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 16-022	**Contact**	Chris Lee, clee@duluthmn.gov		
Application Type	Vacation of Utility Right of Way	**Planning Commission Date**	May 10, 2016		
Deadline for Action	**Application Date**	March 9, 2016	**60 Days**	May 8, 2016	
	Date Extension Letter Mailed	March 21, 2016	**120 Days**	July 7, 2016	
Location of Subject	9512 Congdon Boulevard				
Applicant	David Jeronimus	**Contact**	dpjeronimus@gmail.com (218) 343-9198		
Agent		**Contact**			
Legal Description	Lot 1 & W1/2 Lot 2, Seaway View Add., City of Duluth, St. Louis Co., MN				
Site Visit Date	April 16, 2016	**Sign Notice Date**	April 6, 2016		
Neighbor Letter Date	March 21, 16	**Number of Letters Sent**	13		

Proposal

The applicant is proposing a vacation of an undeveloped utility easement. The undeveloped utility easement is 10 feet wide and 180 feet long. The area to be vacated is approximately 1,800 square feet.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-2	Residential	Rural Residential/Preservation
North	RR-2	Residential	Rural Residential
South	N/A (Lake)	Lake	Preservation
East	RR-2	Residential	Rural Residential
West	RR-2	Residential	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.

II. B-1

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

Principle #1: Reuse previously developed lands.

Future Land Use - Preservation: Lands with substantial restrictions. High natural resource or scenic value, or severe development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls. Examples include: most city parklands and primary viewsheds; shorelands of lake, rivers, streams; wetlands and floodplains; high-value habitat; low-intensity private or public uses.

Future Land Use - Rural Residential: 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 subdivision.

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

Staff finds that:

1.) The easement is 10' wide and 180' long. Currently the right of way is undeveloped.

2.) The City does not anticipate the need for a road in this location under the current land use plans. There are currently no utilities located under the proposed right of way vacation.

3.) Based on the above findings, this alley 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; and is not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

4.) 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.

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

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.

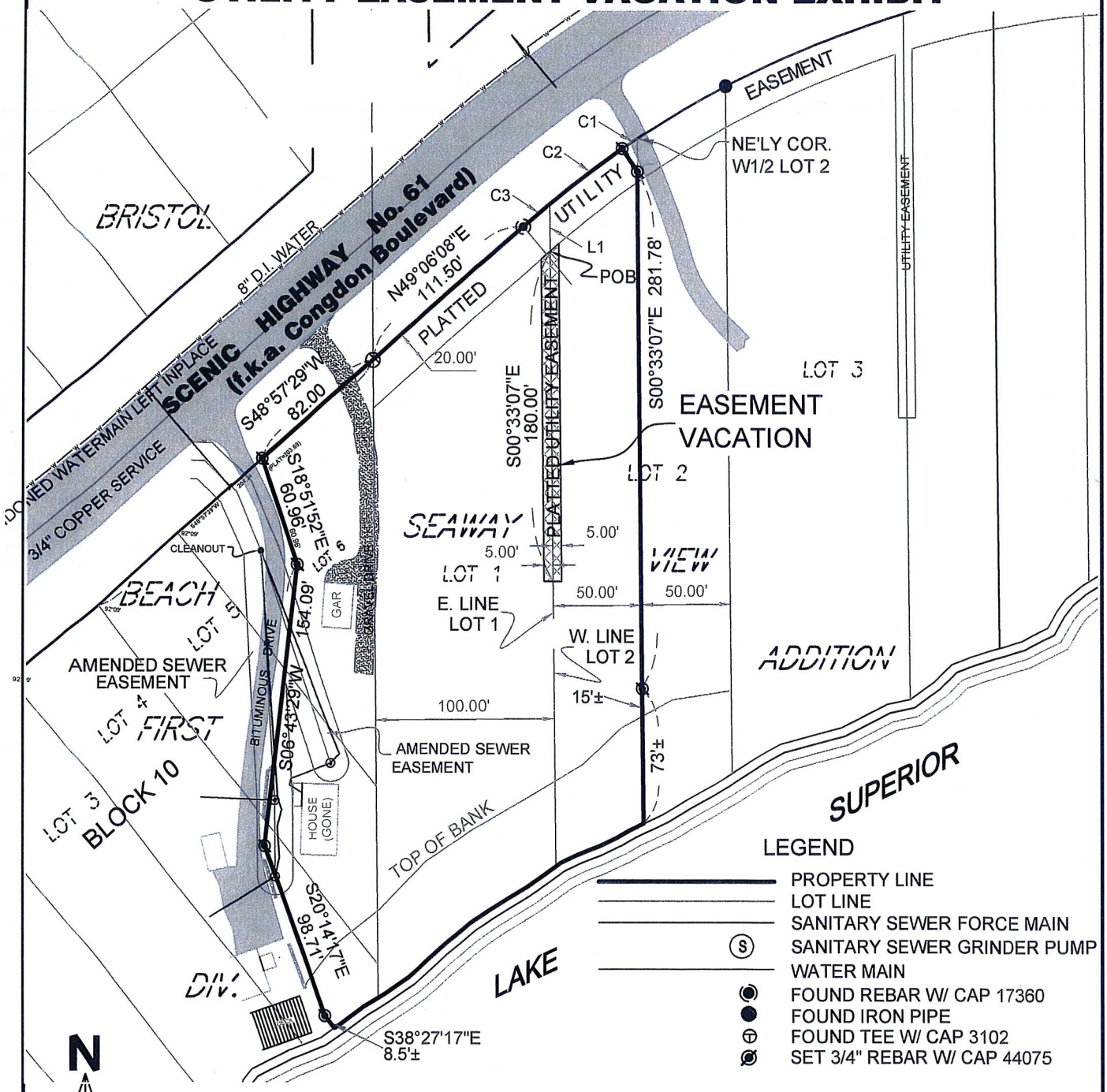
Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission recommend approval of the utility right of way vacation, with no conditions.

R-8

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

UTILITY EASEMENT VACATION EXHIBIT



LEGEND

- PROPERTY LINE
- LOT LINE
- SANITARY SEWER FORCE MAIN
- (S) SANITARY SEWER GRINDER PUMP
- WATER MAIN
- FOUND REBAR W/ CAP 17360
- FOUND IRON PIPE
- FOUND TEE W/ CAP 3102
- SET 3/4" REBAR W/ CAP 44075

Approved by the City Engineer of the City of Duluth, MN, this 2nd day of MAY, 2016.

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING
C1	573.69'	10.00'	00°59'55"	S56°40'06"W
C2	573.69'	51.33'	05°07'34"	S53°36'22"W
C3	573.69'	19.43'	01°56'27"	S50°04'21"W

LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°33'07"E	25.82'

SHEET 1 OF 2

JERONIMUS ESTATE
C/O DAVID JERONIMUS
4254 TURNER ROAD
DULUTH, MN 55803
LOT 1 & W1/2 LOT 2, SEAWAY VIEW ADD., CITY OF DULUTH, ST. LOUIS CO., MN

Norman B. Livgard
Registered Land Surveyor
6115 Wilderness Ridge
Saginaw, MN 55779
Tele: 218-729-6785
Cell: 218-390-6787

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.
Norman B. Livgard , MN License Number 40725

Date: 3-31-16

B-3

UTILITY EASEMENT VACATION EXHIBIT

VACATION LEGAL DESCRIPTION:
That part of the existing Utility Easement lying within the East 5.00 feet of Lot 1 and within the West 5.00 feet of Lot 2 of the recorded subdivision of Seaway View Addition, City of Duluth, Saint Louis County, Minnesota, the centerline is described as follows:

Commencing at the northeast corner of said Lot 1; thence South 00 degrees 33 minutes 07 seconds East, along the common line to said Lots 1 and 2 a distance of 25.82 feet to the southeasterly line of the 20.00-foot platted Utility Easement lying in said Lots 1 and 2 and the point of beginning of the line to be described; thence continuing South 00 degrees 33 minutes 07 seconds East, along said common lot line a distance of 180.00 feet to the southerly end of said platted 10.00-foot wide Utility Easement, and there terminating.

The sidelines of said easement vacation are to be prolonged or shortened to terminate on the southeasterly line of said platted 20.00-foot Utility Easement.

Approved by the City Engineer
of the City of Duluth, MN,
this 2nd day of MAY, 2016.

SHEET 2 OF 2

JERONIMUS ESTATE
C/O DAVID JERONIMUS
4254 TURNER ROAD
DULUTH, MN 55803
LOT 1 & W1/2 LOT 2, SEAWAY VIEW ADD., CITY OF DULUTH, ST. LOUIS CO., MN

Norman B. Livgard
Registered Land Surveyor
6115 Wilderness Ridge
Saginaw, MN 55779
Tele: 218-729-6785
Cell: 218-390-6787

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.
Norman B. Livgard , MN License Number 18725

Date: 3-31-16

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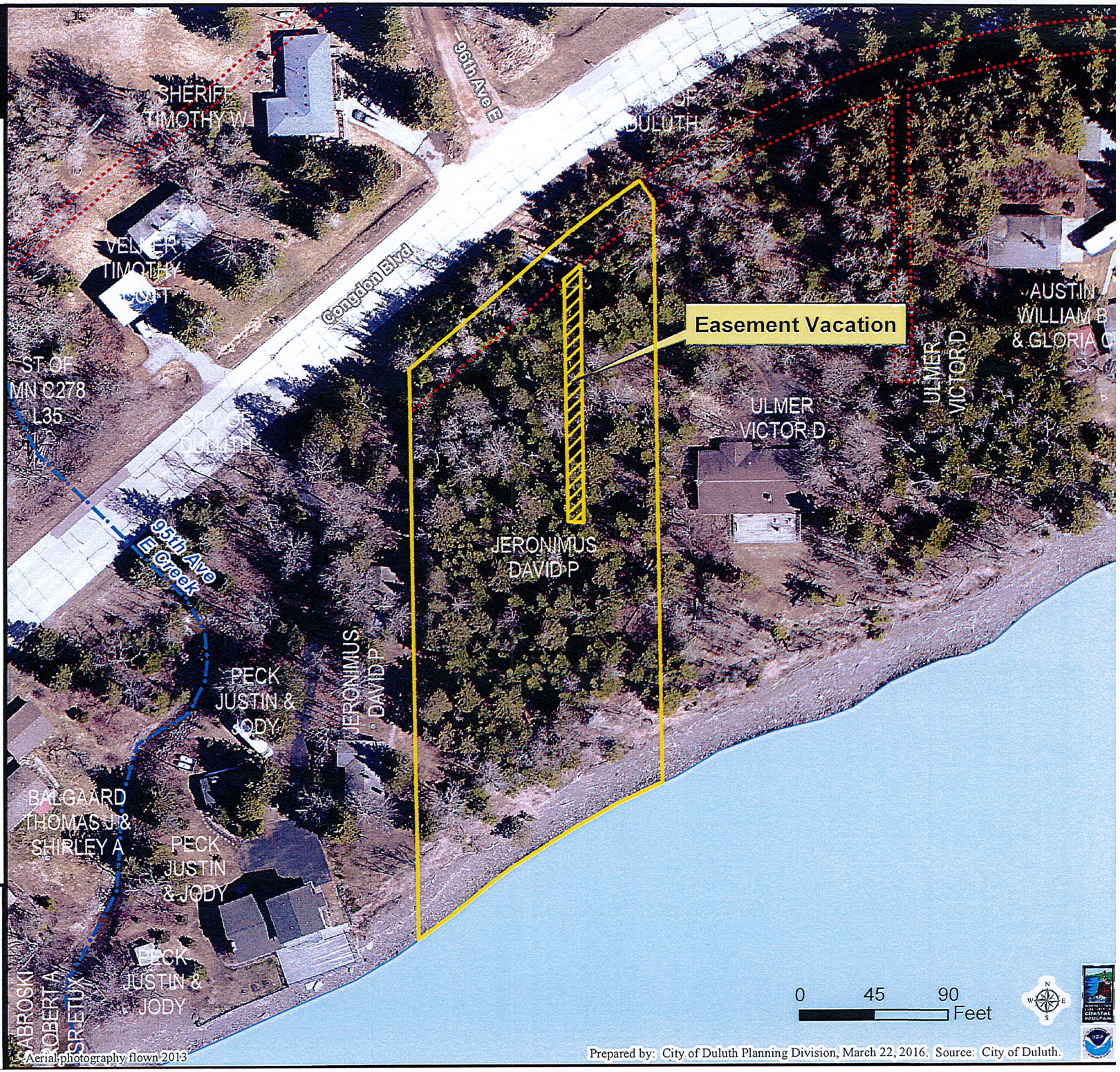
City Planning
PL 16-022
9512 Congdon Blvd



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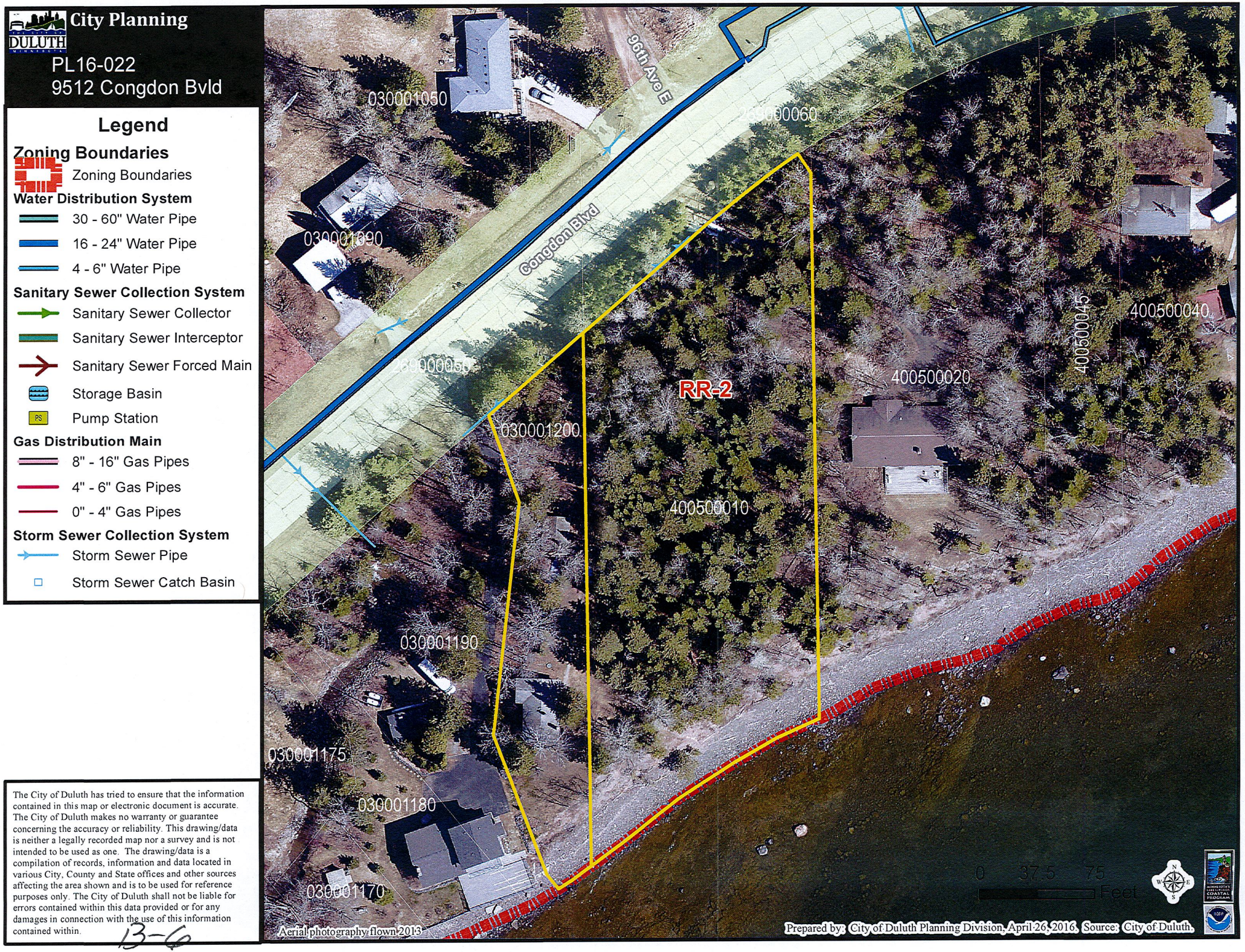

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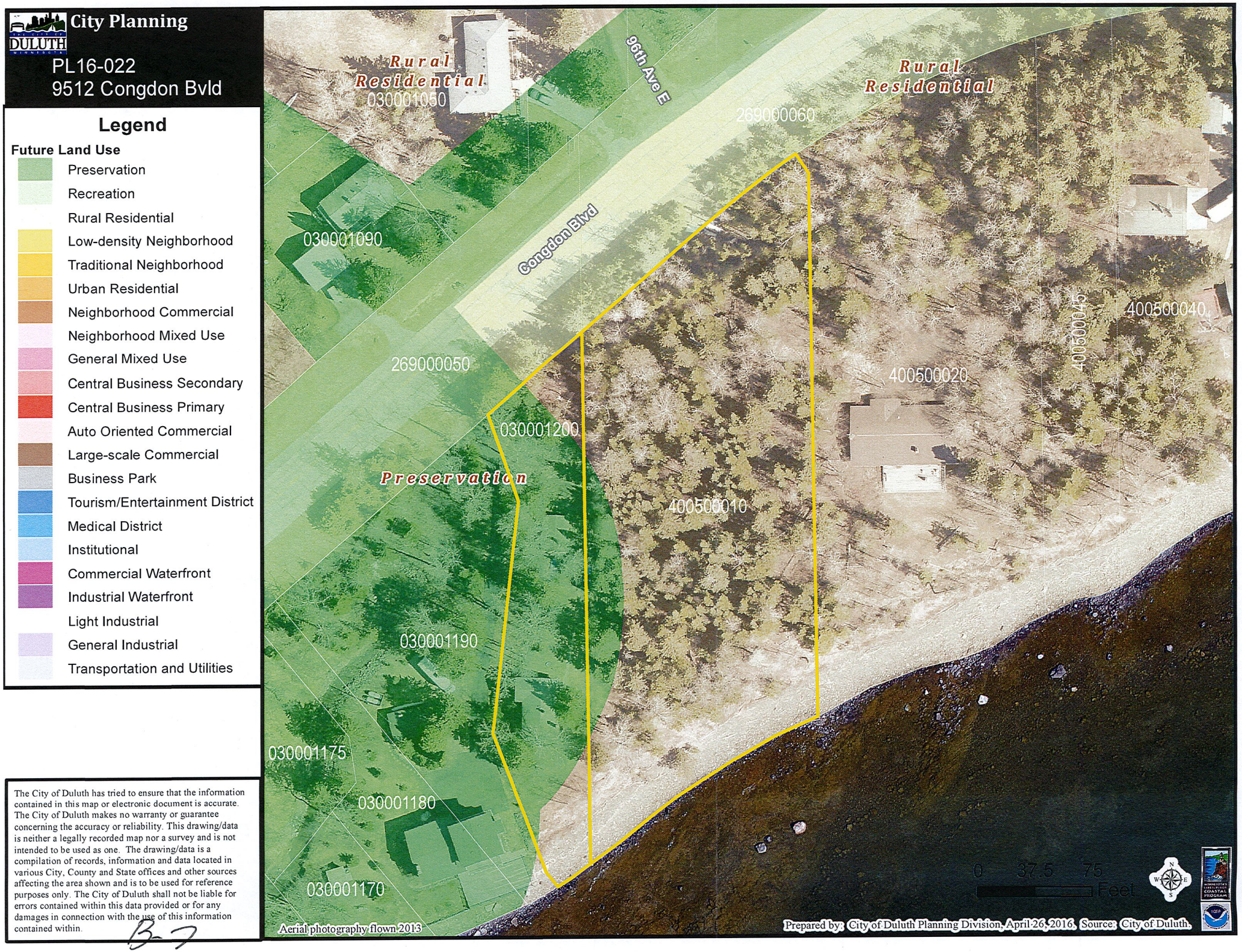
City Planning
PL16-022
9512 Congdon Bvld
Legend
Future Land Use
Preservation
Recreation
Rural Residential
Low-density Neighborhood
Traditional Neighborhood
Urban Residential
Neighborhood Commercial
Neighborhood Mixed Use
General Mixed Use
Central Business Secondary
Central Business Primary
Auto Oriented Commercial
Large-scale Commercial
Business Park
Tourism/Entertainment District
Medical District
Institutional
Commercial Waterfront
Industrial Waterfront
Light Industrial
General Industrial
Transportation and Utilities
Rural Residential
030001050
96th Ave E
Rural Residential
269000060
030001090
Congdon Blvd
400500040
400500045
269000050
400500020
030001200
Preservation
400500010
030001190
030001175
030001180
030001170
0 37.5 75
Feet
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, April 26, 2016. Source: City of Duluth.