



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 15-037	Contact	Steven Robertson, 218 730 5295	
Application Type	Vacation of Street Right of Way	Planning Commission Date	April 14, 2015	
Deadline for Action	Application Date	March 3, 2015	60 Days	May 2, 2015
	Date Extension Letter Mailed		120 Days	July 1, 2015
Location of Subject	West 2nd Street between 39th and 40th Avenues West			
Applicant	RMN, LLP	Contact		
Agent	Roy J. Christensen	Contact	218 722 6331, rchristensen@duluthlaw.com	
Legal Description	See attached			
Site Visit Date	April 4, 2015	Sign Notice Date	March 25, 2015	
Neighbor Letter Date	March 30, 2015	Number of Letters Sent	47	

Proposal

The applicant is proposing to vacate West 2nd Street (platted as Traverse Street) between 39th and 40th Avenues W. A utility easement would be retained over the entire vacated portion of the street. The street is currently developed but primarily serves adjacent properties, all owned by RMN; street right of way does not continue to the west. RMN's plan is to utilize the vacated street for parking areas for its employees and customers.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Parking and limited local traffic	Neighborhood Commercial
North	MU-B	Commercial/light industrial	Neighborhood Commercial
South	MU-B	Commercial/light industrial	Neighborhood Commercial, General Mixed Use
East	MU-B, R-1	Light industrial, residential	Neighborhood Commercial, General Mixed Use
West	MU-B	Commercial (bank)	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. G-1

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

Future Land Use - Neighborhood Commercial. Small- to moderate scale commercial, serving primarily the adjacent neighborhood (s). May include specialty retail; community gathering businesses such as coffee shops or lower intensity entertainment; offices; studios or housing above retail (storefront retail with vertical mixed use). Typically situated in or adjacent to residential neighborhoods. May transition to neighborhood mixed use.

Governing Principle #1: Reuse previously developed lands.
Governing Principle #7: Create and maintain connectivity.

In 2013 the City vacated two portions of the public right of way on Second Street for Miner's Inc (PL 14-017 and PL 14-018).

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

- 1) The applicant is proposing to vacate West 2nd Street (platted as Traverse Street) between 39th and 40th Avenues W. A utility easement would be retained over the entire vacated portion of the street. The street is currently developed but primarily serves adjacent properties, all owned by RMN; street right of way does not continue to the west. RMN's plan is to utilize the vacated street for parking areas for its employees and customers. The right of way proposed to be vacated is approximately 405 feet long, and 80 feet wide at the 39th Ave West side and 30 feet at the 40th Ave West side.
- 2) The portion of the right of way requesting to be vacated is currently improved. The adjacent property owner has been using a portion of the public right of way for employee parking. At the time that this staff report was written, it is not known how long the right of way has been used for private parking, or if there is a concurrent use permit (or similar approval) from the City to allow private parking in the public right of way.
- 3) The applicant owns the land surrounding the proposed vacation area. The applicant had initially intended on relocating the public utilities elsewhere to make room for a potential new structure in the future, but the utility relocation proved to be too costly. The applicant will leave the utilities in place and will grant the city a utility easement.
- 4) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way.
- 5) Staff believe 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) The City received a phone call from a citizen concerned that if this right of way was vacated, then there may be more traffic on 38th or 39th Avenue West (a residential neighborhood just north of the Miners Warehouse). The staff from City Parks and Recreation does not believe that this right of way would be needed for future trail use.

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

If the Planning Commission recommends approval, staff recommends that the utility easement be retained (as shown with staff report).

If the Planning Commission recommends denial, staff recommends that the City require the applicant to seek a concurrent use permit from the City Council (for private parking in the public right of way).

Vacations are approved by the City Council via a resolution. Vacations 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.

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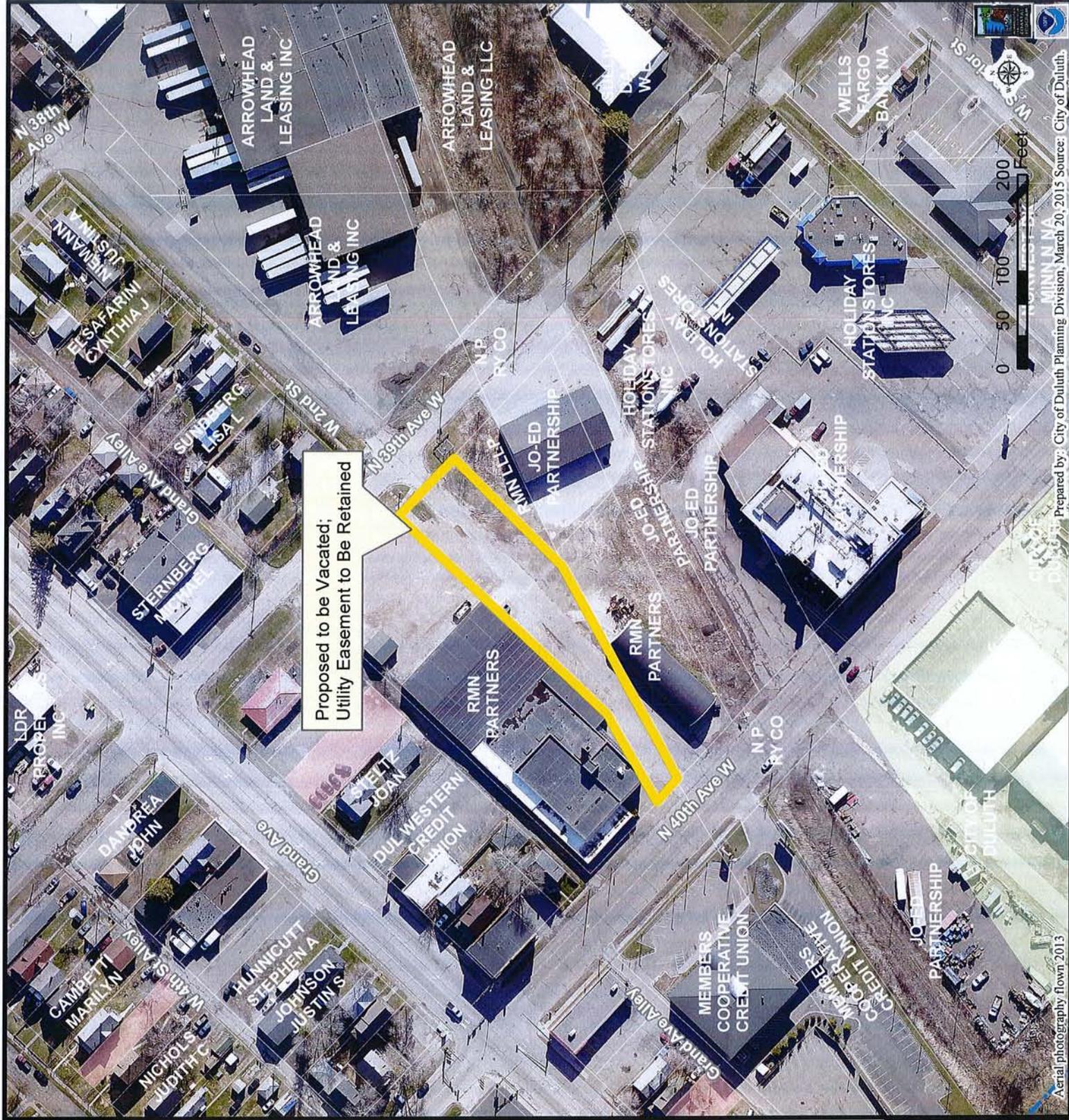
Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

PL 15-037

W 2nd St Between 39th & 40th



Proposed to be Vacated;
Utility Easement to Be Retained

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, March 20, 2015 Source: City of Duluth.



City Planning

PL 15-042

W 2nd St Between 39th & 40th

Legend

DuluthStream_cl

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

Zoning Boundaries

- Zoning Boundaries

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

- Storage Basin
- Pump Station

Gas Distribution Main

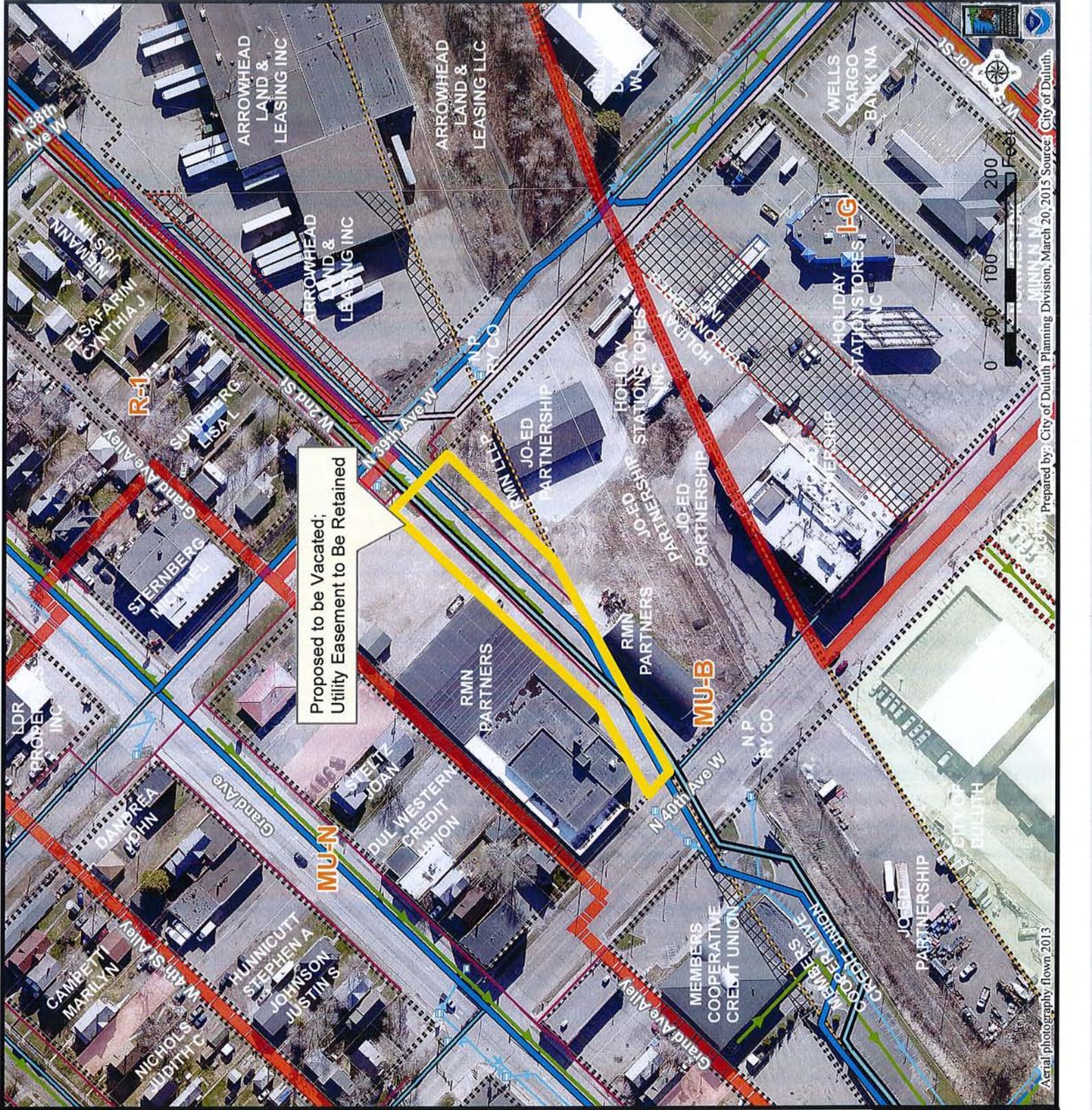
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Shoreland Overlay Zone

- Cold Water
- Natural Environment
- General Development



Proposed to be Vacated;
Utility Easement to Be Retained

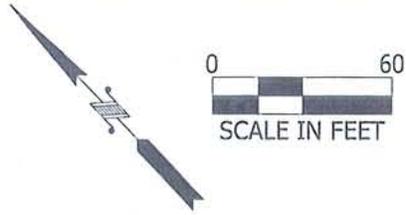
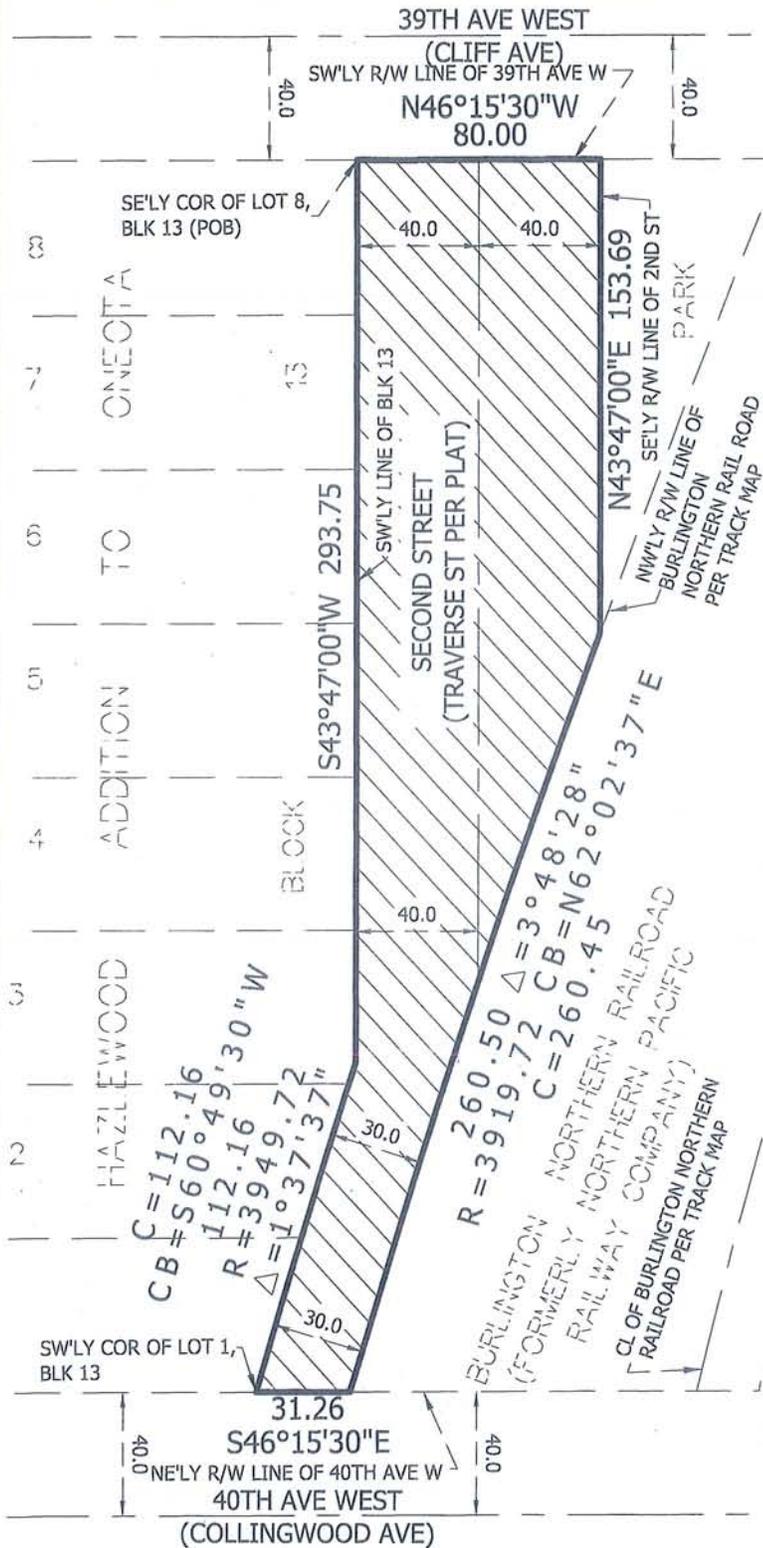
Aerial photography, flown 2013

Prepared by: City of Duluth, Planning Division, March 20, 2015 Source: City of Duluth, MINN, N.A.

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VACATION EXHIBIT FOR PORTION OF WEST SECOND STREET BETWEEN 39TH AND 40TH AVENUES WEST



LEGAL DESCRIPTION FOR 2ND STREET VACATION

All that part of Second Street (Traverse Street), HAZLEWOOD ADDITION TO ONEOTA, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

Beginning at the Southeasterly corner of Lot 8, Block 13, said HAZLEWOOD ADDITION TO ONEOTA; thence on an assumed bearing of South 43 degrees 47 minutes 00 seconds West, along the Southwesterly line of said Block 13 HAZLEWOOD ADDITION TO ONEOTA, a distance of 293.75 feet; thence Southwesterly, a distance of 112.16 feet, along said Southwesterly line of Block 13, along a non-tangential curve, concave to the Southeast, having a central angle of 01 degrees 37 minutes, 37 seconds, a radius of 3949.72 feet, a chord bearing of South 60 degrees 49 minutes 30 seconds West and a chord length of 112.16 feet to the Southwesterly corner of Lot 1, Block 13 HAZLEWOOD ADDITION TO ONEOTA; thence South 46 degrees 15 minutes 30 seconds East, a long the Northeasterly right of way line of 40th Avenue West, a distance of 31.26 feet to the Northwesterly right of way line of the Burlington Northern Rail Road (Formerly Northern Pacific Railway Company); thence Northeasterly, a distance of 260.50 feet, along the Northwesterly right of way line of the Burlington Northern Rail Road (Formerly Northern Pacific Railway Company), along a non-tangential curve, concave to the Southeast, having a central angle of 03 degrees, 48 minutes 28 seconds, a radius of 3919.72 feet, a chord bearing of North 62 degrees 02 minutes 37 seconds East and a chord length of 260.45 feet to the Southeast right of way line of Second Street (Traverse Street); thence North 43 degrees, 47 minutes 00 seconds East, along said Southeasterly right of way line, a distance of 153.69 feet to the Southwesterly right of way line of 39th Avenue West; thence North 46 degrees 15 minutes 30 seconds West, along said Southwesterly right of way line, a distance of 80.00 feet to the point of beginning.

Containing 23,403 sq. ft. or 0.54 acres.

The utility easements and utilities within the foregoing legal description shall not be vacated, and shall be retained by the City of Duluth.

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

this 30 day of MAR 2015
By: *[Signature]*

THIS IS NOT A BOUNDARY SURVEY.

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 LAND SURVEY COMPANY.

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: FEBRUARY 18, 2015
David R. Evanson
David R. Evanson MN License No. 49505

2ND ST VACATION EXHIBIT	
CLIENT: JOHNSON, KILLEN & SEILER, P.A.	REVISIONS: 3-23-2015-REVISE LEGAL/ADD TITLE
DATE: 2-18-15	
ADDRESS: 203 39TH AVE W	
JOB NUMBER: 15-027	

ALTA
LAND SURVEY COMPANY

- * LAND SURVEYING
- * LAND DEVELOPMENT
- * PLATTING
- * LEGAL DESCRIPTIONS
- * CONSTRUCTION STAKING

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WWW.ALTLANDSURVEYDULUTH.COM

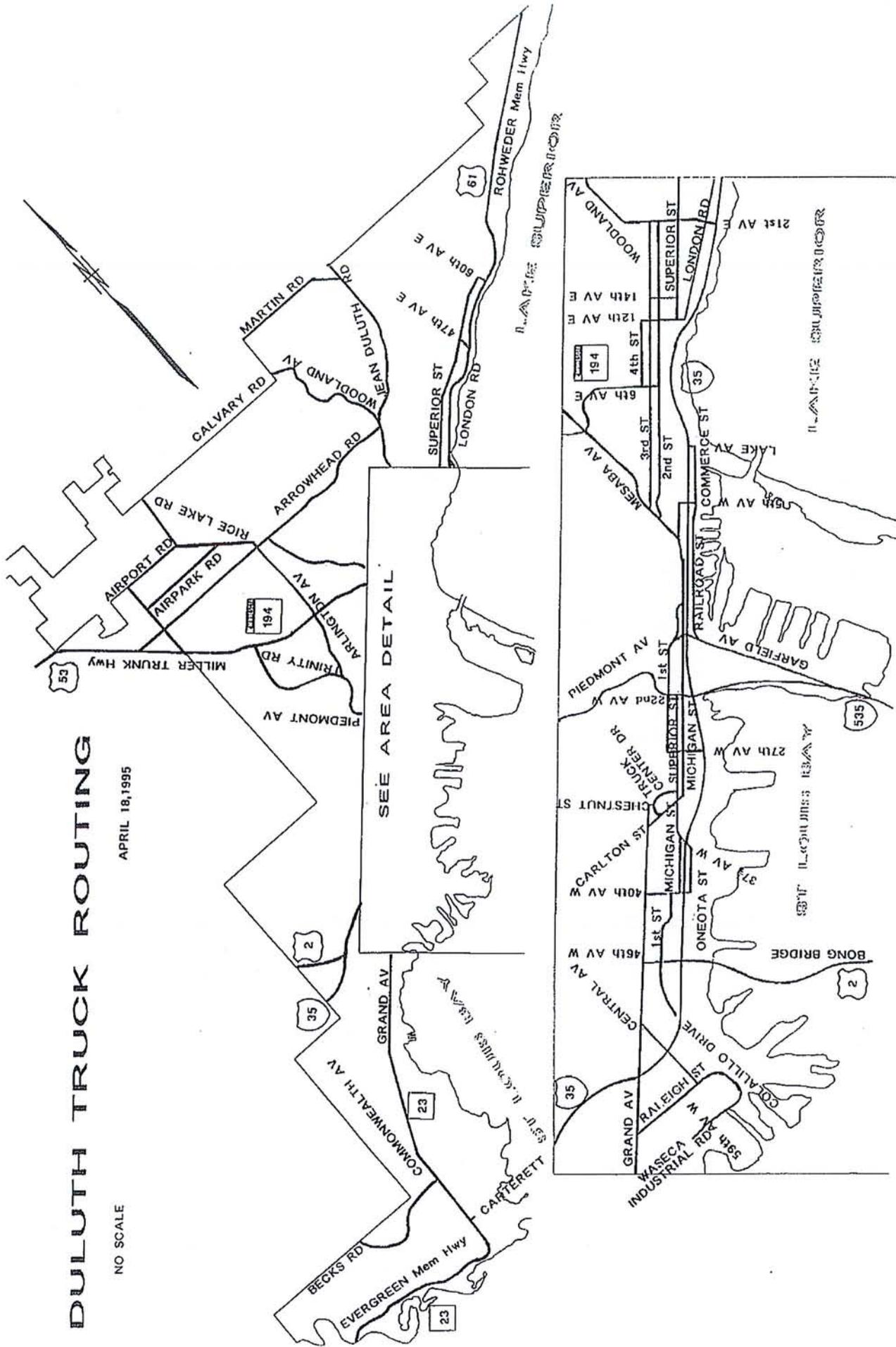
6



DULUTH TRUCK ROUTING

NO SCALE

APRIL 18, 1995



DULUTH TRUCK ROUTE SYSTEM

ROADWAY

I-35
 T.H. 2
 Evergreen Mem Hwy (T.H. 23)
 Commonwealth Av (T.H. 23)
 Grand Av (T.H. 23)
 Grand Av
 Becks Rd
 Carterett St
 Raleigh St
 59th Av W
 Colalillo Drive
 Central Av
 46th Av W
 Bong Bridge
 40th Av W
 Oneota St
 Jenswold St
 Carlton St (T.H. 23)
 Truck Center Dr
 30-1/2 Av W
 Chestnut St
 Superior St
 Michigan St
 Michigan St (T.H. 23)
 27th Av W
 First St (T.H. 23)
 Waseca St
 37-1/2 Av W
 Piedmont Av (T.H. 23)
 22nd Av W
 Superior St (T.H. 23)
 I-535
 Garfield Av
 Railroad St
 Commerce St
 5th Av W
 Mesaba Av
 1st St
 Lake Av
 Superior St
 Superior St (T.H. 23)
 2nd St (T.H. 23 & 61)
 2nd St (T.H. 23)
 3rd St (T.H. 23 & 61)
 3rd St (T.H. 23)
 4th St
 London Rd (T.H. 61)
 Rohweder Mem Hwy (T.H. 61)
 12th Av E (T.H. 61)
 14th Av E (T.H. 61)
 21st Av E
 21st Av E (T.H. 23)
 21st Av E
 6th Av E (T.H. 194)
 Woodland Av
 Snively Rd
 Jean Duluth Rd
 47th Av E
 60th Av E (T.H. 23)
 Martin Rd
 Calvary Rd
 Arrowhead Rd
 Rice Lake Rd
 Rice Lake Rd
 Airport Blvd
 Airport Rd
 Haines Rd
 Miller Trunk Hwy (T.H. 53)
 Trinity Rd (T.H. 53)

 Piedmont Av (T.H. 53)
 Central Ent (T.H. 194)
 Arlington Av
 21st Av W

FROM

Boundary Av (City Limits)
 Boundary Av (City Limits)
 City Limits
 Evergreen Memorial Hwy
 Commonwealth Av
 Carlton St
 City Limits
 Commonwealth Av
 Grand Av
 Raleigh St
 Ramsey St
 Raleigh St
 Grand Av
 I-35
 Grand Av
 40th Av W
 Michigan St
 Grand Av
 Carlton St
 Superior St
 Truck Center Dr
 Jenswold St
 40th Av W
 Carlton St
 I-35
 27th Av W
 59th Av W
 Michigan St
 First St
 First St
 Piedmont Av
 I-35
 Superior St
 Garfield Av
 5th Av W
 Superior St
 I-35
 46th Av W
 I-35
 12th Av E
 21st Av E
 Mesaba Av
 12th Av E
 Mesaba Av
 14th Av E
 6th Av E
 12th Av E
 London Rd
 4th St
 3rd St
 Woodland Av

 3rd St
 Superior St
 Mesaba Av
 21 Av E
 Woodland Av
 Glenwood St
 Superior St
 Superior St
 Jean Duluth Rd
 Woodland Av
 Woodland Av
 Mesaba Av
 Arrowhead Rd
 Rice Lake Rd
 Rice Lake Rd
 T.H. 53
 Haines Rd (City Limits)
 Central Entrance
 (Miller Trunk Hwy)
 Trinity Rd
 Trinity Rd
 Trinity Rd
 Michigan St

TO

26th Av E
 I-35
 Commonwealth Av
 Grand Av
 Carlton St
 Chestnut St
 Commonwealth Av
 99th Av W
 Central Av
 Waseca St
 46th Av W
 Grand Av
 I-35
 City Limits
 Oneota St
 37-1/2 Av W
 Superior St
 Michigan St
 30-1/2 Av W
 Truck Center Dr
 3rd St
 22nd Av W
 Jenswold St
 Superior St
 Superior St
 Piedmont Av
 61st Av W
 Oneota St
 Superior St
 Michigan St
 5th Av W
 City Limits
 I-535
 5th Av W
 Lake Av
 Commerce St
 Central Entrance
 40th Av W
 Commerce St
 21st Av E
 60th Av E
 12th Av E
 21st Av E
 14th Av E
 21st Av E
 12th Av E
 Rohweder Mem Hwy (T.H. 61)
 City Limits
 London Rd
 London Rd
 3rd St

 Superior St
 I-35
 2nd St
 Calvary Rd
 Glenwood St
 City Limits
 London Rd
 London Rd
 Arnold Rd (City Limits)
 Arnold Rd (City Limits)
 Haines Rd (City Limits)
 Arrowhead Rd
 Ridge View Rd (City Limits)
 Haines Rd
 Haines Rd
 Airport Rd
 Trinity Rd

 Piedmont Av
 I-35
 Mesaba Av
 Central Entrance
 T.H. 53- I-35 Ramps

ALTERNATIVE TRUCK ROUTES

(From November 1 to April 1, to be used only at such times between those dates when snow and ice conditions have made it impossible or unsafe for trucks to use the regular truck routes:

Wallace Av
 Fourth St
 24th Av E
 Glenwood St
 60th Av E

Woodland Av
 Wallace Av
 4th St
 Snively Rd
 Glenwood St

E 4th St
 24th Av E
 Superior St
 60th Av E
 Superior St

11