



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 14-167	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Vacation of Street Easement	Planning Commission Date	February 10, 2015	
Deadline for Action	Application Date	January 28, 2015	60 Days	March 29, 2015
	Date Extension Letter Mailed	February 3, 2015	120 Days	May 28, 2015
Location of Subject	Bayview Avenue			
Applicant	Regents of the University of Minnesota	Contact	Kelley Brandt, brand571@umn.edu	
Agent	Erik Larson	Contact	elarson@d.umn.edu	
Legal Description	See Attached			
Site Visit Date	N/A	Sign Notice Date	January 27, 2015	
Neighbor Letter Date	January 30, 2015	Number of Letters Sent	19	

Proposal

Proposal to vacate an undeveloped portion of Bayview Avenue from approximately 1/2 block north of Worth Street to 1/2 block south of Worth Street, retaining a utility easement in the northeast corner to serve an existing sanitary sewer line.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Undeveloped/Former Driveway	Traditional Neighborhood
North	R-1	Undeveloped	Traditional Neighborhood
South	R-2	University, Residential	Urban Residential
East	R-1	University	Traditional Neighborhood
West	R-1	University	Traditional Neighborhood

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. J-1

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

Governing Principle #7: Create and maintain connectivity.

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.

Applicant is also applying for the following vacations in the proximate geographic area: Worth Street (PL 14-166), Oakland Avenue (PL 14-168).

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

Staff finds that:

- 1.) The right-of-way was previously used as a driveway for two residences, both of which UMD has purchased and torn down. Abutting right-of-way to the north has already been vacated.
- 2.) UMD owns all abutting property. Currently there is a ballfield to the east, University housing to the west, and Bagley Nature Area to the north.
- 3.) Sanitary sewer lines cross the right of way. The line extending west was used for a previously existing house and has been abandoned. For the line extending north, applicant proposes a utility easement be retained.
- 4.) Staff believes that other than the sanitary sewer line (which will be served by the utility easement), 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.
- 5.) City Engineering has stated the vacation and utility easement are acceptable. Minnesota Power and Century Link have agreed to move poles and cables currently in the right of way. No other public, agency, or City comments have been received.
- 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):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation of this portion of Bayview Avenue, subject to the following conditions:

- 1.) A utility easement be retained over the northeast portion of the right of way, as described in the exhibit.
- 2.) 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.

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



City Planning
 PL 14-166, 167, & 168
 Vacations
 UMD

Legend

- Trout Stream (GPS)
- Other Stream (GPS)

ROW STATUS

- Vacated ROW

Right-of-Way Type

- Road or Alley ROW

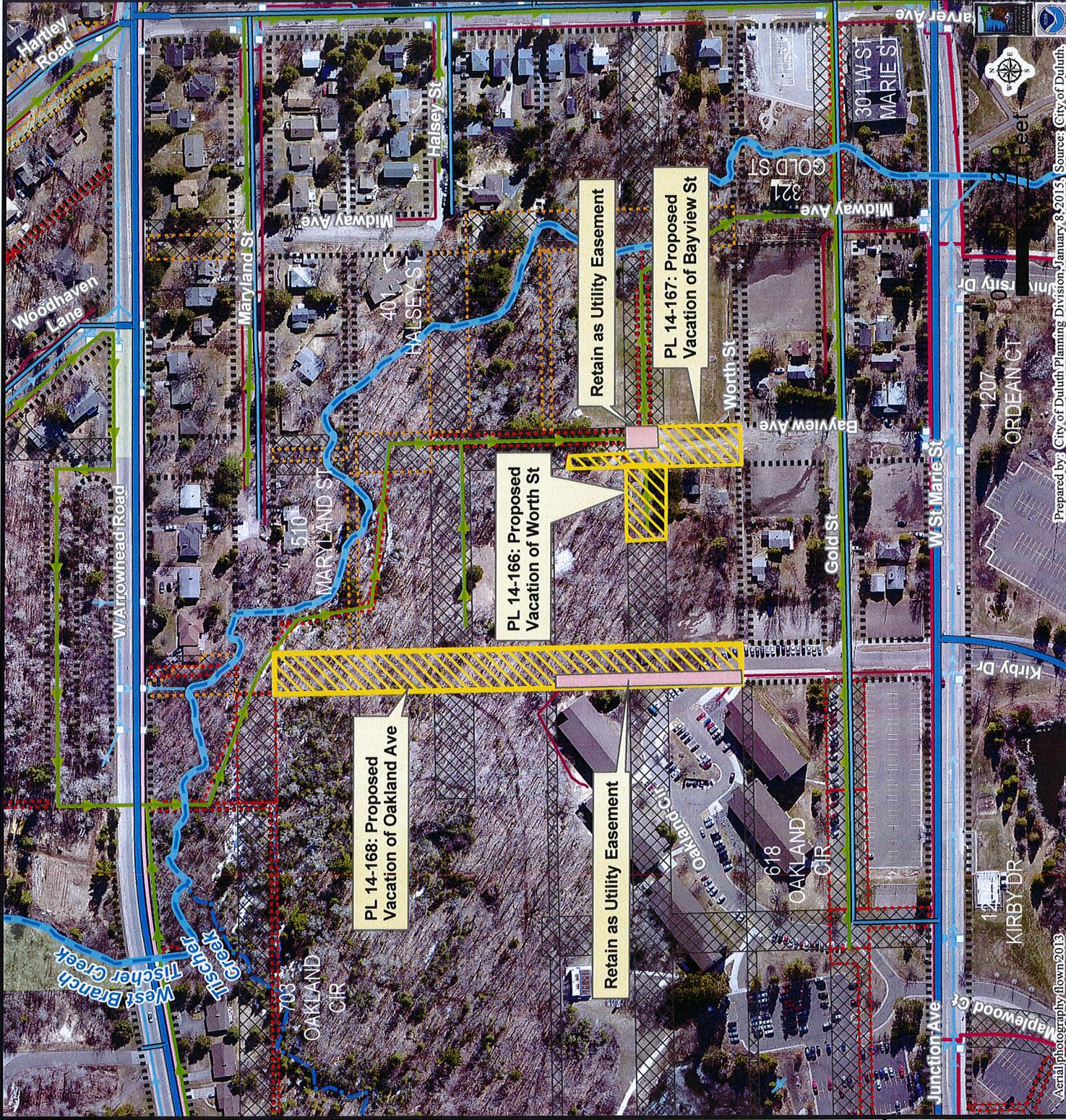
Easement Type

- Utility Easement
- Other Easement

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



Aerial photography: flown 2013

Prepared by: City of Duluth Planning Division, January 8, 2015. Source: City of Duluth.

VACATION EXHIBIT - Bayview Avenue - Oakland Park Division

Legal Description of Vacation:

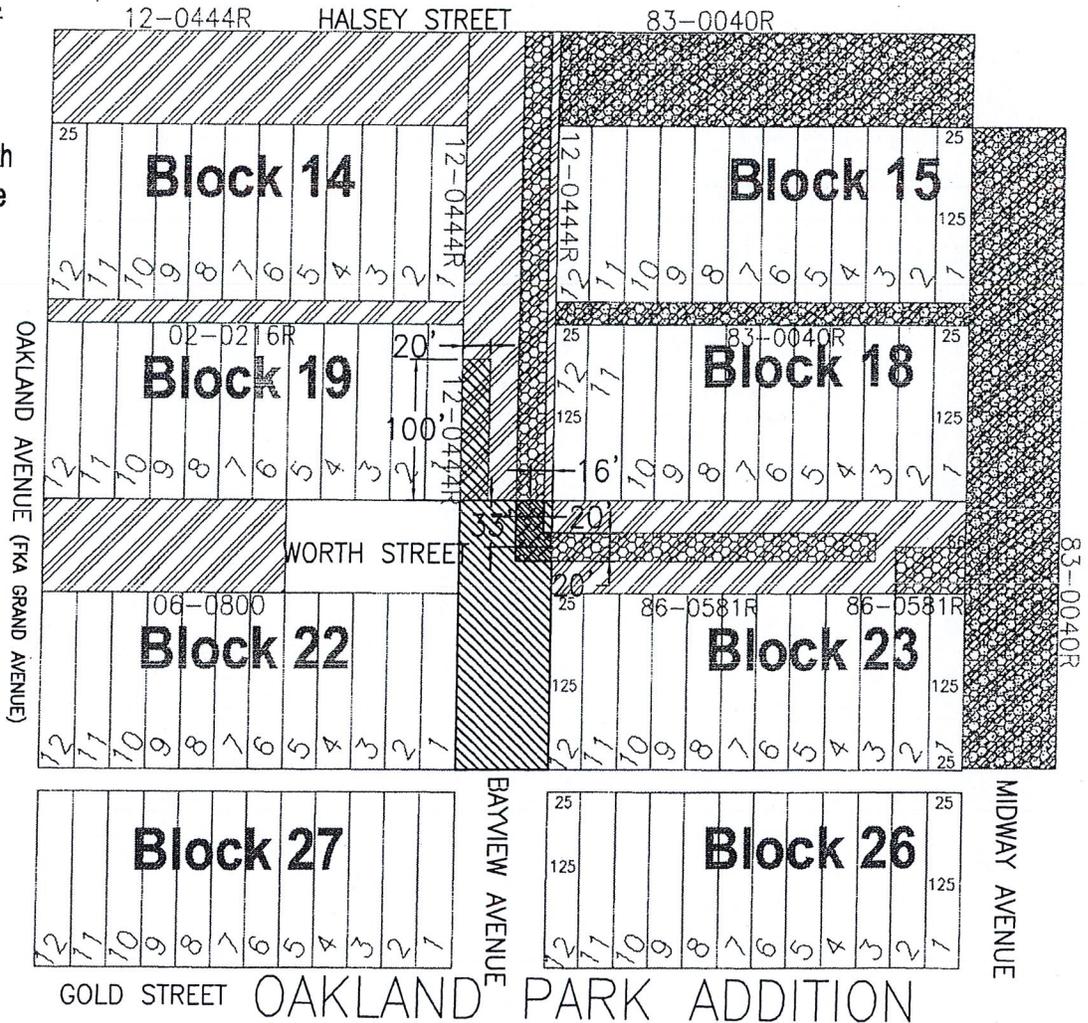
That portion of Bayview Avenue in the plat of Oakland Park Addition which lies between the north line of Worth Street and the extension of the southern line of Block 22 Oakland Park Addition.

**AND
Legal Description of Utility Easement to be Vacated:**

The utility easement as described in 12-0444R as a 20 foot portion (of Bayview Avenue) beginning at the southeast corner of Lot 1, Block 19, Oakland Park Addition extending north (assumed bearing) 100 feet.

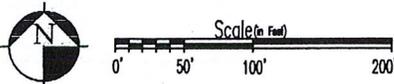
**AND
Legal Description of Utility Easement to be Retained:**

A 20 foot wide portion of Bayview Avenue in the plat of Oakland Park Addition whose centerline begins 16 feet west (assumed bearings) of the southwest corner of Lot 12, Block 18, thence 33 feet south, thence east 16 feet to the extension of the west line of Lot 12, Block 18, is to be retained for utility easement purposes.



Legend:

- Portion to be vacated is shown as:
- Portion to be vacated with utility easement retained is shown as:
- Existing utility easement to be vacated:
- (12-0444R)
- Vacated areas:
- (86-0581R / 06-0880 / 12-044R)
- Vacated area with utility easement retained:
- (86-0581R / 12-0444R)
- Vacated area with utility / pedestrian easement retained:
- (83-0040R)



Approved by the City Engineer of Duluth, MN

Date: 1-28-15 by: [Signature]

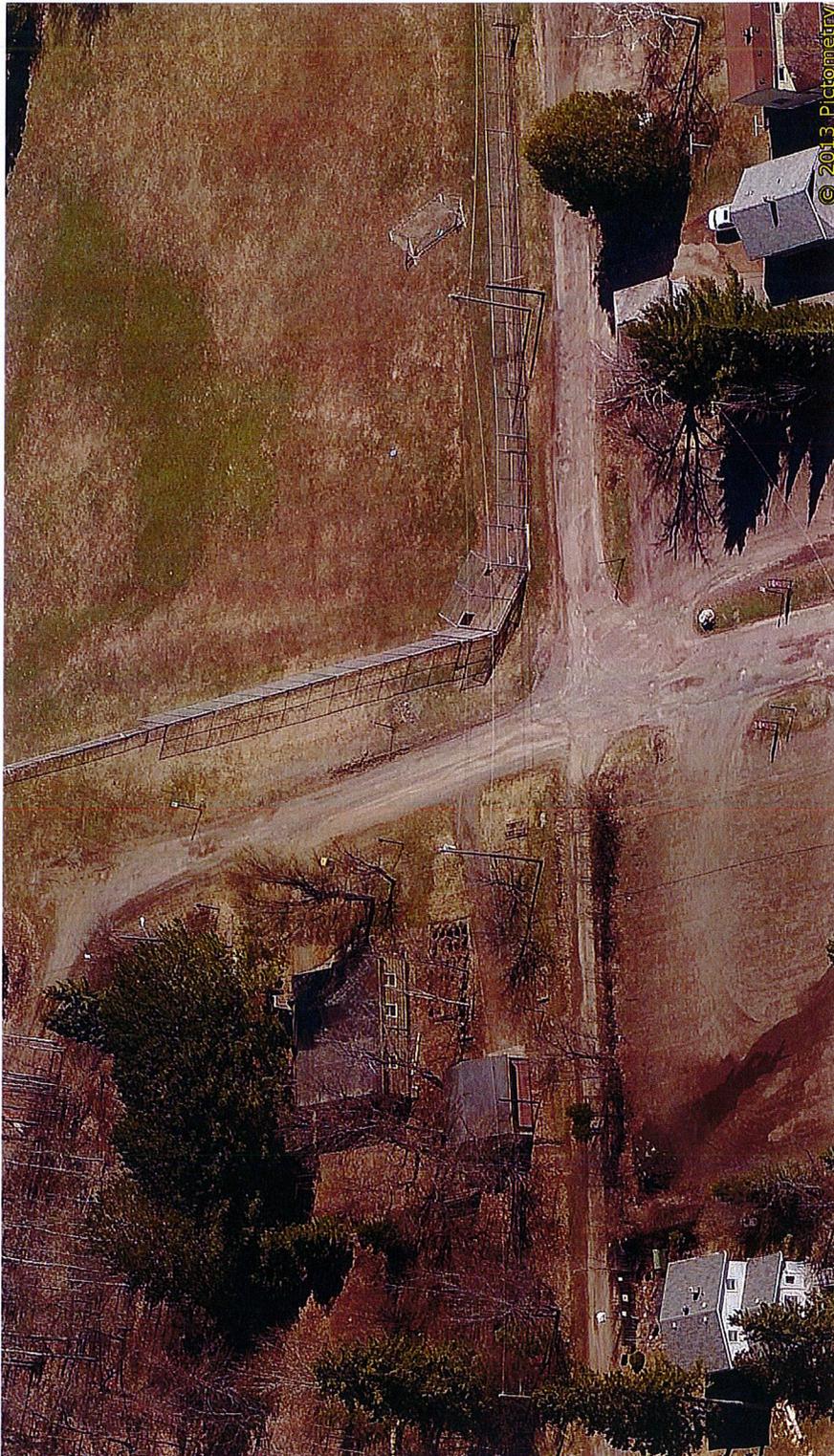
Note: See concurrent requests for vacations of Oakland Avenue and Worth Street.

This document was created under my direct supervision:

[Signature]
John Rashid - Acting Director
UMD Facilities Management
Date: 1/28/15

**University of Minnesota Duluth
Facilities Management**
241 Darland Administration Building
1049 University Drive
Duluth, Minnesota 55812-2496
218-726-8262

Vacation of Bayview Avenue from the northern line of Worth Street to the extension of the southern line of Block 22, Oakland Park Addition.
For: Regents of the University of Minnesota



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

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