**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 15-083 | | **Contact** | Steven Robertson, 218 730 5295 | |
| **Application Type** | Vacation of Street Right of Way | | **Planning Commission Date** | June 9, 2015 | |
| **Deadline for Action** | **Application Date** | May 7, 2015 | **60 Days** | July 6, 2015 | |
| | **Date Extension Letter Mailed** | May 28, 2015 | **120 Days** | September 4, 2015 | |
| **Location of Subject** | 4906 Vermilion Road | | | | |
| **Applicant** | John and Bonnie Gibson | | **Contact** | | |
| **Agent** | John Gibson | | **Contact** | | |
| **Legal Description** | 010-2010-01210 | | | | |
| **Site Visit Date** | June 1, 2015 | | **Sign Notice Date** | May 25, 2015 | |
| **Neighbor Letter Date** | May 28, 2015 | | **Number of Letters Sent** | 14 | |

## Proposal

The applicant is proposing to vacate a portion (approximately 475 feet) of the street right of way for improved Vermilion Road. According to the applicant, "this piece of Vermilion Road was a curve that was not needed when road was staightened out to continue down the hill to Martin Road over 50 years ago".

If the partial vacation is approved, Vermilion Road (originally platted as Market Avenue) would still have a right of way width of 66 feet.

| | Current Zoning | Existing Land Use | Future Land Use Map Designation |
|---|---|---|---|
| **Subject** | R-1 | Residential | Rural Residential |
| **North** | R-1 | Residential | Rural Residential |
| **South** | R-1 | Residential | Rural Residential |
| **East** | R-1 | Residential | Rural Residential |
| **West** | R-1 | Residential | Rural Residential |

## 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. D-1

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

Future Land Use - Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further

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 a portion (approximately 475 feet) of the street right of way for improved Vermilion Road. If the partial vacation is approved, Vermilion Road (originally platted as Market Avenue) would still have a right of way width of 66 feet.

2) Applicant owns all the abutting property directly adjacent to and abutting the proposed partial right of way to be vacated.

3) This vacation, if approved, will not deprive any currently platted lots of access to a public right of way, and will not result in any dead-ends.

4) Staff believe this portion of 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 portion of 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) No public, agency, or City comments were received. Existing underground utilities in the street right of way will not be impacted by the proposed partial vacation.

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):**

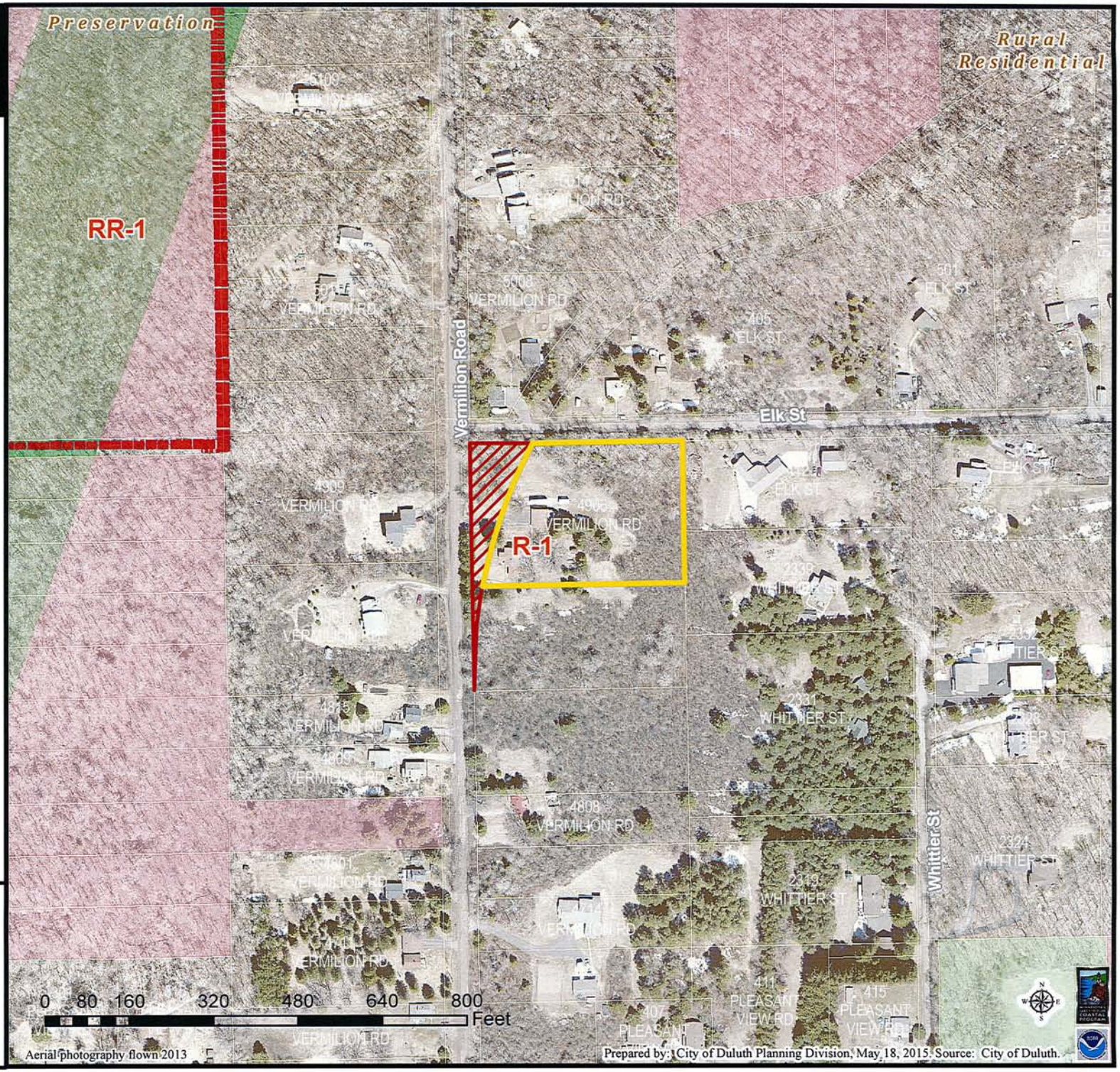
Based on the above findings, Staff recommends that the Planning Commission recommend approval of the partial vacation of the street public right of way, without conditions.

D-2

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

# City Planning

PL 15-083
4906 Vermilion Rd




## Legend

**Zoning Boundaries**

- Zoning Boundaries
- Vacated ROW

**Future Land Use**

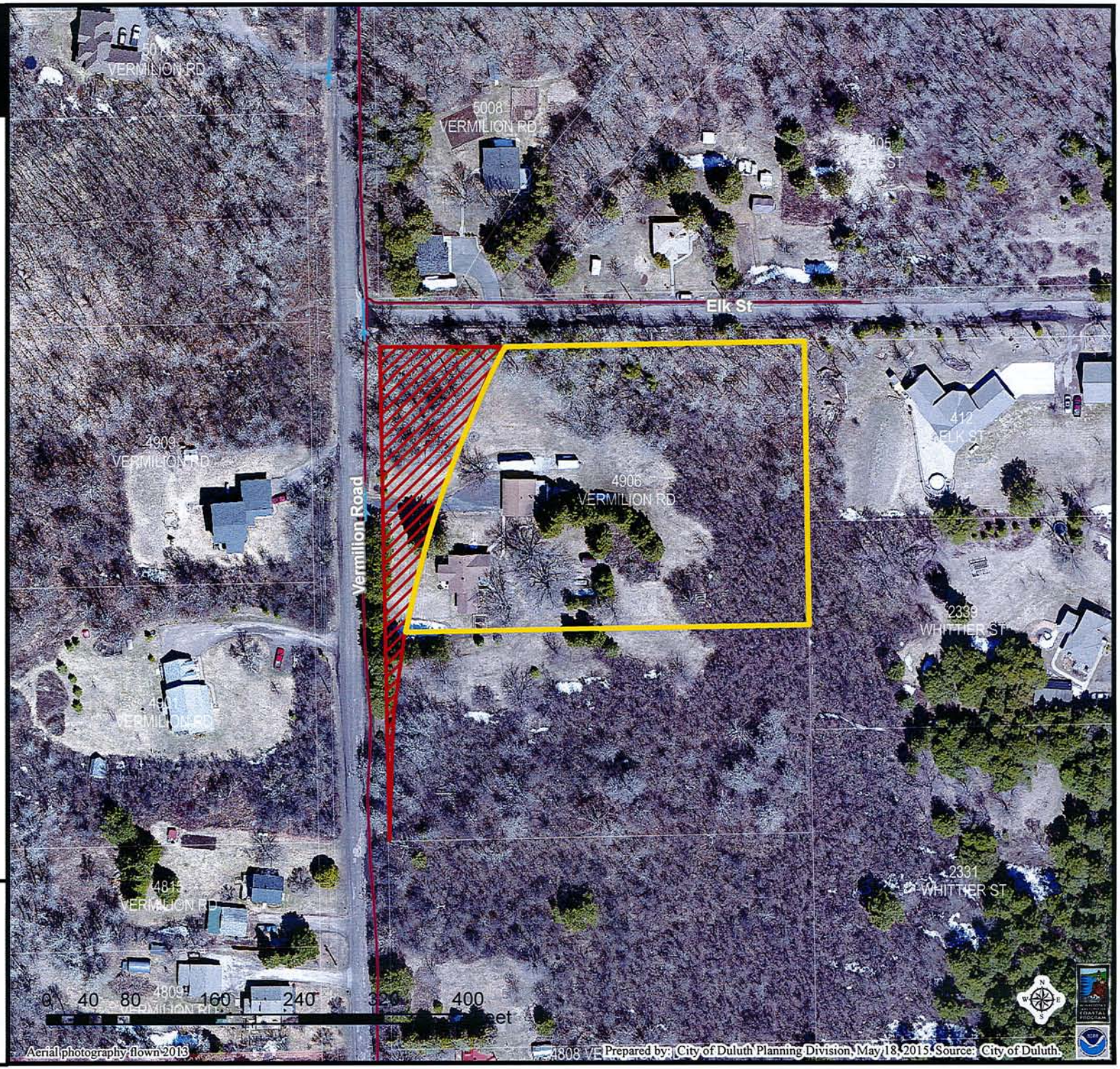
- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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.

U-3

# City Planning

PL 15-083
4906 Vermilion Rd




## Legend

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

**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**

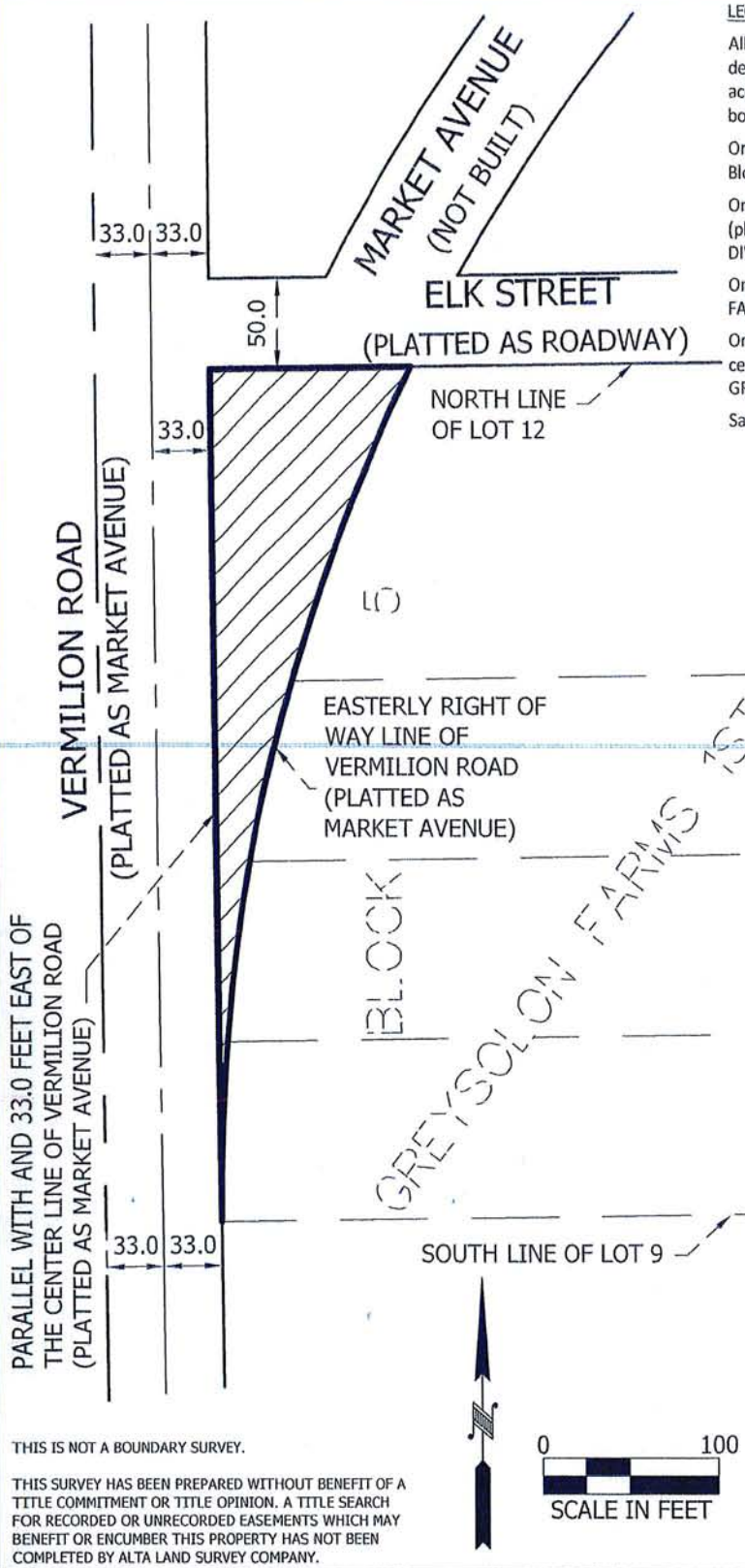
- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

**Storm Sewer Collection System**

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Vacated ROW

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.

D-4




LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that part of Vermilion Road (platted as Market Avenue), as dedicated on GREYSOLON FARMS 1ST DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, MN, bounded as follows:

On the North: By the Westerly extension of the North line of Lot 12, Block 5, said GREYSOLON FARMS 1ST DIVISION OF DULUTH.

On the East: By the Easterly right of way line of Vermilion Road (platted as Market Avenue) on said GREYSOLON FARMS 1ST DIVISION OF DULUTH.

On the South: By the South line of Lot 9, Block 5 said GREYSOLON FARMS 1ST DIVISION OF DULUTH.

On the West: By a line parallel with and distant 33.0 feet east of the center line of Vermilion Road (platted as Market Avenue) said GREYSOLON FARMS 1ST DIVISION OF DULUTH.

Said parcel contains 17,773 square feet or 0.41 acres, more or less.

LEGEND

These standard symbols will be found in the drawing

RIGHT OF WAY VACATION

0 100

SCALE IN FEET

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.

Approved by the City Engineer of the City of Duluth, MN. this 20 day of MAY 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: MAY 5, 2015

David R. Evanson

David R. Evanson MN License No. 49505

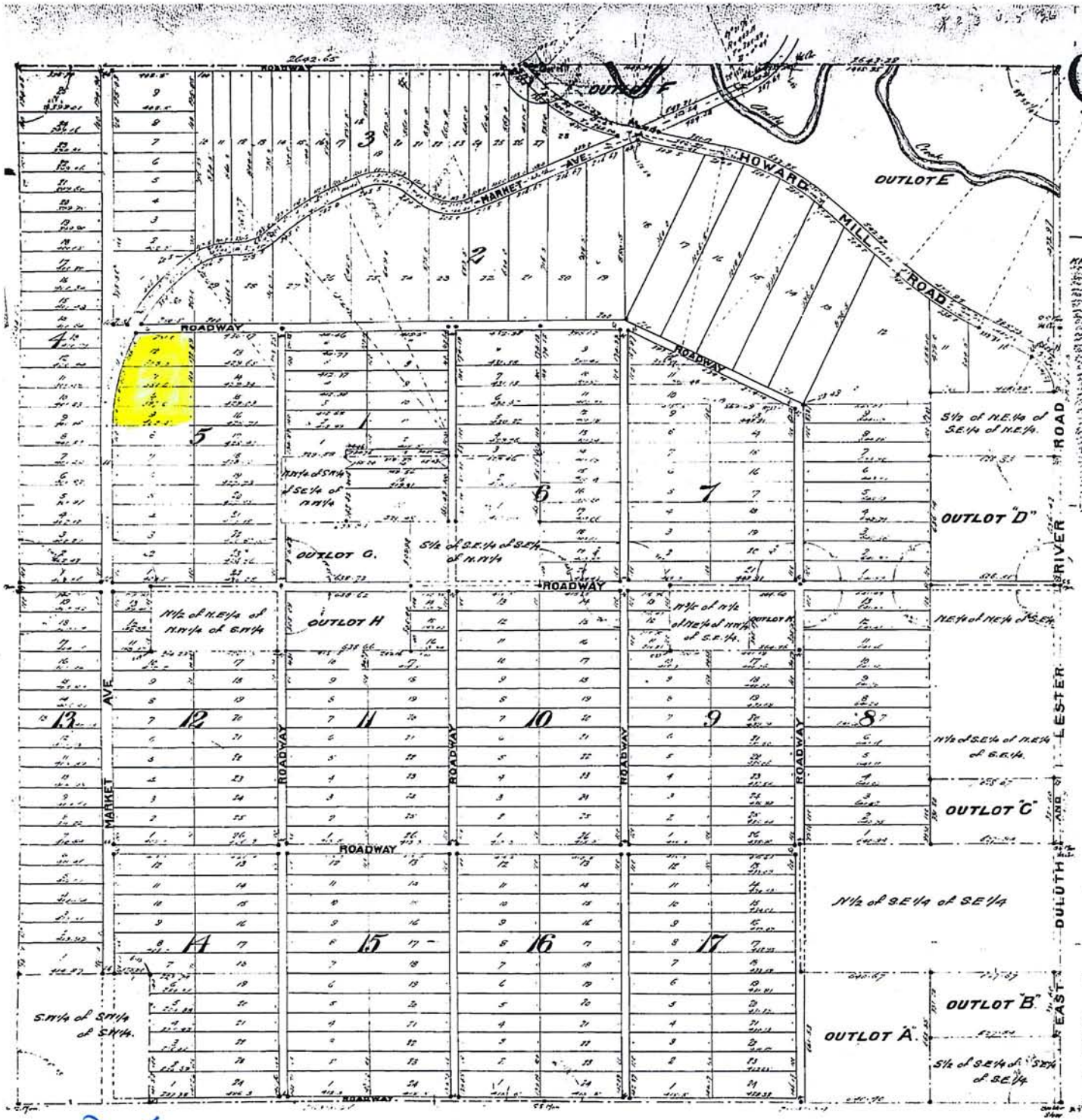
VERMILION ROAD VACATION EXHIBIT

| | |
|---|---|
| CLIENT: JOHN GIBSON | REVISIONS: XXX |
| DATE: MAY 5, 2015 | |
| ADDRESS: 4906 VERMILION ROAD DULUTH, MN 55803 | |
| JOB NUMBER: 15-108 | |

ALTA
LAND SURVEY COMPANY
* 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. ALTALANDSURVEYDULUTH.COM

D-5

RECEIVED MAY 07 2015




# GREYSOLON FARMS
## 1ST DIVISION
## OF DULUTH.

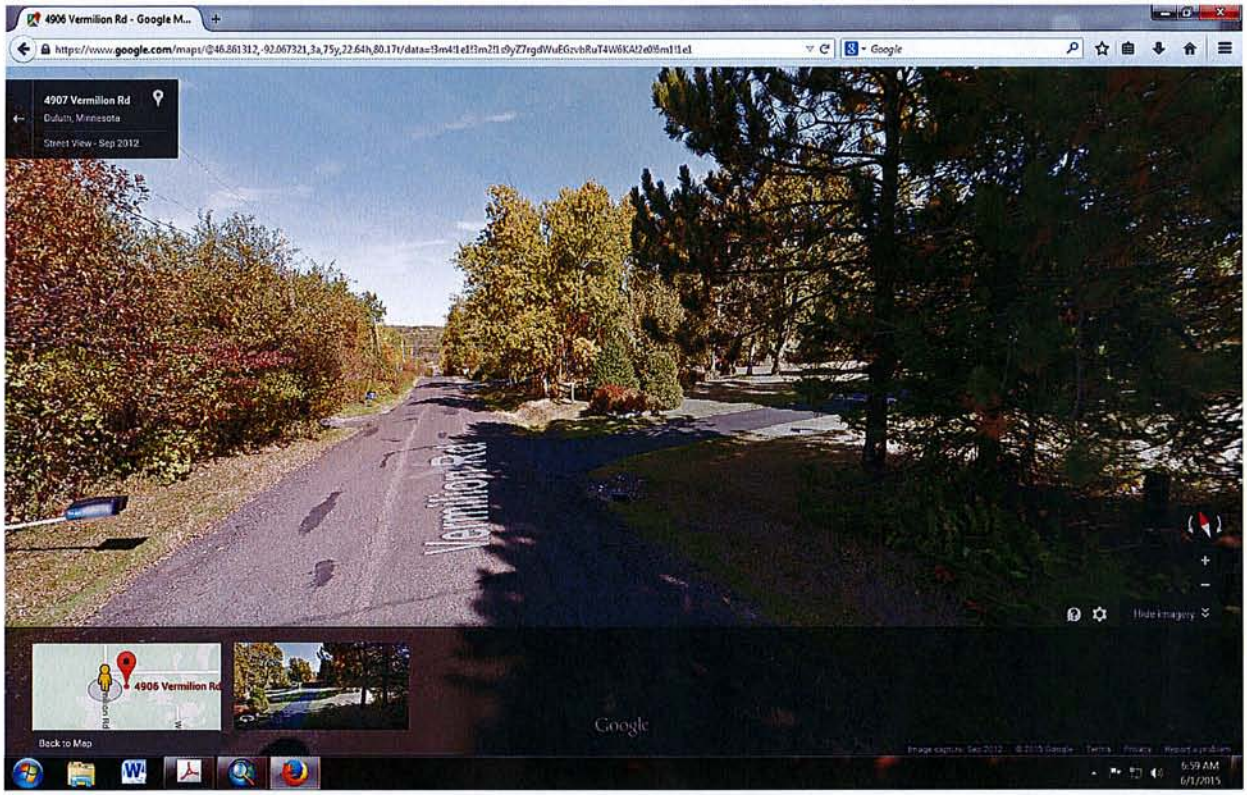
SEC. 36, T. 51, N. R. 14 W.

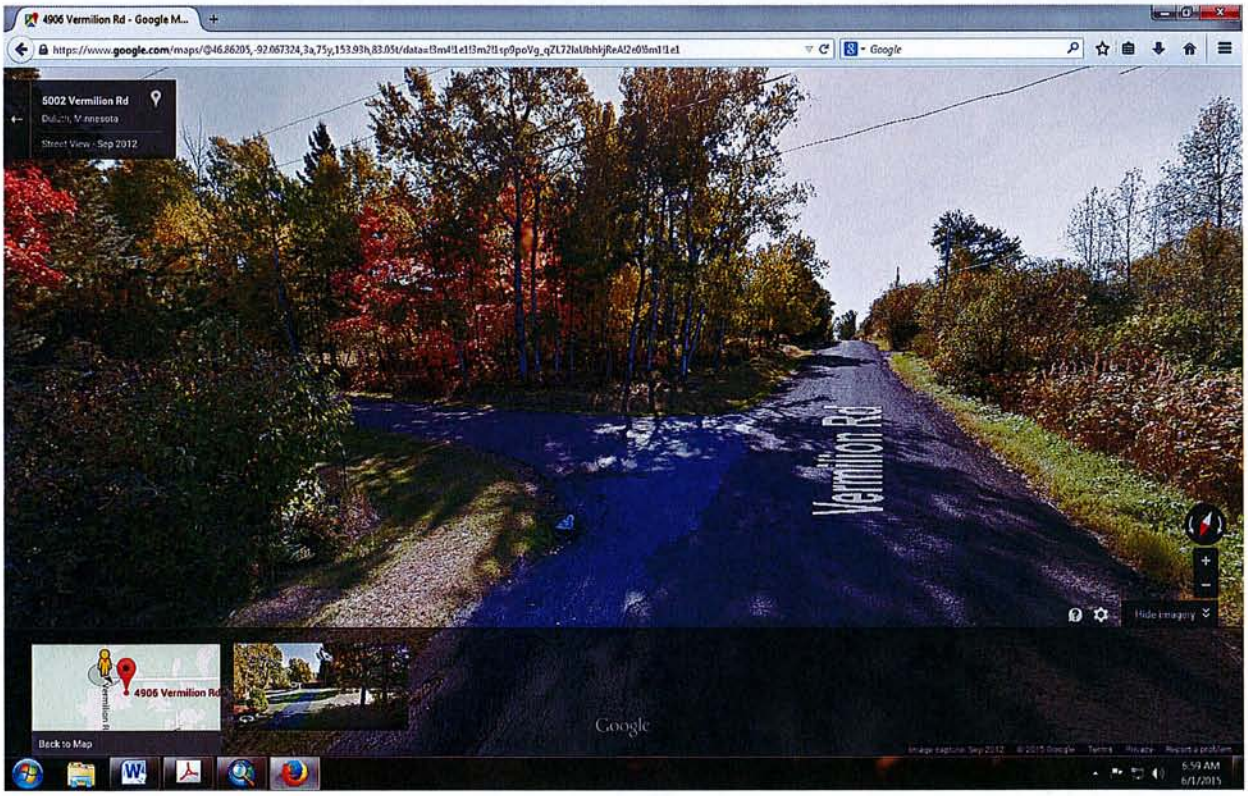
Scale 1" = 300'

The Duluth Engineering Co.

KNOW ALL MEN BY THESE PRESENTS:

D-6


4906 Vermilion Rd - Google M...
https://www.google.com/maps/@46.861312,-92.067321,3a,75y,22.64h,80.17t/data=!3m4!1e1!3m2!1s9yZ7egdWuEGzvbRuT4W6KA!2e0!5m1!1e1
Google
4907 Vermilion Rd
Duluth, Minnesota
Street View - Sep 2012
Vermilion Rd
Hide imagery
4906 Vermilion Rd
Back to Map
Google
6:59 AM
6/1/2015


4906 Vermilion Rd - Google M...
https://www.google.com/maps/@46.86205,-92.067324,3a,75y,153.93h,83.05t/data=!3m4!1e1!3m2!1sp9poVg_qZL72IaUbhkjReA!2e0!5m1!1e1
Google
5002 Vermilion Rd
Duluth, Minnesota
Street View - Sep 2012
Vermilion Rd
Hide imagery
4906 Vermilion Rd
Back to Map
Google
6:59 AM
6/1/2015

D-7