



**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 14-183	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Vacation of Street Easement	<b>Planning Commission Date</b>	February 10, 2015	
<b>Deadline for Action</b>	<b>Application Date</b>	December 19, 2014	<b>60 Days</b>	February 17, 2015
	<b>Date Extension Letter Mailed</b>	January 16, 2015	<b>120 Days</b>	April 18, 2015
<b>Location of Subject</b>	523 N 79th Ave. West			
<b>Applicant</b>	Harlen N. Olson and Leslie K. Eldridge	<b>Contact</b>	715-736-1710, harlenolson@yahoo.com	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	010-3510-01110			
<b>Site Visit Date</b>	N/A	<b>Sign Notice Date</b>	January 25, 2015	
<b>Neighbor Letter Date</b>	January 21, 2015	<b>Number of Letters Sent</b>	32	

### Proposal

Proposal to vacate 1/2 block of alley adjacent to 523 N 79th Avenue W.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
<b>Subject</b>	R-1	Residential	Preservation
<b>North</b>	RR-1	Undeveloped (DWP)	Preservation
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Preservation
<b>West</b>	R-1	Residential	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.

III. G-1

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

Governing Principle #7: Create and maintain connectivity.

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

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

Staff finds that:

- 1.) This alley is undeveloped. The adjacent portion of the alley to the west has already been vacated.
- 2.) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, but will result in a dead-end alley running parallel to 79th Avenue W. Although City policy recommends against creating dead-ends, Staff believes this alley has minimal chance of getting developed. Currently none of the nearby properties use the rear alley for property access.
- 3.) There are no utilities in this alley.
- 4.) The City of Duluth is actively working on acquiring the adjacent DWP right of way to the north for a potential trail. This right of way is not needed for any trail connections.
- 5.) Staff believes 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; 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.) One neighbor called to clarify what is being vacated. City Engineering has stated the vacation is acceptable. No other public, agency, or City comments have been received.
- 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, after City Council approval.

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

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation of this alley, subject to the following condition:

- 1.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

G-2

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



**City Planning**  
 PL 14-183  
 Vacation  
 523 N 79th Ave W

**Legend**

- Trout Stream (GPS)
- Other Stream (GPS)
- Zoning Boundaries

**ROW\_STATUS**

- Vacated ROW

**Right-of-Way Type**

- Road or Alley ROW

**Easement Type**

- Utility Easement
- Other Easement

**Floodplain (UDC)**

- General Flood Plain
- Flood Way
- Flood Fringe

**Shoreland (UDC)**

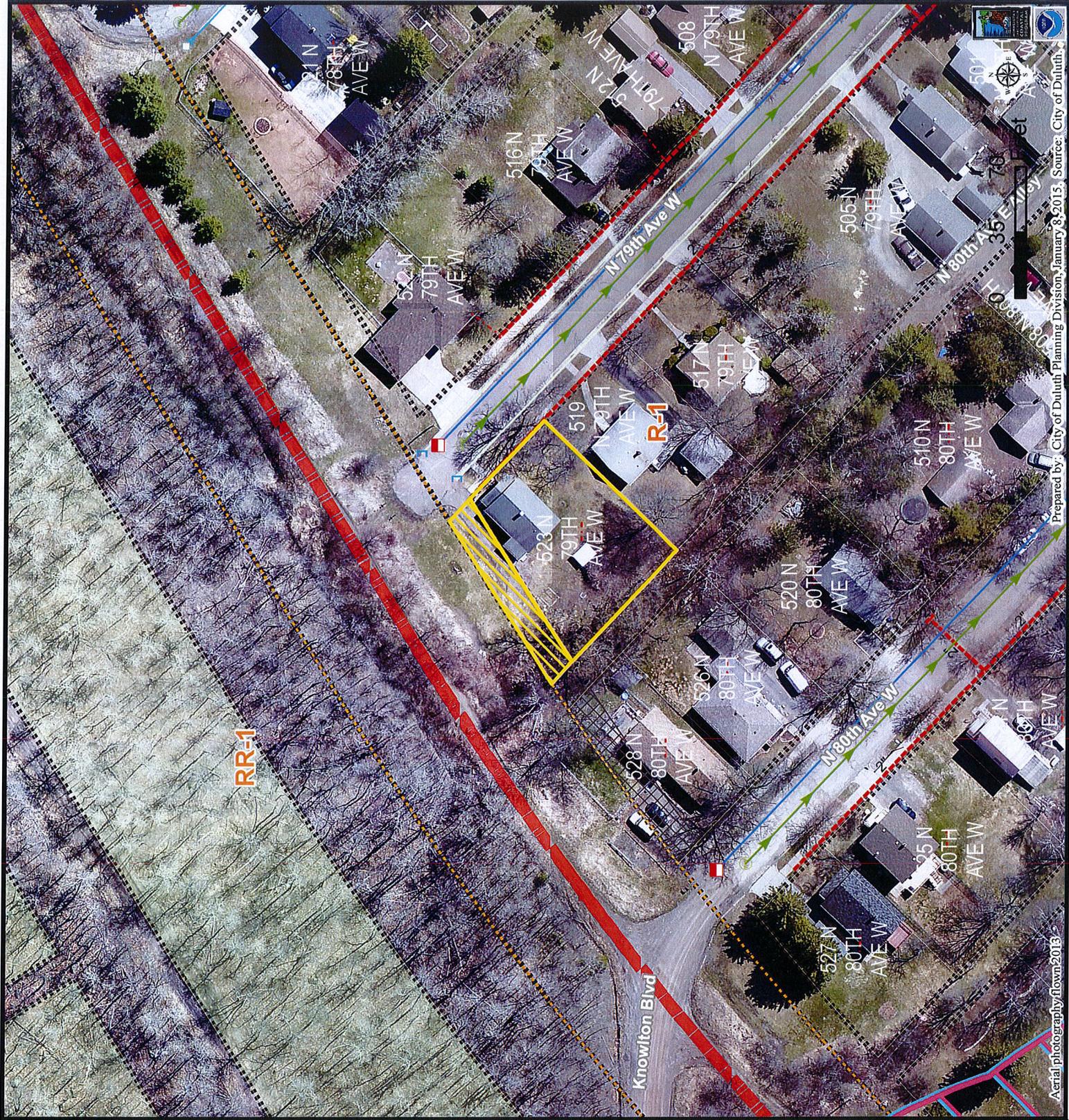
- Cold Water
- Natural Environment
- General Development

**Titleholder (6 class)**

- Tax Forfeited
- City
- School
- County
- State
- Federal

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 damages in connection with this data provided or for any errors contained within this data provided or for any information contained within.

6-3



Aerial photography from 2013  
 Prepared by: City of Duluth Planning Division, January 8, 2015, Source: City of Duluth.

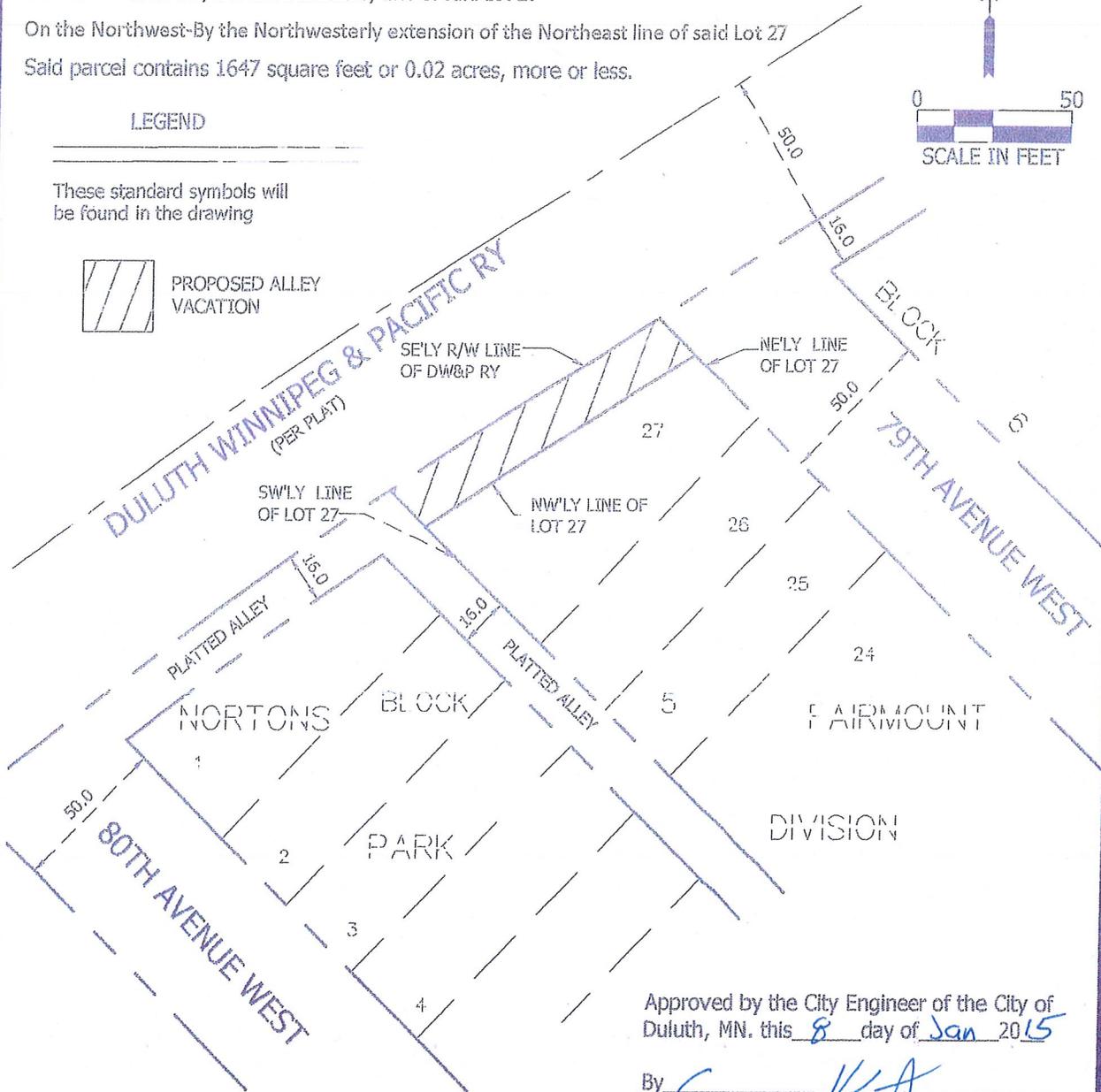
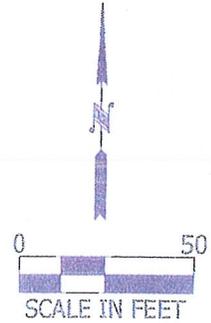
**LEGAL DESCRIPTION OF ALLEY VACATION**

All that part of the 16 foot wide alley lying Northwesterly and adjacent to Lot 27, Block 5 of NORTONS FAIRMOUNT PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota. Said portion to be vacated is bounded as follows:

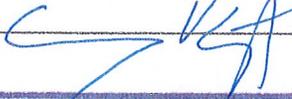
- On the Northwest-By the Southeasterly right of way line of the Duluth Winnipeg & Pacific Railway
  - On the Southwest-By the Northwesterly extension of the Southwesterly line of said Lot 27
  - On the Southeast-By the Northwesterly line of said Lot 27
  - On the Northwest-By the Northwesterly extension of the Northeast line of said Lot 27
- Said parcel contains 1647 square feet or 0.02 acres, more or less.

**LEGEND**

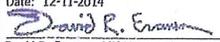
These standard symbols will be found in the drawing



Approved by the City Engineer of the City of Duluth, MN. this 8 day of Jan 2015

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: 12-11-2014  
  
 David R. Evanson MN License No. 49505

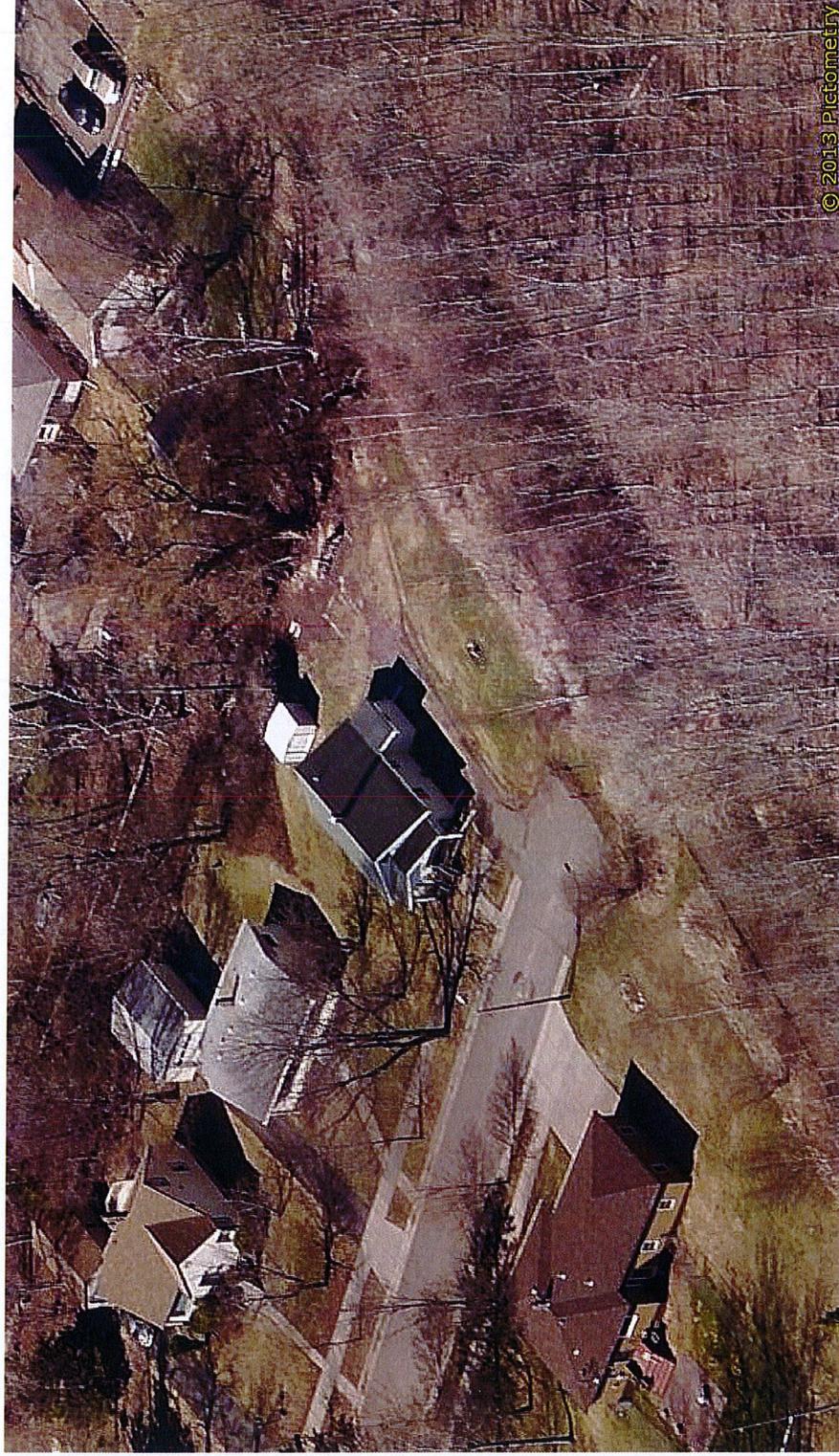
**VACATION EXHIBIT FOR ALLEY**

CLIENT: HARLEN OLSON	REVISIONS: XXX
DATE: 12-11-2014	
ADDRESS: 523 N 79TH AVENUE WEST DULUTH, MN 55807	
JOB NUMBER: 14-494	



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

G-4



© 2013 Pictometry

**Print Date:** 02/03/2015  
**Image Date:** 05/12/2013  
**Level:** Neighborhood

G-5