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 14-162		**Contact**	Steven Robertson; 218 730 5295	
Application Type	Vacation of Railroad Spur Easement		**Planning Commission Date**	December 9, 2014	
Deadline for Action	**Application Date**	November 4, 2014	**60 Days**	N/A	
	Date Extension Letter Mailed	November 25, 2014	**120 Days**	N/A	
Location of Subject	Between 1st First Street and North 44th Avenue West				
Applicant	J&S Partnership		**Contact**		
Agent	William Burns		**Contact**	wmb@hanftlaw.com	
Legal Description	See Attached				
Site Visit Date	December 1, 2014		**Sign Notice Date**	November 24, 2014	
Neighbor Letter Date	November 25, 2014		**Number of Letters Sent**	17	

Proposal

Applicant is proposing a partial vacation of an inactive railroad spur easement.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Undeveloped	General Mixed Use
North	MU-B	Commerical/Industrial	Neighborhood Commercial
South	MU-B	Commerical/Industrial	General Mixed Use/Light Industrial
East	MU-B	Commerical/Industrial	General Mixed Use/Light Industrial
West	MU-C	Commerical/Industrial	Neighborhood Commercial

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.

III. A-1

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

General Mixed Use: The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

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

1) Applicant is proposing a vacation of a 25 foot wide inactive "railroad spur easement".

2) The easement was dedicated in the Oneota Industrial Park plat. The plat language on the second page concludes by stating "... and herby dedicate to the public the use of streets and easements herein delineated". This language indicates that the city has the ability to use, maintain, or vacate any street or easement dedicated on the plat, including the railroad spur easement.

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

4) Staff believe this 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.

5) No comments from the public concerning the vacation. There is a minor storm sewer basin and connection on the easement. However, the stormsewer was just serving to drain the railroad spur, and likely wasn't anything that serves a public purpose. The loss of this stormsewer basin and connection is not relevant to the city system.

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 of the vacation to the City Council, based on the findings above, without conditions.

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

City Planning
PL 14-162
44th Ave W and 1st St
Railroad Easement

Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Vacated ROW
- Road or Alley ROW

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Network Structure

- Storage Basin
- Pump Station

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin

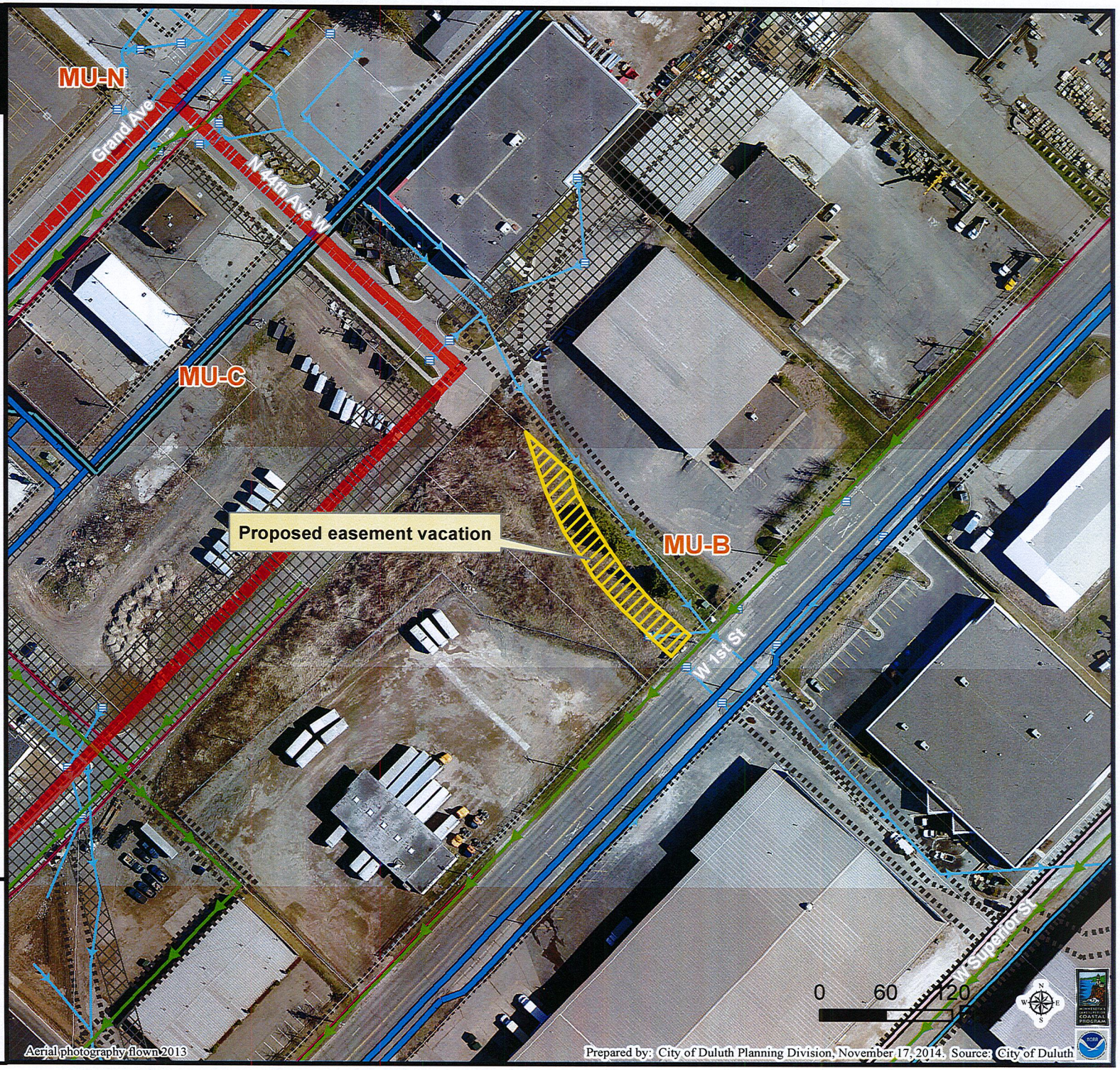
Subtype

- Storm Sewer Pipe

Gas Distribution Main

Nominal Diameter

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes



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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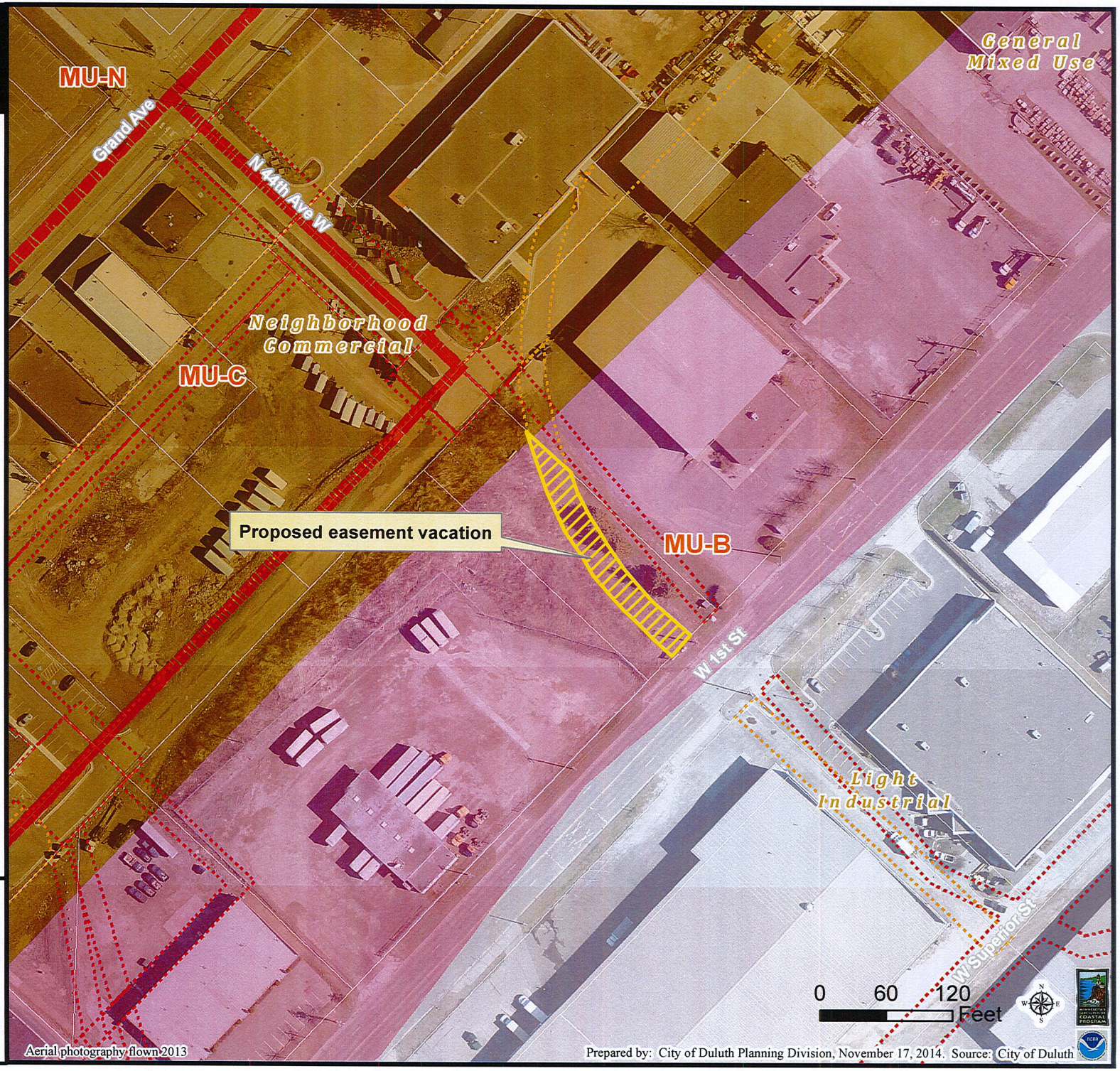
City Planning
PL 14-162
44th Ave W and 1st St
Railroad Easement

Utility Easement
Other Easement

Future Land Use - Plus

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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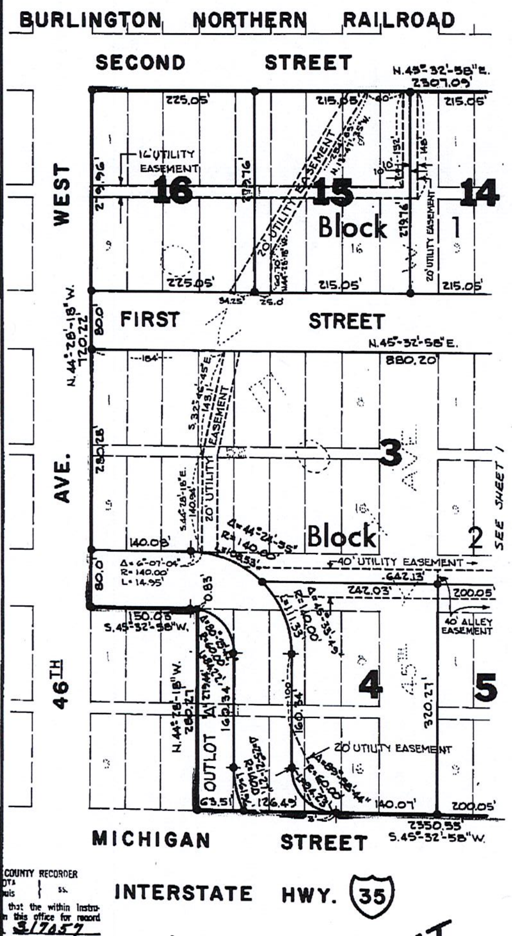
317057

ONEOTA INDUSTRIAL PARK

BEING A REARANGEMENT OF BLOCKS 41,42,43,44,45,46,52,53,54,55,56,57,61,62,63, 64,65 & 65½,ONEOTA AND BLOCKS 2,5,6,9 & 10, HAZELWOOD ADDITION TO ONEOTA,DULUTH, ST. LOUIS CO.,MINNESOTA.



OFFICE OF COUNTY RECORDER
STATE OF MINNESOTA
County of St. Louis } ss.
I hereby certify that the within instrument was filed in this office for record
Document No. 317057
Aug. 5 1980 at 4 P M
CLARK A. ELSE
County Recorder
Deputy

OFFICIAL PLAT

SCALE IN FEET - 0 50 100 200 300

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SHEET 2 OF 2

PLAT DEDICATION
ONEOTA INDUSTRIAL PARK - DULUTH, ST. LOUIS COUNTY, MINNESOTA
(ALL MINERALS EXCEPTED)

KNOW ALL MEN BY THESE PRESENTS: That Seaway Port Authority of Duluth, a body corporate and politic under Minnesota Statutes, Chapter 458, City of Duluth, a Municipal Corporation, Glendenning Properties, Incorporated, a Minnesota Corporation, Briggs Transportation Company, a Minnesota Corporation, Associated Milk Producers, Incorporated, a Kansas Corporation, The Radford Company, a Minnesota Corporation, Northland Equipment, Inc., a Minnesota Corporation, Clyde L. Bedahl d/b/a Bedahl Properties Company and Dorothy W. Bedahl, his wife, Western Enterprises, a Partnership, Minnesota Power and Light Company, a Minnesota Corporation, First National Bank of Duluth, a Minnesota Corporation, Rodney J. Edwards and Gail M. Edwards, his wife, David C. Walsh and Roberta E. Walsh, husband and wife, being all the owners and proprietors, and First National Bank of Duluth, a Minnesota Corporation, United States of America, acting through the Department of Housing and Urban Development and Lester V. Carr, being all the mortgagees of the following described property situated in the City of Duluth, County of St. Louis, State of Minnesota to wit: All of Blocks 42,43,44,45,52, 53,54,55,56,57,61,62,63,64,65 and 65½ and all of Lots 4,5,6,7,8,12,13,14,15 and 16, Block 41 and all of Lots 1,2,9 and 10, Block 46, all in the PLAT OF ONEOTA, as such Plat appears on file and of record in Book "A" of Plats, Page 1, and all of Blocks 2,5,6,9 and 10, all in the PLAT OF HAZELWOOD ADDITION TO ONEOTA, as such Plat appears on file and of record in Book "A" of Plats, Page 115 and the vacated streets, avenues and easements, more particularly described as follows: Beginning at the most Northerly corner of said Block 46, thence South 45°-32'-58" West, along the Northwesterly line of said Block 46, a distance of 300.07 feet; thence South 44°-28'-18" East, along the Northeasterly line of said Lots 2 and 10, Block 46, a distance of 280.27 feet; thence South 45°-32'-58" West, along the Southeasterly line of said Lots 9 and 10, Block 46 and the Southeasterly line of said Blocks 45,44,43,42 and the Southeasterly line of said Lots 16,15,14,13,12, Block 41, a distance of 2350.55 feet; thence North 44°-28'-18" West, along the Southwesterly line of said Lots 12 and 4, Block 41, a distance of 280.27 feet; thence South 45°-32'-58" West, along the Northwesterly line of Lots 1,2 and 3, of said Block 41, a distance of 150.03 feet; thence North 44°-28'-18" West, along the Southwesterly line of said Blocks 52 and 61, a distance of 720.22 feet; thence North 45°-32'-58" East, along the Northwesterly line of said Blocks 61,62,63,64,65 and 10, a distance of 2307.09 feet; thence Northeasterly a distance of 505.16 feet along a non-tangent curve concave to the Southeast having a radius of 3719.83 feet, a central angle of 7°-46'-51" and the chord of said curve bears North 57°-37'-46.5" East and said curve being the Southeasterly right of way line of the Burlington Northern Railroad and the Northwesterly line of said Blocks 10 and 9; thence South 44°-28'-18" East, along the Northeasterly line of said Blocks 9,6,5,2 and 57, a distance of 614.40 feet to the point of beginning, containing 60.75 acres of land, more or less, EXCEPT ALL MINERALS, and being desirous of rearranging and platting the same into lots, streets and easements; have caused said land to be surveyed and the annexed plat thereof to be made in accordance with the statutes in such cases made and provided. Now, therefore, we do hereby ratify and confirm in all respects said survey and plat thereof as ONEOTA INDUSTRIAL PARK and sign, seal and execute the said plat and hereby dedicate to the public the use of the streets and easements herein delineated.

IN WITNESS WHEREOF: We have hereunto set our hand this ______ day of ______, 1980.

OWNERS:

SEAWAY PORT AUTHORITY OF DULUTH
Ingrid Wells, President
Lois Kundel, Secretary

CITY OF DULUTH
John Fedo, Mayor
Kathleen M. Wutz, City Clerk

ASSOCIATED MILK PRODUCERS, INCORPORATED
Irvin J. Elkin, President
Norman H. Barker, Secretary

GLENDENNING PROPERTIES, INCORPORATED
William A. Glendenning, President
William Gordon Glendenning, Secretary

BRIGGS TRANSPORTATION COMPANY
Clifford H. Yentes, V. P. of Finance
Winston W. Hurd, Secretary

NORTHLAND EQUIPMENT, INC.
Arthur F. Hanson, President
Merlan Fitzsimmons, Secretary

FIRST NATIONAL BANK OF DULUTH
Dennis W. Dunne, President
Robert M. Sederberg, Secretary

MINNESOTA POWER AND LIGHT
Jack F. Rowe, President
John F. McGrath, Secretary

THE RADFORD COMPANY
William D. Radford, President
Hibbard H. Engler, Ass't Sec.

WESTERN ENTERPRISES
A.W. Hedenberg, General Partner

Clyde L. Bedahl d/b/a Bedahl Properties Company
Clyde L. Bedahl
Dorothy W. Bedahl
Rodney J. Edwards
Gail M. Edwards
David C. Walsh
Roberta E. Walsh

MORTGAGEES:

FIRST NATIONAL BANK OF DULUTH
Dennis W. Dunne, President
Robert M. Sederberg, Secretary

Lester V. Carr

UNITED STATES OF AMERICA-DEPT. OF HOUSING AND URBAN DEVELOPMENT
Curtis C. Ewing, Deputy Area Manager

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 13th day of June, 1980, by Ingrid Wells, President and Lois Kundel, Secretary of the Seaway Port Authority of Duluth, Board of Commissioners, a Body Corporate and Politic, on behalf of the Board of Commissioners.
Notary Public, St. Louis County
My Commission Expires 11/19/82

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 25th day of February, 1980, by John Fedo, Mayor, City of Duluth and Kathleen M. Wutz, Clerk, City of Duluth, A Municipal Corporation, on behalf of the Corporation.
Notary Public, St. Louis County
My Commission Expires 10-11-83

State of TEXAS)
) ss
County of BEXAR)
The foregoing instrument was acknowledged before me this 26th day of March, 1980, by Irvin J. Elkin, President and Norman H. Barker, Secretary, of Associated Milk Producers, Incorporated, a Kansas Corporation, on behalf of the Corporation.
NEDRA L. GAMBRELL
NOTARY PUBLIC, BEXAR COUNTY, TEXAS
COMMISSION EXPIRES: MARCH 22, 1981
Notary Public, County of Bexar
My Commission Expires 3-22-81

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 13th day of March, 1980, by William A. Glendenning, President and William Gordon Glendenning, Secretary of Glendenning Properties, Incorporated, a Minnesota Corporation, on behalf of the Corporation.
Notary Public, County of St. Louis
My Commission Expires 7-22-81

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 13th day of March, 1980, by Clifford H Yentes, V.P. of Finance and Winston W. Hurd, Secretary, of Briggs Transportation Company, a Minnesota Corporation, on behalf of the Corporation.
Notary Public, County of St. Louis
My Commission Expires 7-22-81

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 3rd day of March, 1980, by A.W. Hedenberg, General Partner of Western Enterprises, a Partnership, on behalf of the Partnership.
Notary Public, St. Louis County
My Commission Expires 10-11-83

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 13th day of June, 1980, by Jack F. Rowe, President and John F. McGrath, Secretary, of Minnesota Power and Light Company, a Minnesota Corporation, on behalf of the Corporation.
ELSIE SILVERBERG
NOTARY PUBLIC
ST. LOUIS COUNTY, MN
MY COMMISSION EXPIRES JANUARY 13, 1987
Notary Public, St. Louis County
My Commission Expires 1-13-87

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 21st day of February, 1980, by Dennis W. Dunne, President and Robert M. Sederberg, Secretary, of First National Bank of Duluth, a Minnesota Corporation, on behalf of the Corporation.
Notary Public, St. Louis County
My Commission Expires 10-11-83

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 27th day of February, 1980, by Rodney J. Edwards and Gail M. Edwards, his wife.
Notary Public, St. Louis County
My Commission Expires 10-11-83

State of MINNESOTA)
) ss
County of ST. LOUIS)
The foregoing instrument was acknowledged before me this 20th day of February, 1980, by William D. Radford, President and Hibbard H. Engler, Assistant Secretary, of the Radford Company, a Minnesota Corporation, on behalf of the Corporation.
Notary Public, County of St. Louis
My Commission Expires 10-11-83

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 22nd day of February, 1980, by Arthur F. Hanson, President and Merlan Fitzsimmons, Secretary, of Northland Equipment, Inc., a Minnesota Corporation, on behalf of the Corporation.
Notary Public, St. Louis County
My Commission Expires 10-11-83

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 25th day of February, 1980, by Clyde L. Bedahl d/b/a Bedahl Properties Company, and Dorothy W. Bedahl, his wife.
Notary Public, St. Louis County
My Commission Expires 10-11-83

State of Minnesota)
) ss
County of St. Louis)
The foregoing instrument was acknowledged before me this 6th day of March, 1980, by David C. Walsh and Roberta E. Walsh, husband and wife.
Notary Public, St. Louis County
My Commission Expires 10-11-83

State of MINNESOTA)
) ss
County of ST. LOUIS)
The foregoing instrument was acknowledged before me this 13th day of March, 1980, by Curtis C Ewing, Deputy Area Manager of the United States of America acting through the Department of Housing and Urban Development.
Notary Public, County of St. Louis
My Commission Expires 7-22-81

State of Minnesota)
) ss
County of ST. LOUIS)
The foregoing instrument was acknowledged before me this 10th day of MARCH, 1980, by Lester V. Carr.
Notary Public, County of St. Louis
My Commission Expires 2-21-81

I hereby certify that I have surveyed and replatted the property described on this plat as ONEOTA INDUSTRIAL PARK, that this plat is a correct representation of the survey, that all distances are correctly shown on the plat in feet and hundredths of a foot, that all monuments have been correctly placed in the ground as shown, that the outside boundary lines are correctly designated on the plat and that there are no wet lands or public highways to be designated other than as shown. The boundaries of the platted portion are shown by a solid red line.

Dale L. Berntsen, Land Surveyor
Minnesota Registration No. 13794

State of Minnesota)
) ss
County of St. Louis)
The foregoing Surveyor's Certificate was acknowledged before me this 20th day of February, 1980, by Dale L. Berntsen, Minnesota Registration No. 13794.
LAURALEE UNZEN
NOTARY PUBLIC - MINNESOTA
ST LOUIS COUNTY
Notary Public, St. Louis County
My Commission Expires 4/4/85

Approved by the Planning Commission of the City of Duluth, Minnesota, at a regular meeting thereof, on the 14th day of August, 1979.

Director, Dept. of Planning and Development

President, City Planning Commission

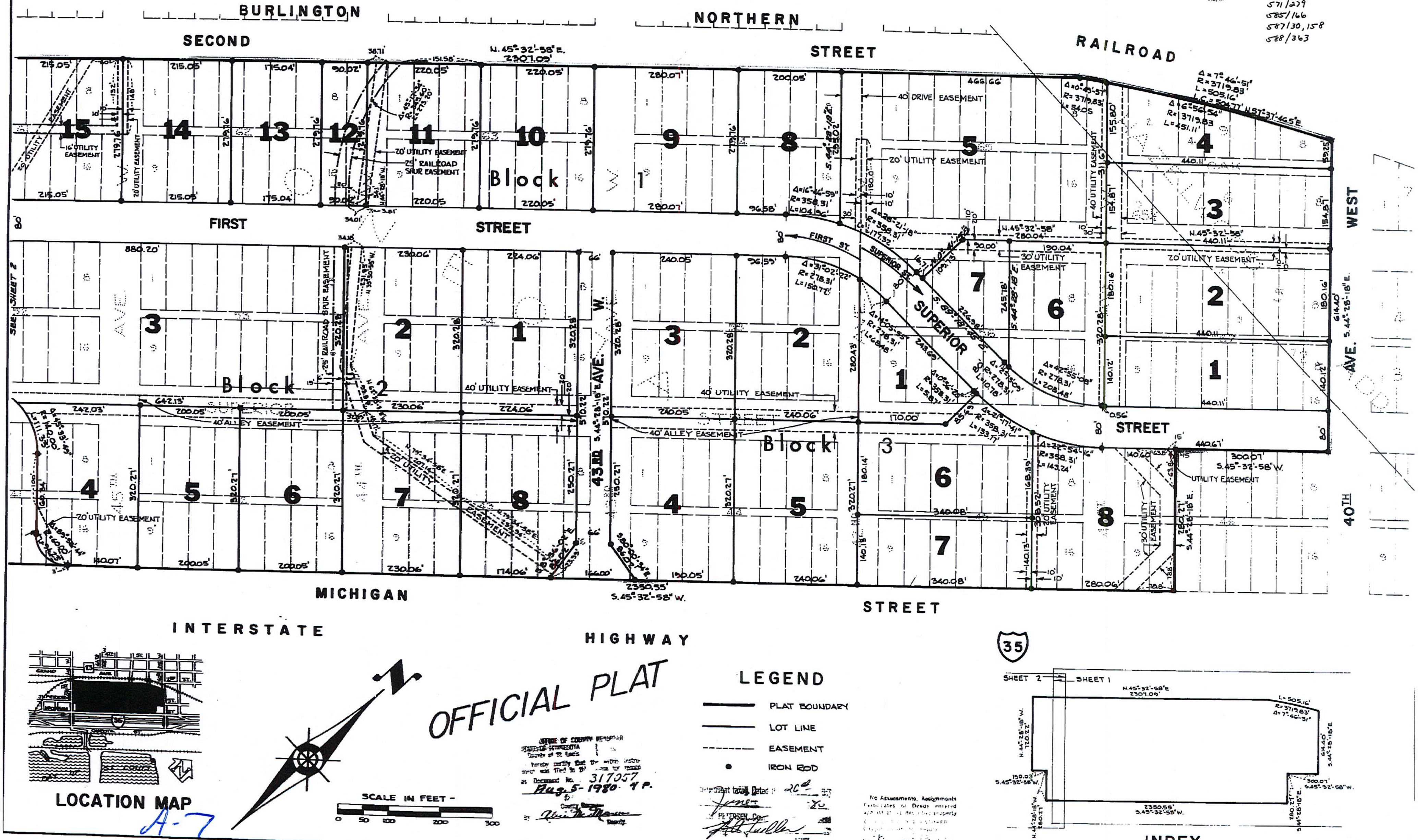
STATE OF MINNESOTA
COUNTY OF ST. LOUIS
I hereby certify that the within instrument was filed in this office for record AUG 5 1980 at 4 o'clock P.M. and was duly recorded in Book 3K.16 pg. 3
CLARE A. ILRI
Registrar of Titles

432144

317057

ONEOTA INDUSTRIAL PARK

BEING A REARRANGEMENT OF BLOCKS 41, 42, 43, 44, 45, 46, 52, 53, 54, 55, 56, 57, 61, 62, 63, 64, 65 & 65 1/2, ONEOTA AND BLOCKS 2, 5, 6, 9 & 10, HAZELWOOD ADDITION TO ONEOTA, DULUTH, ST. LOUIS CO., MINNESOTA



SHEET 1 OF 2

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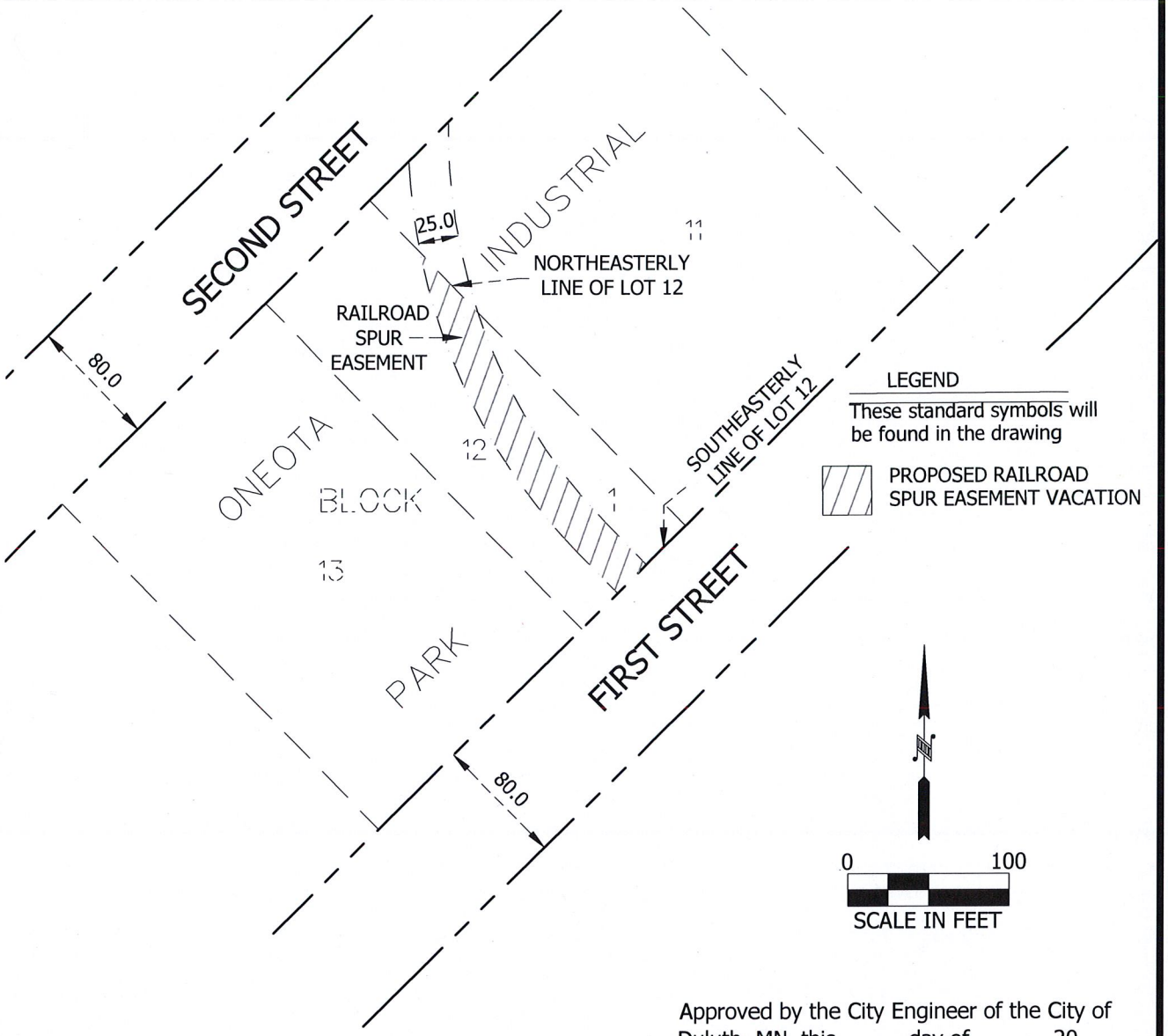
LEGAL DESCRIPTION OF VACATION OF RAILROAD SPUR EASEMENT

All that part of the 25 foot wide railroad spur easement lying within Lot 12, Block 1 of ONEOTA INDUSTRIAL PARK, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 5456 square feet or 0.13 acres, more or less.



Approved by the City Engineer of the City of Duluth, MN. this_____day of_____20__

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.

Date: 11-12-2014

David R. Evanson

David R. Evanson MN License No. 49505

VACATION EXHIBIT FOR RAILROAD SPUR EASEMENT	
CLIENT: ***HANFT FRIDE***	REVISIONS: XXX
DATE: 11-12-2014	
ADDRESS: XXX	
JOB NUMBER: 14-474	

ALTA
LAND SURVEY COMPANY
* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
* CONSTRUCTION STAKING
PHONE: 218-727-5211
FAX: 218-727-3798
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW. ALTASURVEYDULUTH.COM

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