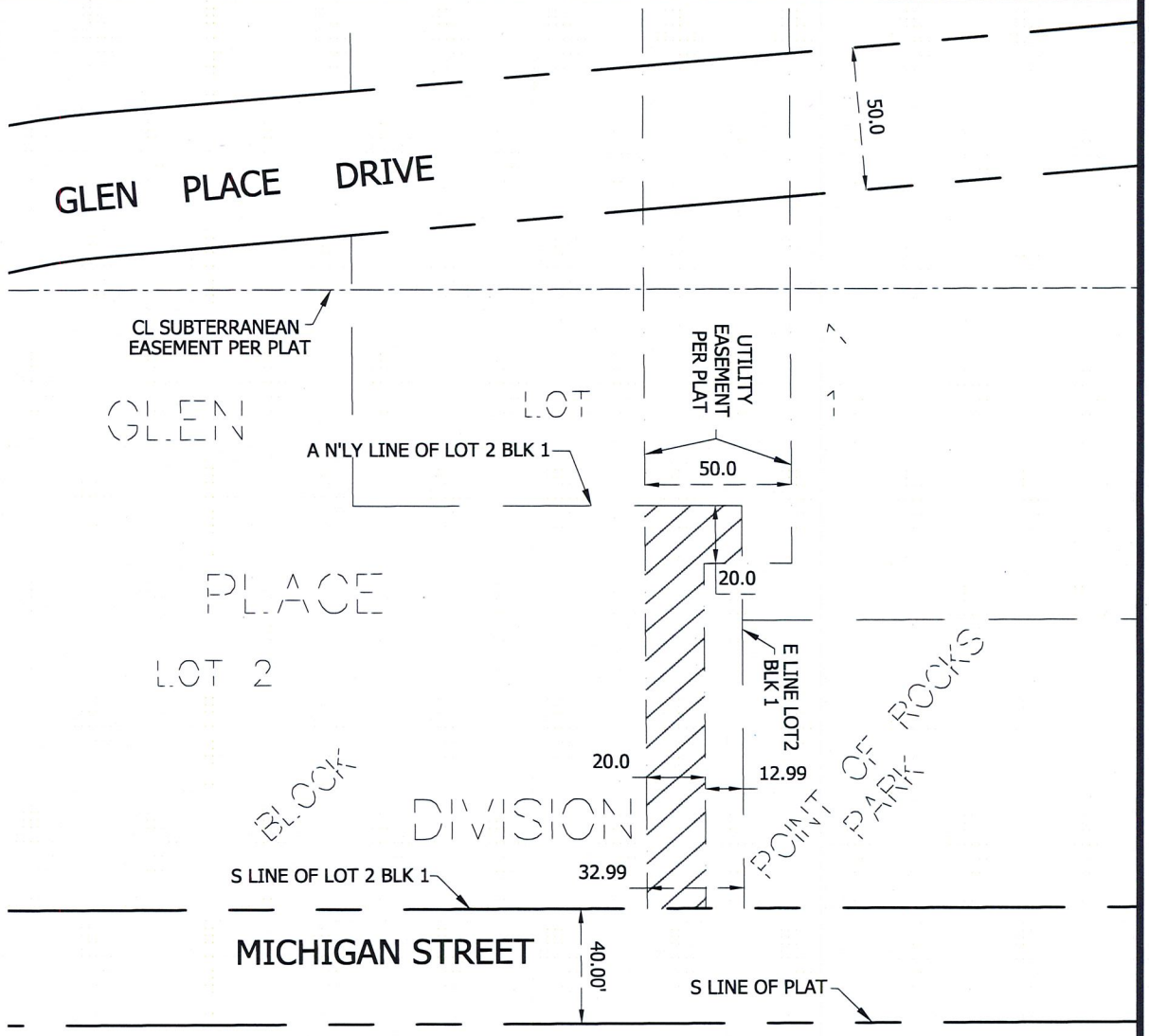
Approved by the City Engineer of the City of Duluth, MN. this 29 day of Sept 20 14

By _____

LEGEND

These standard symbols will be found in the drawing.

PROPOSED UTILITY EASEMENT VACATION



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SCALE IN FEET

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 ENCUMBER 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: 9-18-14

David R. Evanson

David R. Evanson MN License No. 49505

VACATION EXHIBIT FOR UTILITY EASEMENT

CLIENT: *SCALZO ARCHITECTS*	REVISIONS: XXX
DATE: 9-18-14	
ADDRESS: XXX	
JOB NUMBER: 14-302	

ALTA
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