



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 15-044	Contact	Steven Robertson, 218 730 5295	
Application Type	Vacation and Dedication of Ped. Easement	Planning Commission Date	April 14, 2015	
Deadline for Action	Application Date	March 10, 2015	60 Days	May 9, 2015
	Date Extension Letter Mailed		120 Days	July 1, 2015
Location of Subject	1231 W Michigan St.			
Applicant	Aaron Schweigher, SDH & M LLC	Contact	schweiger.aaron@gmail.com, 612-735-9481	
Agent	Bill Scalzo, Scalzo Architects	Contact	wscalzo@scalzoarchitects.com, 218-722-4319	
Legal Description	See attached			
Site Visit Date	March 25, 2015	Sign Notice Date	March 30, 2015	
Neighbor Letter Date	April 1, 2015	Number of Letters Sent	27	

Proposal

The applicant is proposing to vacate an existing 500-foot long, 20-foot wide pedestrian easement in order to make room for a future structure on the applicant's property. The applicant will dedicate a new 20-foot wide pedestrian easement on a different location on the site for continued trail use.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Undeveloped	Urban Residential
North	R-2	Undeveloped, residential	Preservation
South	R-2	Commercial, undeveloped	Preservation
East	R-2	Multi-family	Preservation, Urban Residential
West	R-2	Undeveloped	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 - A-1

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

Future Land Use - 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.

Governing Principle #1: Reuse previously developed lands.

Governing Principle #7: Create and maintain connectivity.

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

1) The applicant is proposing to vacate an existing 500-foot long, 20-foot wide pedestrian easement in order to make room for a future structure on the applicant's property. The applicant will dedicate a new 20-foot wide pedestrian easement on a different location on the site for continued trail use.

2) Staff from the Planning and Parks and Recreation Department, along with a volunteer from Superior Hiking Trail Association, met with the applicant to walk the site. Based on input from the City's representatives, the applicant amended the dedication along a new route (as seen attached with the staff report), which the City believes will make for a better hiking experience for users of the trail while still leaving the applicant sufficient room to locate a new structure and accessory parking on the lot.

3) 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 (once the pedestrian easement is relocated); is not and will not be needed to provide pedestrian or recreational access to the water; and is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

4) The neighbor letter that was mailed on Monday March 25 mistakenly left out the map showing the location of the pedestrian easement. The city received phone calls from approximately 8 different property owners asking for clarification on the location of the new easement. Revised letters (with maps) were mailed out on Wednesday March 27. There were additional phone calls asking questions about the potential height of the structure. The applicant will likely construct an approximately 4-6 story structure (varies based on elevation of the property). Included with this staff report are potential examples of what the new structure and parking areas may look like; note however that the easement vacation and rededication are a separate issue from the potential reuse of the property.

5) 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.

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

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the vacation of the pedestrian easement, with the condition that the easement be rededicated as shown in the exhibit.

8

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



Buckingham Creek

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112001440

112001330

191300060

112001480

11200050

191300070

191300100

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112008148

112008160

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112008200

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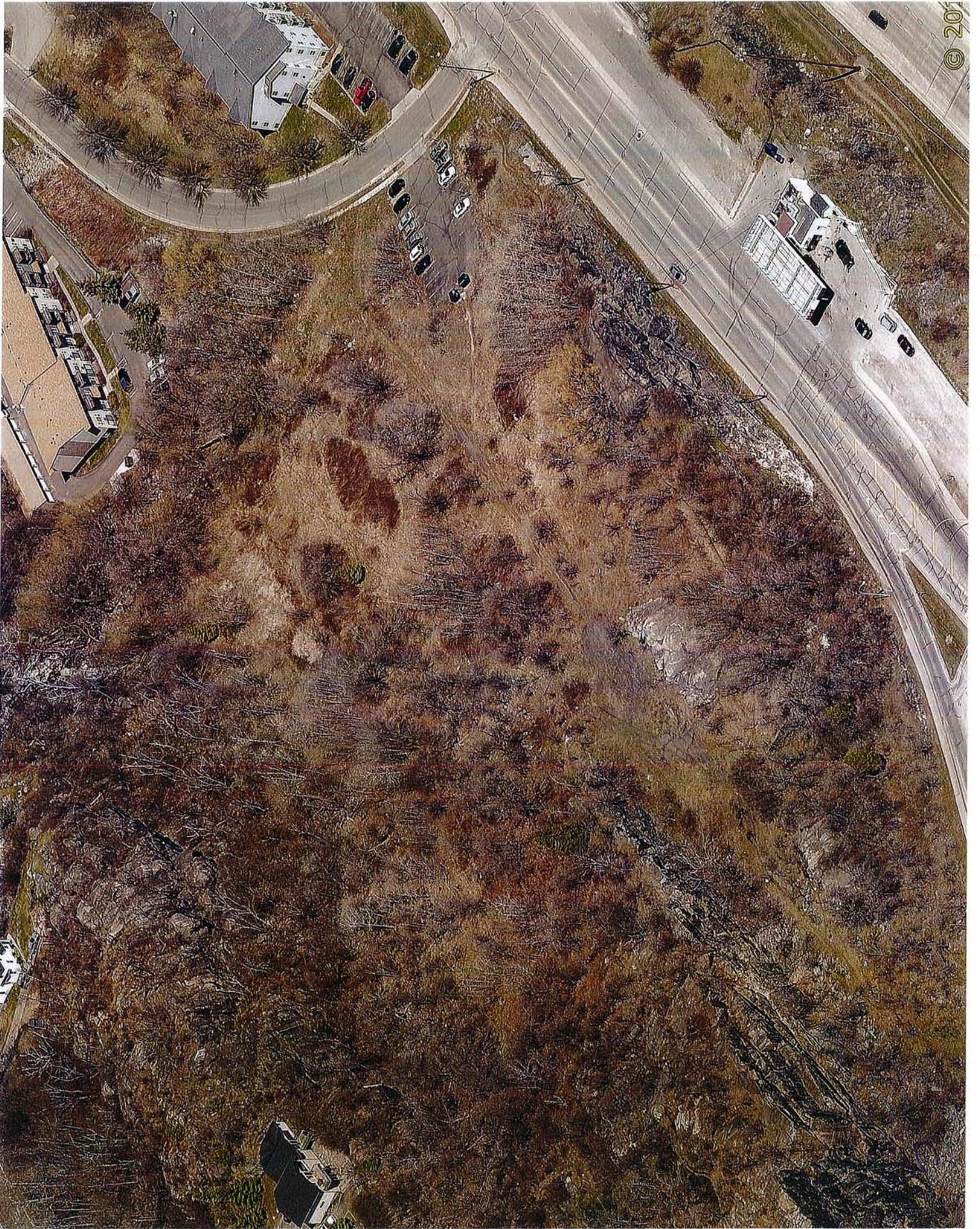
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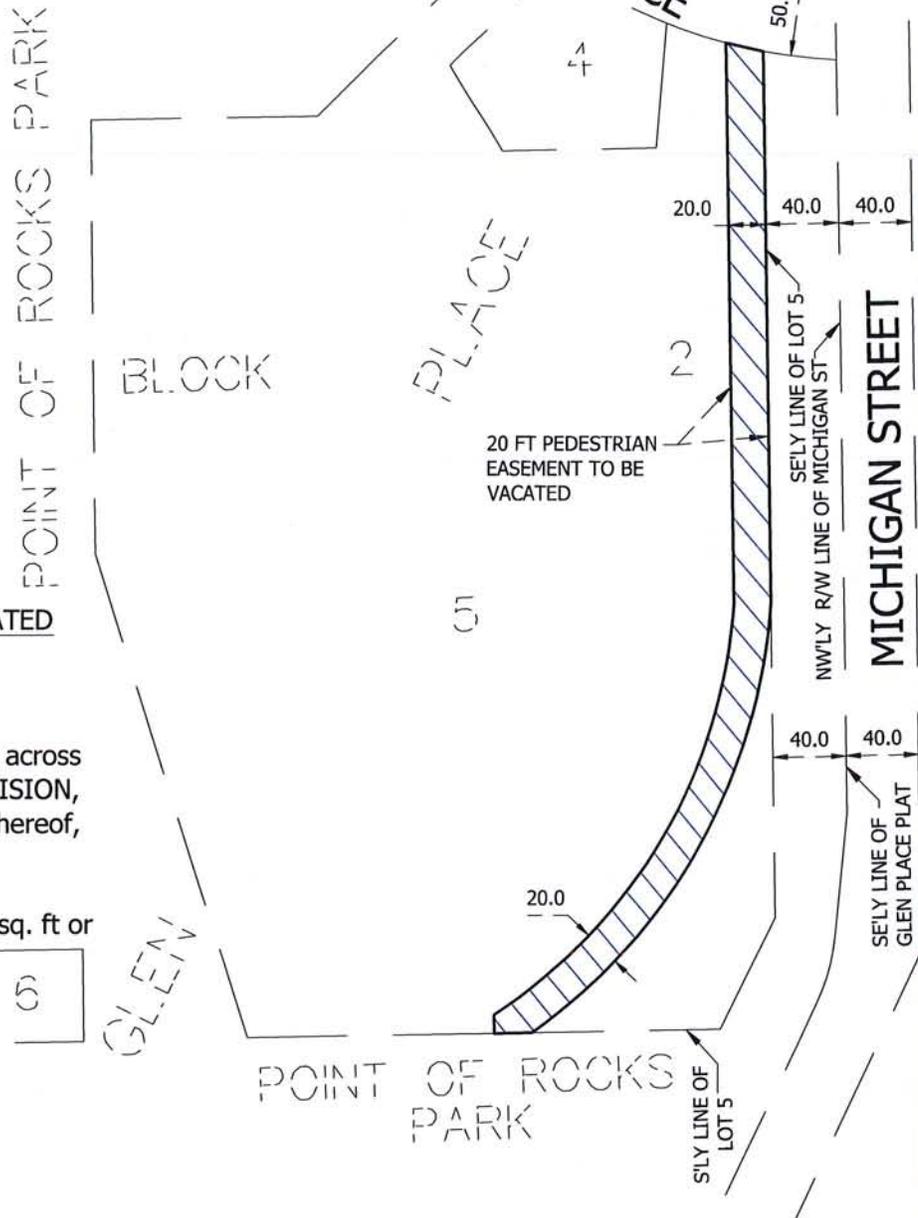
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LEGAL DESCRIPTION FOR VACATED PEDESTRIAN EASEMENT

The 20.00 foot wide pedestrian easement lying over, under and across Lot 5, Block 2, GLEN PLACE DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said easement contains 11,569 sq. ft or 0.27 acres.

Approved by the City Engineer of the City of Duluth, MN. this _____ day of _____ 20__

By _____

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: 4-6-15
David R. Evanson
 David R. Evanson MN License No. 49505

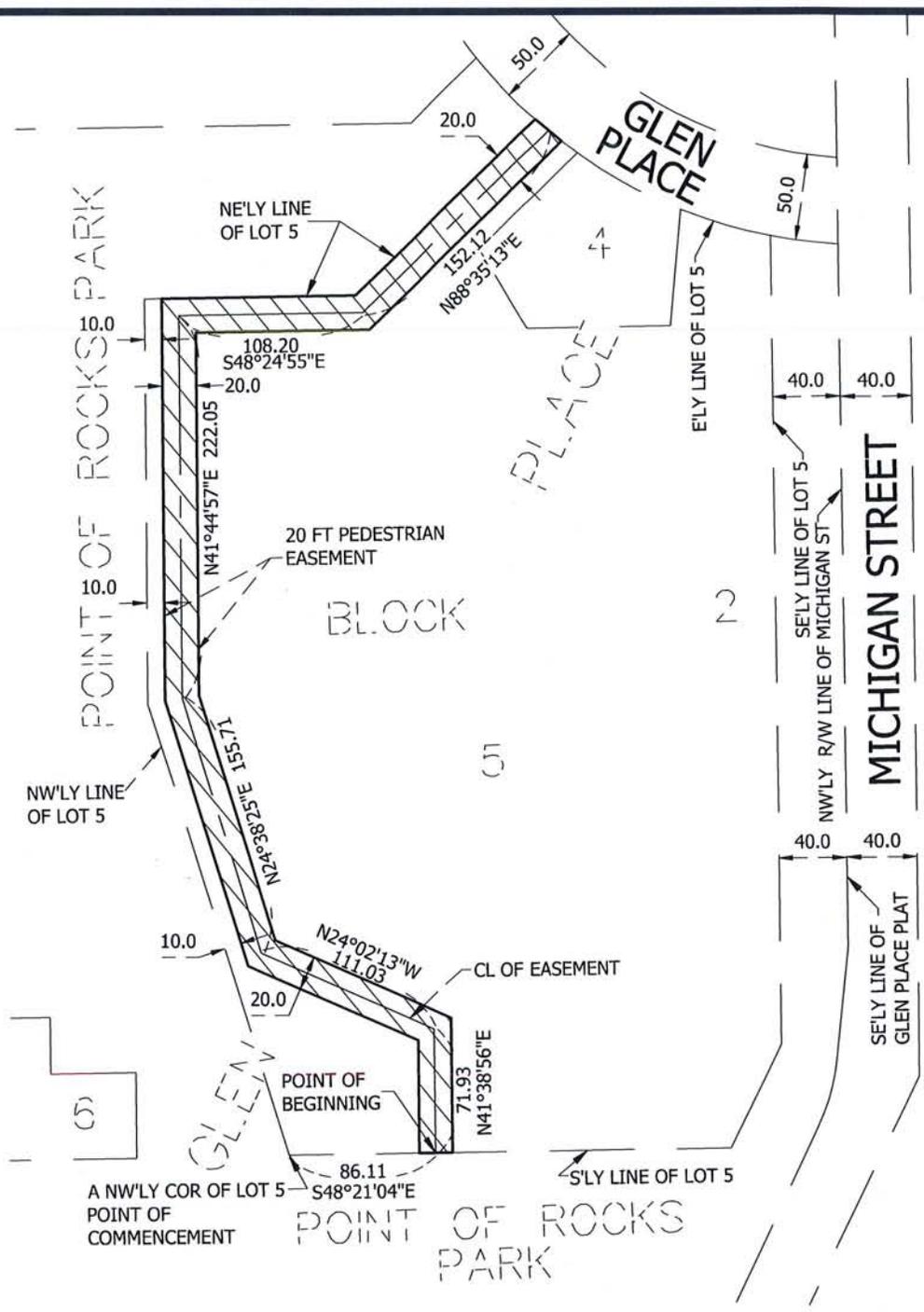
VACATION EXHIBIT FOR PEDESTRIAN EASEMENT

CLIENT: SDM&H, LLC	REVISIONS: 4-6-2015 CITY COMMENTS
DATE: 2-5-15	
ADDRESS: XXX	
JOB NUMBER: 15-014 A	



- * 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.ALTLANDSURVEYDULUTH.COM

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Approved by the City Engineer of the City of Duluth, MN. this _____ day of _____ 20__

By _____

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SHEET 2 OF 2 SHEETS

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: 4-6-15
David R. Evanson
 David R. Evanson MN License No. 49505

EASEMENT EXHIBIT FOR PEDESTRIAN EASEMENT

CLIENT: SDM&H, LLC	REVISIONS: REVISE EASEMENT BOUNDARY 2-24-2015
DATE: 2-5-15	REVISE EASEMENT BOUNDARY & LEGAL 4-6-2015
ADDRESS: XXX	
JOB NUMBER: 15-014 A	



- ALTA LAND SURVEY COMPANY**
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8

LEGAL DESCRIPTION FOR 20 FOOT PEDESTRIAN EASEMENT

A 20.00 foot wide pedestrian easement lying over, under and across Lot 5, Block 2, GLEN PLACE DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota; the centerline of said easement is described as follows:

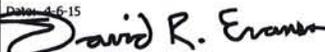
Commencing at a Northwesterly corner of said Lot 5, Block 2; thence on an assumed bearing of South 48 degrees 21 minutes 04 seconds East, along the Southerly line of said Lot 5, Block 2, a distance of 86.11 feet to the Point of Beginning of the centerline to be described; thence North 41 degrees 38 minutes 56 seconds East, a distance of 71.93 feet; thence North 24 degrees 02 minutes 13 seconds West, a distance of 111.03 feet; thence North 24 degrees 38 minutes 25 seconds East, a distance of 155.71 feet; thence North 41 degrees 44 minutes 57 seconds East, a distance of 222.05 feet; thence South 48 degrees 24 minutes 55 seconds East, a distance of 108.20 feet; thence North 88 degrees 35 minutes 13 seconds East, a distance of 152.12 feet to the Easterly line of said Lot 5 and there terminating.

The side lines of said easement are to be prolonged or shortened to terminate on the Southerly line of said Lot 5, Block 2 and the Easterly line of said Lot 5, Block 2.

Said easement contains 16,421.9 sq. ft or 0.38 acres.

SHEET 1 OF 2 SHEETS

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: 4-6-15

 David R. Evanson MN License No. 49505

EASEMENT EXHIBIT FOR PEDESTRIAN EASEMENT

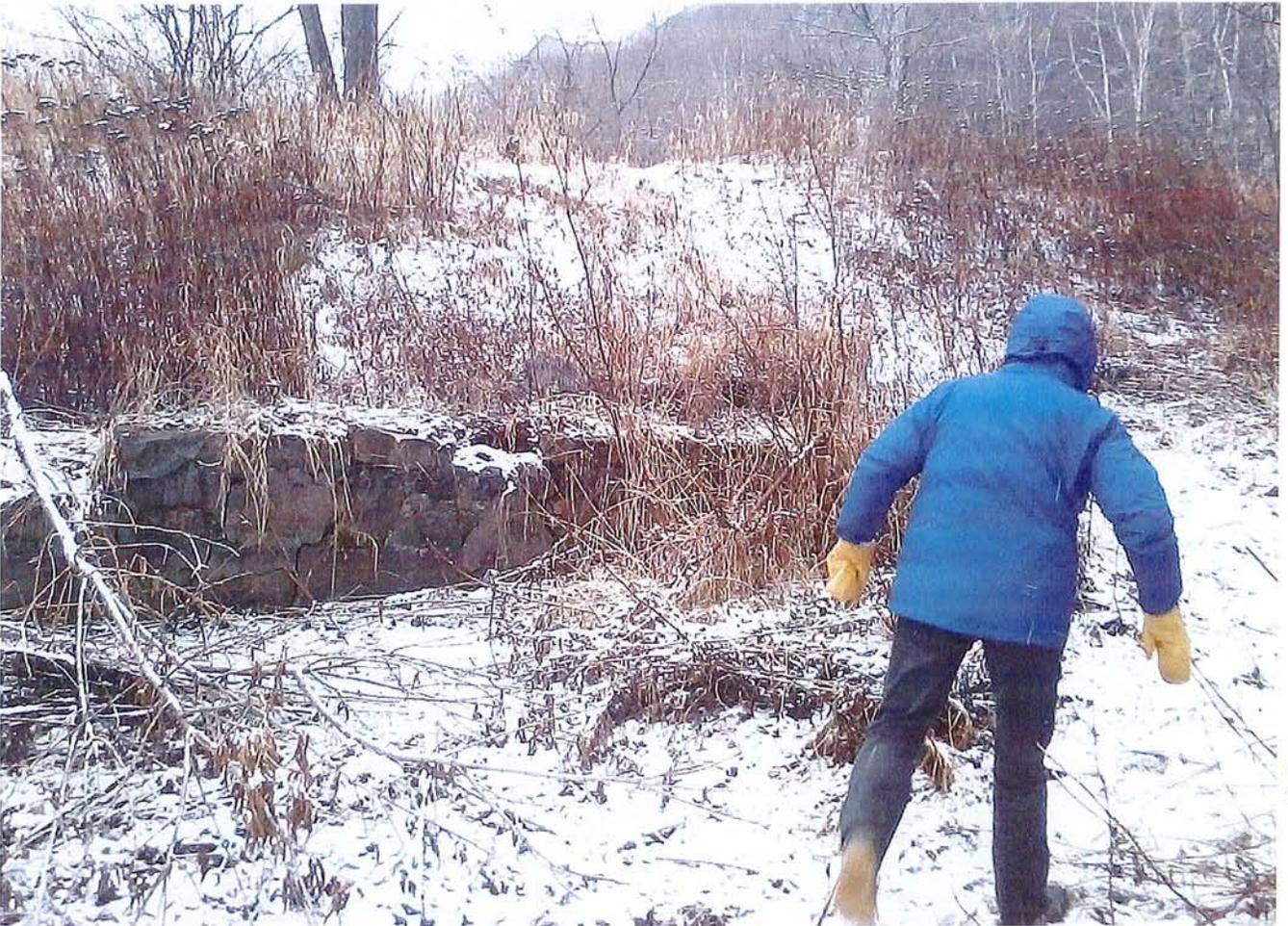
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9





12





14



15

