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 15-167		**Contact**	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Street Vacation		**Planning Commission Date**	November 10, 2015	
Deadline for Action	**Application Date**	October 14, 2015	**60 Days**	December 13, 2015	
	Date Extension Letter Mailed	October 21, 2015	**120 Days**	February 11, 2016	
Location of Subject	2300 Block of Commonwealth Avenue				
Applicant	Duluth Economic Development Association		**Contact**	Jason Hale, jhale@duluthmn.gov	
Agent	N/A		**Contact**	N/A	
Legal Description	See attached				
Site Visit Date	N/A		**Sign Notice Date**	October 26, 2015	
Neighbor Letter Date	October 23, 2015		**Number of Letters Sent**	11	

Proposal

The applicant is proposing to vacate existing easements for Nick Glumac Drive and East Spur Road. These streets are included on the pending plat for Atlas Industrial Park.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Undeveloped/Industiral	General Industrial
North	MU-B	Residential	General Industrial
South	R-1	Residential	General Industrial/Preservation
East	I-G	Undeveloped	General Industrial/General Mixed Use
West	MU-B	Business	General Industrial/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.

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

Governing Principle #1 - Reuse previously developed land
Governing Principle #3 - Support traditional economic base
Governing Principle #7 - Create and maintain connectivity

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. Calls for larger parcels.

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

Staff finds that:

1.) Existing Nick Glumac Drive and East Spur Road were recorded via three street easements, shown in the three vacation exhibits. The roads will remain, but as the Atlas Industrial Park is being replatted (PL 15-166), this right of way will now be contained in the new plat, and the original easements are no longer needed. It is common practice to vacate underlying easements when right of way dedicated on a replat or new plat.

2.) These easements are 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; and is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

3.) The vacations will not deprive any currently platted lots of access to a public right of way, and will not result in any dead ends.

4.) No public, agency, or City comments were received.

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 Planning Commission approve the street vacations with the following condition:

1.) The Final Plat of the Atlas Industrial Park be approved by Planning Commission and be recorded within the time frame specified in the UDC.

E-2

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

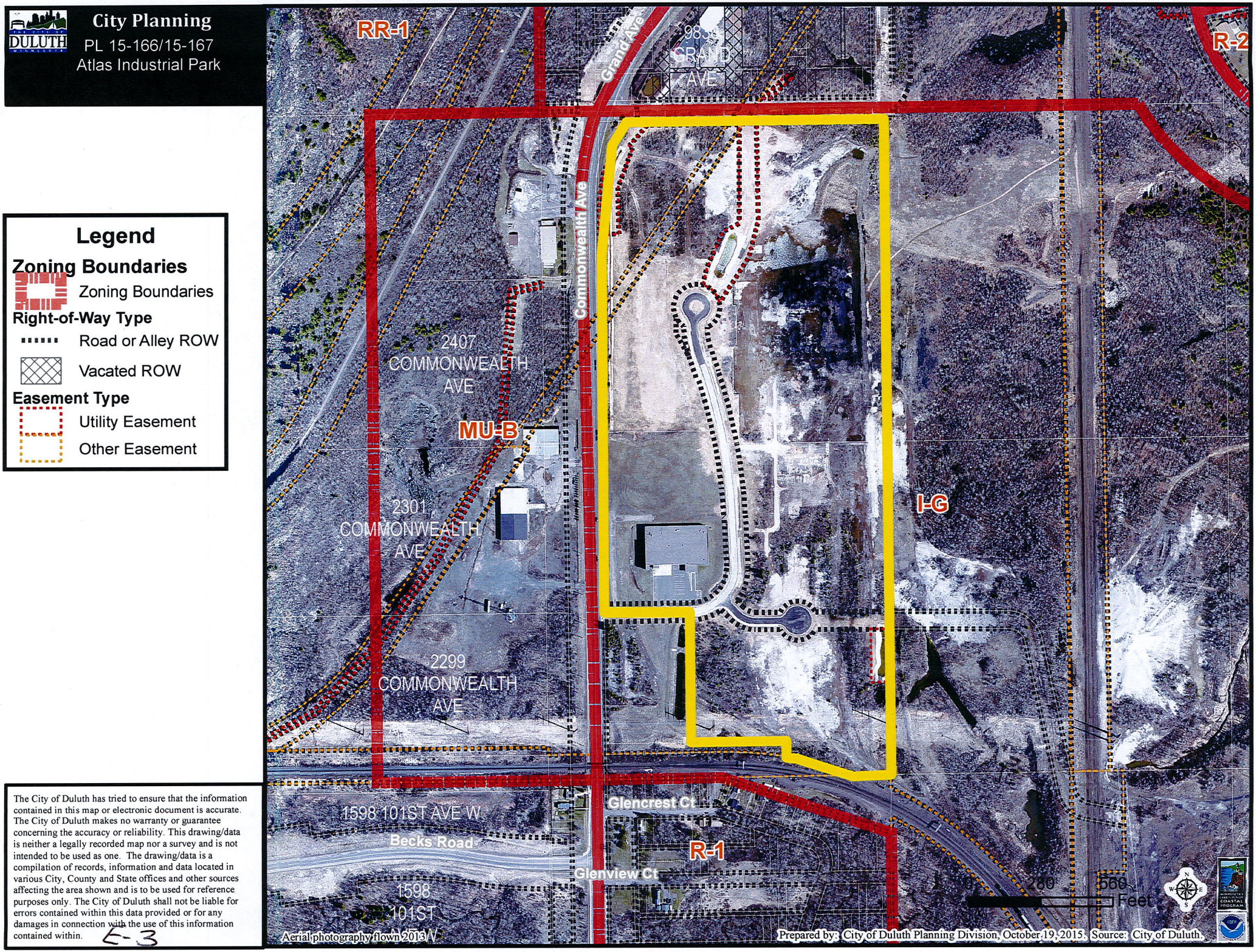
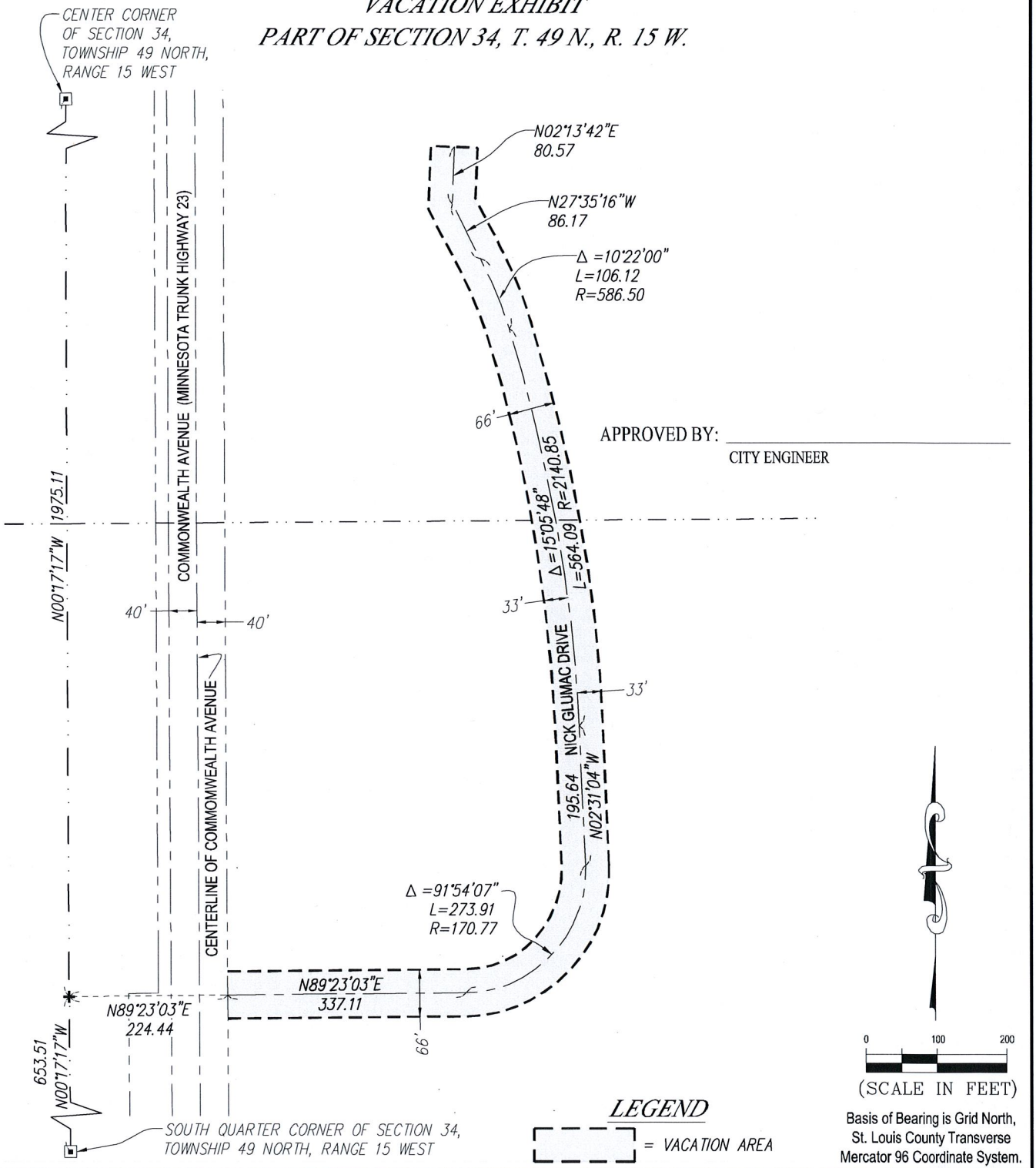

City Planning
PL 15-166/15-167
Atlas Industrial Park
Legend
Zoning Boundaries
Zoning Boundaries
Right-of-Way Type
Road or Alley ROW
Vacated ROW
Easement Type
Utility Easement
Other Easement
RR-1
R-2
MU-B
I-G
R-1
Grand Ave
Commonwealth Ave
98 GRAND AVE
2407 COMMONWEALTH AVE
2301 COMMONWEALTH AVE
2299 COMMONWEALTH AVE
1598 101ST AVE W
Becks Road
1598 101ST
Glencrest Ct
Glenview Ct
0
280
560
Feet
Aerial photography flown 2013
Prepared by: City of Duluth Planning Division, October 19, 2015. Source: City of Duluth.
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.
E-3

EXHIBIT "A"

VACATION EXHIBIT
PART OF SECTION 34, T. 49 N., R. 15 W.



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.

Print Name: Paul A. Vogel License # 44075

Signature: Date: 10/8/2015

DATE PREPARED: 10/8/15

PROJ NO: 150349

FILE: 150349cSurve

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FILE: ..\150349\600 Drawings\Survey\150349cSurvey-Nick Glumac 66 foot.dwg

6-4

NICK GLUMAC 66 FOOT VACATION DESCRIPTION:

All that part of the West One-Half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, described in Document No. 851320 as recorded in the Registrar of Titles office, St. Louis County, Minnesota described as follows:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the W 1/2 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 224.44 feet to the easterly right-of-way line of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and the point of beginning of the line to be described; thence North 89 degrees 23 minutes 03 seconds East a distance of 337.11 feet; thence northeasterly along a tangential curve concave to the northwest having a radius of 170.77 feet, central angle of 91 degrees 54 minutes 07 seconds a distance of 273.91; thence North 02 degrees 31 minutes 04 seconds West, a distance of 195.64 feet; thence northwesterly along a tangential curve concave to the southwest having a radius of 2140.85 feet, central angle of 15 degrees 05 minutes 48 seconds, a distance of 564.09 feet; thence northwesterly along a compound curve concave to the southwest having a radius of 586.50 feet, central angle of 10 degrees 22 minutes 00 seconds, a distance of 106.12 feet; thence North 27 degrees 35 minutes 16 seconds West, a distance of 86.17 feet; thence North 02 degrees 13 minutes 42 seconds East, a distance of 80.57 feet, and there terminating.

I hereby certify that this survey, plan, 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.

Paul A. Vogel

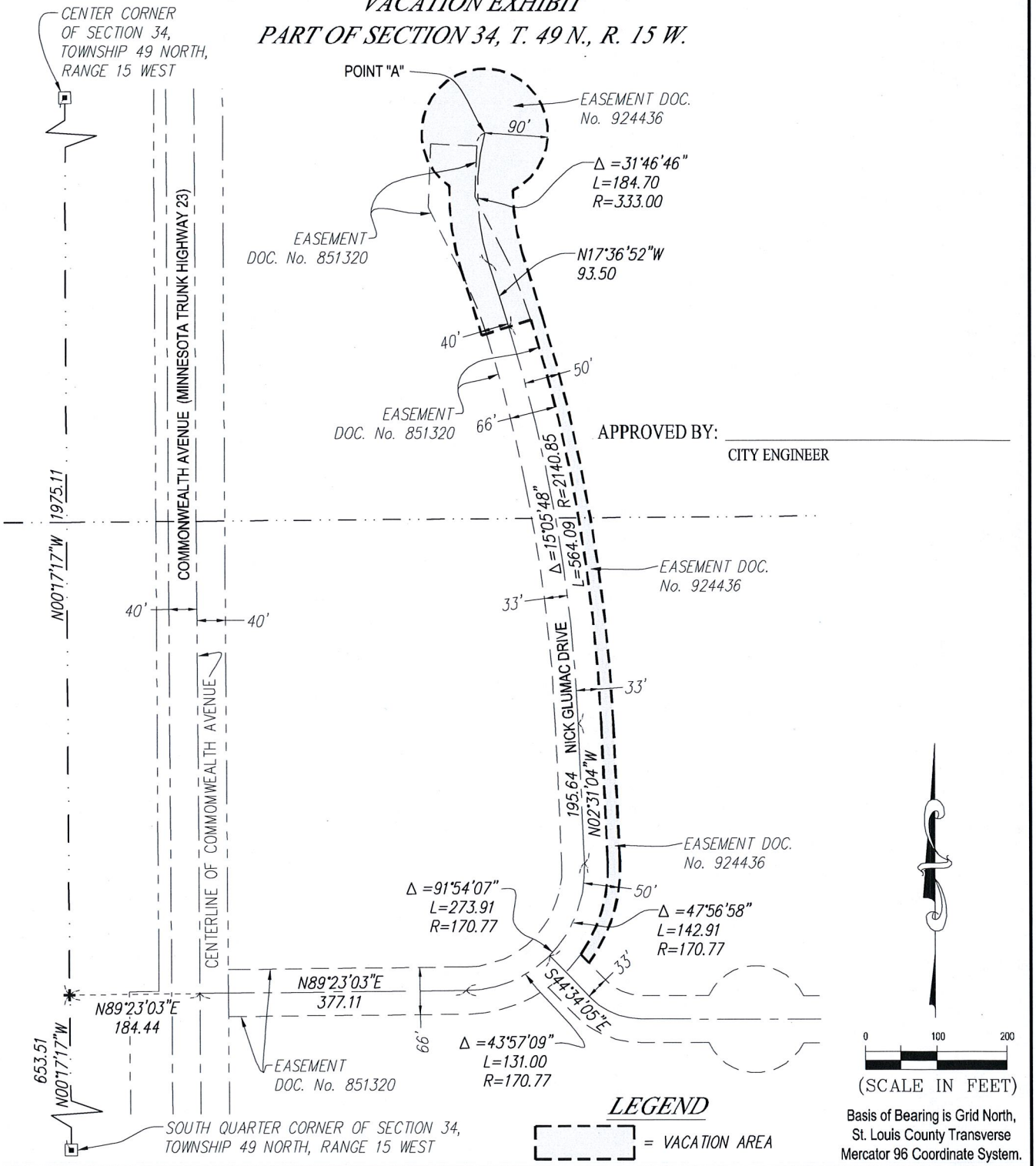
Signed _____

Date 10/09/2015 License No. 44075

5-5

EXHIBIT "A"

VACATION EXHIBIT
PART OF SECTION 34, T. 49 N., R. 15 W.



APPROVED BY: _____
CITY ENGINEER

0 100 200
(SCALE IN FEET)

Basis of Bearing is Grid North, St. Louis County Transverse Mercator 96 Coordinate System.

LEGEND

= VACATION AREA

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.

Print Name: Paul A. Vogel License # 44075

Signature: _____ Date: 10/8/2015

DATE PREPARED: 10/8/15
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FILE: ..\150349\600 Drawings\Survey\150349cSurvey-Nick Glumac 17 foot.dwg

E-6

NICK GLUMAC ADDITIONAL VACATION DESCRIPTION:

All that part of the West One-Half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, described in Document No. 924436 as recorded in the Registrar of Titles office, St. Louis County, Minnesota lying between two lines 33.00 feet and 50.00 feet easterly of the centerline described in Document No. 851320 as recorded in the Registrar of Titles office, St. Louis County, Minnesota described as follows:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the SW 1/4 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline of said Nick Glumac Drive, a distance of 377.11 feet to the Point of Beginning of the line to be described; thence northeasterly a distance of 273.91 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 91 degrees 54 minutes 07 seconds; thence North 02 degrees 31 minutes 04 seconds West, a distance of 195.64 feet; thence northwesterly along a tangential curve concave to the southwest having a radius of 2140.85 feet, central angle of 15 degrees 05 minutes 48 seconds, a distance of 564.09 feet and said line there terminating.

The southerly sideline being a line 33.00 feet northeasterly of and parallel with the following described line:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the W 1/2 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline of said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 131.00 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 43 degrees 57 minutes 09 seconds to the Point of Beginning of the line to be described; thence South 44 degrees 34 minutes 05 seconds East, a distance of 45 feet more or less and said southerly sideline there terminating.

AND

All that part of the West One-Half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, described in Document No. 924436 as recorded in the Registrar of Titles office, St. Louis County,

Minnesota; lying 40.00 feet northwesterly of and 50.00 feet southeasterly of the following described line:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the W 1/2 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline of said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 273.91 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 91 degrees 54 minutes 07 seconds; thence North 02 degrees 31 minutes 04 seconds West along the centerline said Nick Glumac Drive, a distance of 195.64 feet; thence northwesterly along said Nick Glumac Drive and being a tangential curve concave to the southwest having a radius of 2140.85 feet, central angle of 15 degrees 05 minutes 48 seconds, a distance of 564.09 feet to the Point of Beginning of the line to be described; thence North 17 degrees 36 minutes 52 seconds West, a distance of 93.50 feet; thence northerly a distance of 184.70 feet along a tangential curve concave to the east having a radius of 330.00 feet, and a central angle of 31 degrees 46 minutes 46 seconds to a point hereinafter referred to as Point "A" and said line there terminating.

TOGETHER WITH

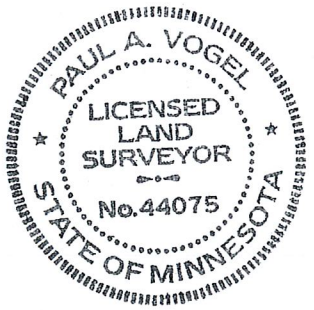
All that part of the West One-Half of the Southeast Quarter (W 1/2 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4^{th}) Principal Meridian, St. Louis County, Minnesota not included in the above described easement which lies within the circumference of a circle having a radius of 90.00 feet. The center point of said circle being the aforementioned Point "A".

I hereby certify that this survey, plan, 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.

Paul A. Vogel

Signed _____

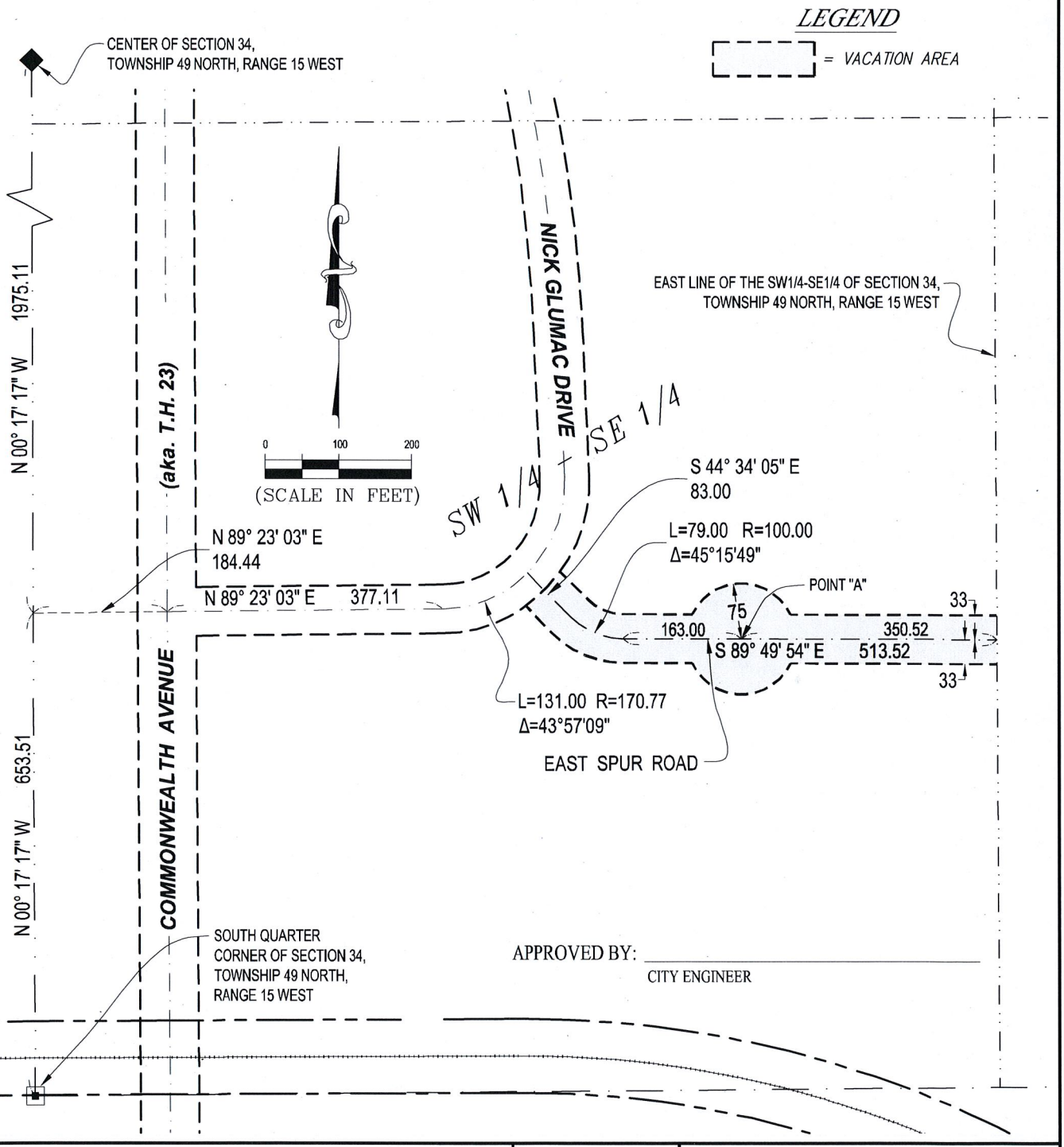
Date 10/09/2015 License No. 44075



C-7

EXHIBIT "A"

VACATION EXHIBIT
PART OF SECTION 34, T. 49 N., R. 15 W.



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.

Print Name: Paul A. Vogel License # 44075

Signature: Date: 10/8/2015

DATE PREPARED: 10/8/15

PROJ NO: 150349

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FILE: ..\150349\600 Drawings\Survey\150349cSurvey-East Spur Road Easement.dwg

E-9

EAST SPUR ROAD VACATION DESCRIPTION:

All that part of the Southwest Quarter of the Southeast Quarter (SW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, described in Document No. 924469 as recorded in the Registrar of Titles office, St. Louis County, Minnesota; the centerline of said easement being more particularly described as follows:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the SW 1/4 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 131.00 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 43 degrees 57 minutes 09 seconds to the Point of Beginning of the centerline to be described; thence South 44 degrees 34 minutes 05 seconds East, a distance of 83.00 feet; thence southeasterly a distance of 79.00 feet along a tangential curve concave to the northeast having a radius of 100.00 feet and a central angle of 45 degrees 15 minutes 49 seconds; thence South 89 degrees 49 minutes 54 seconds East, a distance of 163.00 feet to a point hereinafter referred to as Point "A"; thence continuing South 89 degrees 49 minutes 54 seconds East, a distance of 350.32 feet to the east line of said SW 1/4 of the SE1/4 and said centerline there terminating.

The sidelines of said easement are prolonged or shortened to terminate on the easterly line of Nick Glumac Drive and the east line of the SW 1/4 of the SE 1/4 of said Section 34.

TOGETHER WITH

That part of the Southwest Quarter of the Southeast Quarter (SW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, St. Louis County, Minnesota not included in the above described easement which lies within the circumference of a circle having a radius of 75.00 feet. The center point of said circle being the aforementioned Point "A".

I hereby certify that this survey, plan, 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.

Paul A. Vogel

Signed _____

Date 10/08/2015 License No. 44075

PAUL A. VOGEL
LICENSED
LAND
SURVEYOR
No. 44075
STATE OF MINNESOTA

E-10