



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 15-048	Contact	Steven Robertson, 218 730 5295	
Application Type	Vacation of Utility Easement	Planning Commission Date	April 14, 2015	
Deadline for Action	Application Date	March 31, 2015	60 Days	May 30, 2015
	Date Extension Letter Mailed		120 Days	July 29, 2015
Location of Subject	4900 Block of Airport Road			
Applicant	City of Duluth	Contact	Eric Shaffer, eshaffer@duluthmn.gov	
Agent		Contact		
Legal Description	See attached			
Site Visit Date	April 4, 2015	Sign Notice Date	April 2, 2015	
Neighbor Letter Date	N/A	Number of Letters Sent	0	

Proposal

Applicant is proposing to vacate a utility easement south of Airport Road, over Lots 2 and 3, Block 2, Airport Division (20 feet wide by about 225 feet long). Existing utilities will be rerouted in the future to accommodate a potential new structure on the site.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Undeveloped	General Industrial
North	MU-N	Light Industrial	General Industrial
South	MU-N	Prison (City of Hermantown)	N/A (City of Hermantown)
East	MU-N	Light Industrial	General Industrial
West	MU-N	Light Industrial	General Industrial

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.

1-1
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Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Future Land Use - General Industrial: Areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Sites should have direct access to major regional transportation facilities and other infrastructure.

Governing Principle #1: Reuse previously developed lands.

Governing Principle #7: Create and maintain connectivity.

This area was recently rezoned from MU-N to MU-B (Ordinance 10355, Effective April 10, 2015).

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

1) Applicant is proposing to vacate a utility easement south of Airport Road, over Lots 2 and 3, Block 2, Airport Division (20 feet wide by about 225 feet long). Existing utilities will be rerouted in the future to accommodate a potential new structure on the site.

2) The Duluth International Airport and City Engineering are co-applicants for this proposal. The City of Duluth is the titleholder to all the property on this block. Typically vacation applications that require the city to reroute underground utilities are required to submit a preliminary utility relocation plan. In this instance the City is the co-applicant and the titleholder of the property, and will be the one responsible for relocating the utilities, so there is not a need for a utility relocation plan at this point.

3) 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 (once the utility line is relocated to make room for a future structure); 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.

4) No comments from the public. City Engineering, Business Development, and the Duluth International Airport support the proposal.

5) The sign notice was required to be posted two weeks before the public hearing, but was not posted until 12 days before the hearing. Due to the remote location and the fact that no non-public agency will be impacted by this utility vacation, City staff are recommending action at the Planning Commission meeting.

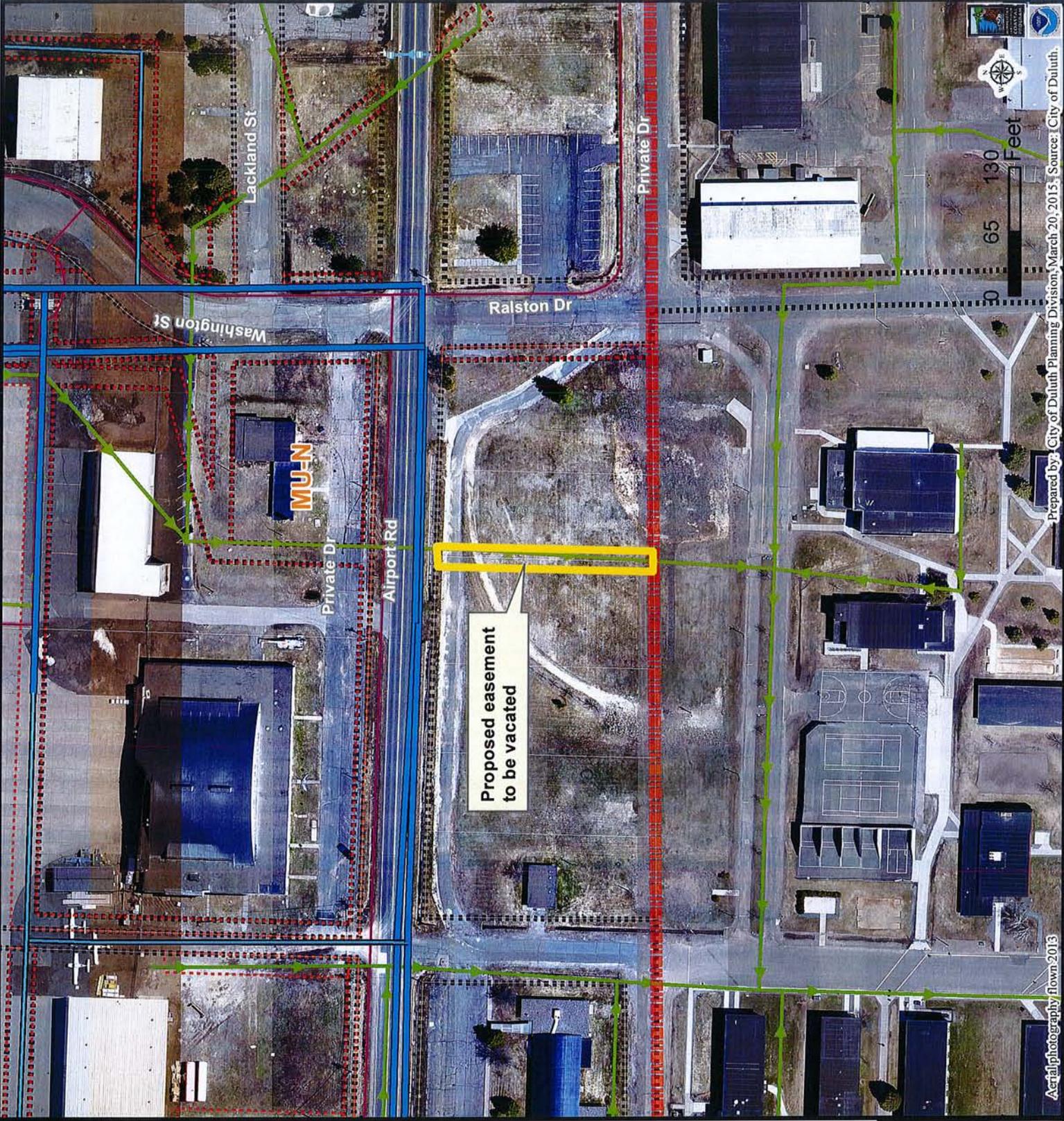
6) Vacations are approved by the City Council via a resolution. Vacations lapse unless a plat showing the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process.

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 utility easement, without conditions.

8

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

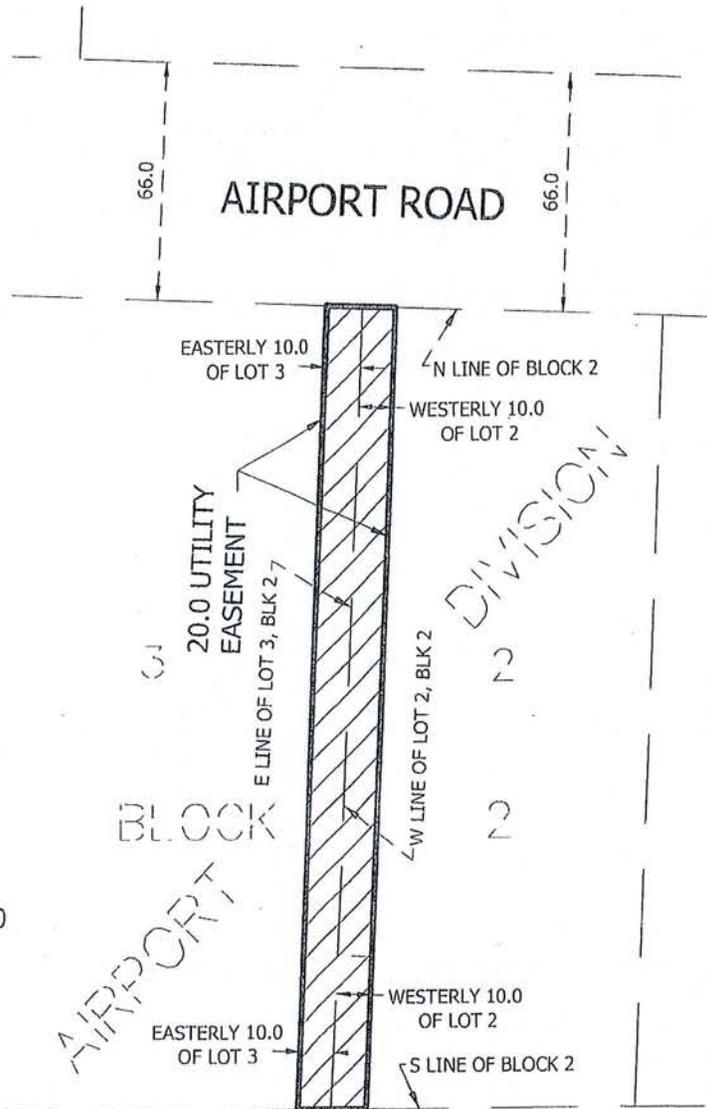


Legend

- 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
- 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
- Right-of-Way Type**
- Road or Alley ROW
- Easement Type**
- Utility Easement
- Other Easement

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.





LEGAL DESCRIPTION FOR VACATED UTILITY EASEMENT

The 20.00 foot wide utility easement lying over, under and across The Westerly 10.00 feet of Lot 2 Block 2 and the Easterly 10.00 feet of Lot 3, Block 2, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said easement contains 4,475 sq. ft. or 0.10 acres more or less.

Approved by the City Engineer of the City of Duluth, MN. this 3rd day of March 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: 2-23-15
David R. Evanson
 David R. Evanson MN License No. 49505

VACATION EXHIBIT FOR UTILITY EASEMENT

CLIENT: CITY OF DULUTH	REVISIONS: XXX
DATE: 2-23-15	
ADDRESS: XXX	
JOB NUMBER: 15-029	



- * LAND SURVEYING
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5



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