CITY OF DULUTH
Community Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

File Number	PL 16-054		**Contact**	Chris Lee, clee@duluthmn.gov	
Type	Vacation of Alley		**Planning Commission Date**		August 9, 2016
Deadline for Action	**Application Date**	May 17, 2016	**60 Days**		August 23, 2016
	Date Extension Letter Mailed	June 24, 2016	**120 Days**		October 22, 2016
Location of Subject	4501 Norwood Street, alley to the west of property.				
Applicant	Brian Blatnik		**Contact**	525-7683, bblatnik@chartermi.net	
Agent	N/A		**Contact**	N/A	
Legal Description	PINs: 010-2780-00360 and 010-2780-00375 LOT: 0010 BLOCK:003				
Site Visit Date	June 2, 2016		**Sign Notice Date**		July 26, 2016
Neighbor Letter Date	June 24, 2016		**Number of Letters Sent**		15

Proposal

Applicant requests that the City vacate an alley in exchange for a pedestrian easement directly west of the alley. The applicant intends to use the alley to create access to the house via a driveway and garage.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single-family residential	Traditional Neighborhood
North	P-1	Park & open space (Hawk Ridge)	Preservation
South	R-1	Single-family residential	Traditional Neighborhood
East	R-1	Single-family residential	Traditional Neighborhood
West	R-1	Single-family residential	Traditional Neighborhood

Summary of Code Requirements

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.

UDC Section 50-37.6C: The Planning Commission shall review the proposed vacation, and the Council may 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 Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #7 – Create and maintain connectivity.

Future Land Use – Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home businesses. Parks and open space areas are scattered through or adjacent to the neighborhood.

This proposal is consistent with the principle of creating and maintain connectivity be allowing for a pedestrian easement for connection to Hawk Ridge,

Review and Discussion Items

Staff finds that:

1.) Proposal is to vacate an undeveloped alley that lies between two parcels owned by the applicant. Applicant would like to extend driveway closer to his house, with an attached garage.
2.) Alley dead-ends on the north at Hawk Ridge, and steep slopes make alley construction infeasible. Adjacent property owners do not need alley for access. This right of way is not and will not be needed for the safe and efficient circulation of automobiles or pedestrians.
3.) There are no city utilities located in the right of way. There are utilities to the south along Norwood Street providing services to houses in the area. There are no plans to extend any utilities within this right of way. Right of way is not needed for the efficient supply of utilities or public services in the city.
4.) In 2015, Community Planning coordinated with Parks and Recreation to determine need for any future pedestrian trails in this vicinity. Parks staff noticed a lack of pedestrian trails connecting this neighborhood to Hawk Ridge, and requested the retention of a pedestrian easement. Applicant is proposing a new pedestrian easement over the western portion of his property, so the existing alley will no longer be needed to provide pedestrian accommodations. The new easement must be dedicated before the vacation would become effective.
5.) Applicant has an existing shed within the area denoted for a future pedestrian easement. Staff recommends that this shed be completely removed before recording any vacation and new easement.
6.) The right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
7.) No other public, agency, or City comments have been received.
8.) Vacations of streets lapse unless recorded with the County Recorder’s office within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

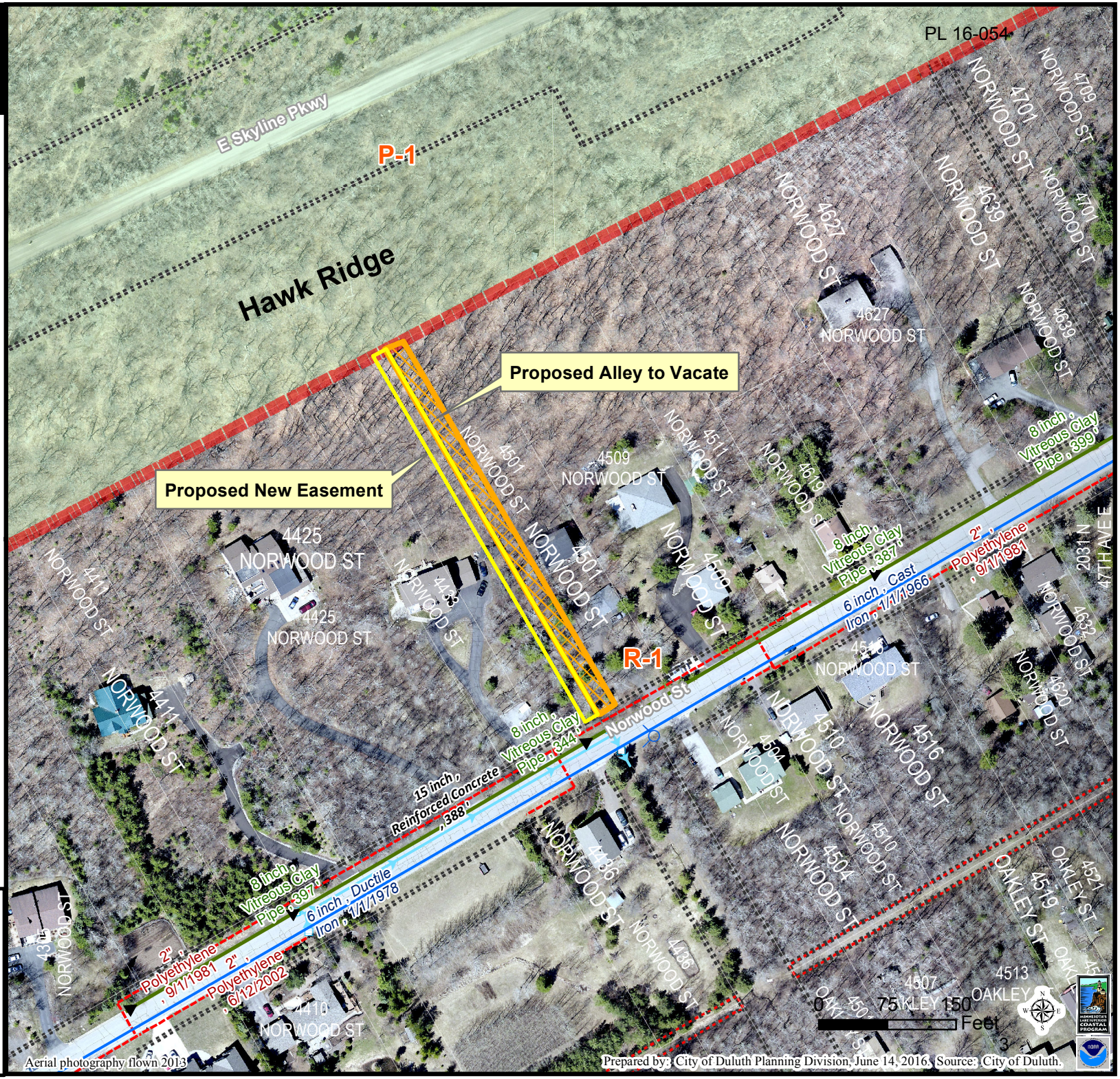
Staff Recommendation

Based on the above findings, Staff recommends that the Planning Commission recommend approval of the vacation of the street easement and retention of a pedestrian easement, with the following conditions:

1. Existing shed within the new pedestrian easement shall be removed within 30 days, and confirmed by a staff inspection, so that the alley vacation can then be recorded.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

City Planning

PL 16-054
4501 Norwood St



Legend

- Trout Stream (GPS)
- Other Stream (GPS)
- Hydrant
- Water Main

Network Structure

Subtype

- Storage Basin
- Pump Station

Sanitary Gravity Mains

Owner

- CITY OF DULUTH
- WLSSD; PRIVATE; RICE LAKE TWP
- Sanitary Sewer Forced Main
- Storm Sewer Catch Basin

Subtype

- Storm Sewer Pipe

Gas Distribution Main

Material

- Coated Steel
- Plastic

Zoning Boundaries

- Zoning Boundaries

Right-of-Way Type

- Road or Alley ROW
- Vacated 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.

4501 Norwood Street

Site Photos

Legal Description of Pedestrian Easement

Those parts of the Easterly 16.00 feet of Lot 1, Block 4 and the Westerly 4.00 feet of the platted 20.00 foot wide alley between Blocks 3 and said Block 4, of the recorded plat of "LAKESIDE GARDENS" on file and of record in the office of the St Louis County Recorder, St Louis County, Minnesota, described as follows:

Commencing at the southeasterly corner of said platted 20.00 foot wide alley; thence westerly, along the southerly line of said platted 20.00 foot wide alley, a distance of 16.00 feet to the actual point of beginning of the tract of land herein described; thence northerly, parallel with the easterly line of the platted 20.00 foot wide alley, a distance of 120.00 feet; thence westerly, parallel with said southerly line of the platted 20.00 foot wide alley, a distance of 4.00 feet; thence northerly, parallel with said easterly line of the platted 20.00 foot wide alley, a distance of 100.00 feet; thence easterly, parallel with said southerly line of the platted 20.00 foot wide alley, a distance of 4.00 feet; thence northerly, parallel with said easterly line of the platted 20.00 foot wide alley, a distance of 249.36 feet to the northerly line of said platted 20.00 foot wide alley; thence westerly, along last described northerly line and the northerly line of said Lot 1, a distance of 20.02 feet to the westerly line of the Easterly 16.00 feet of Lot 1; thence southerly, along last described westerly line, a distance of 470.29 feet to the southerly line of said Lot 1; thence easterly, along last described southerly line and the southerly line of the platted 20.00 foot wide alley, a distance of 20.00 feet to said point of beginning.

PL 16-054

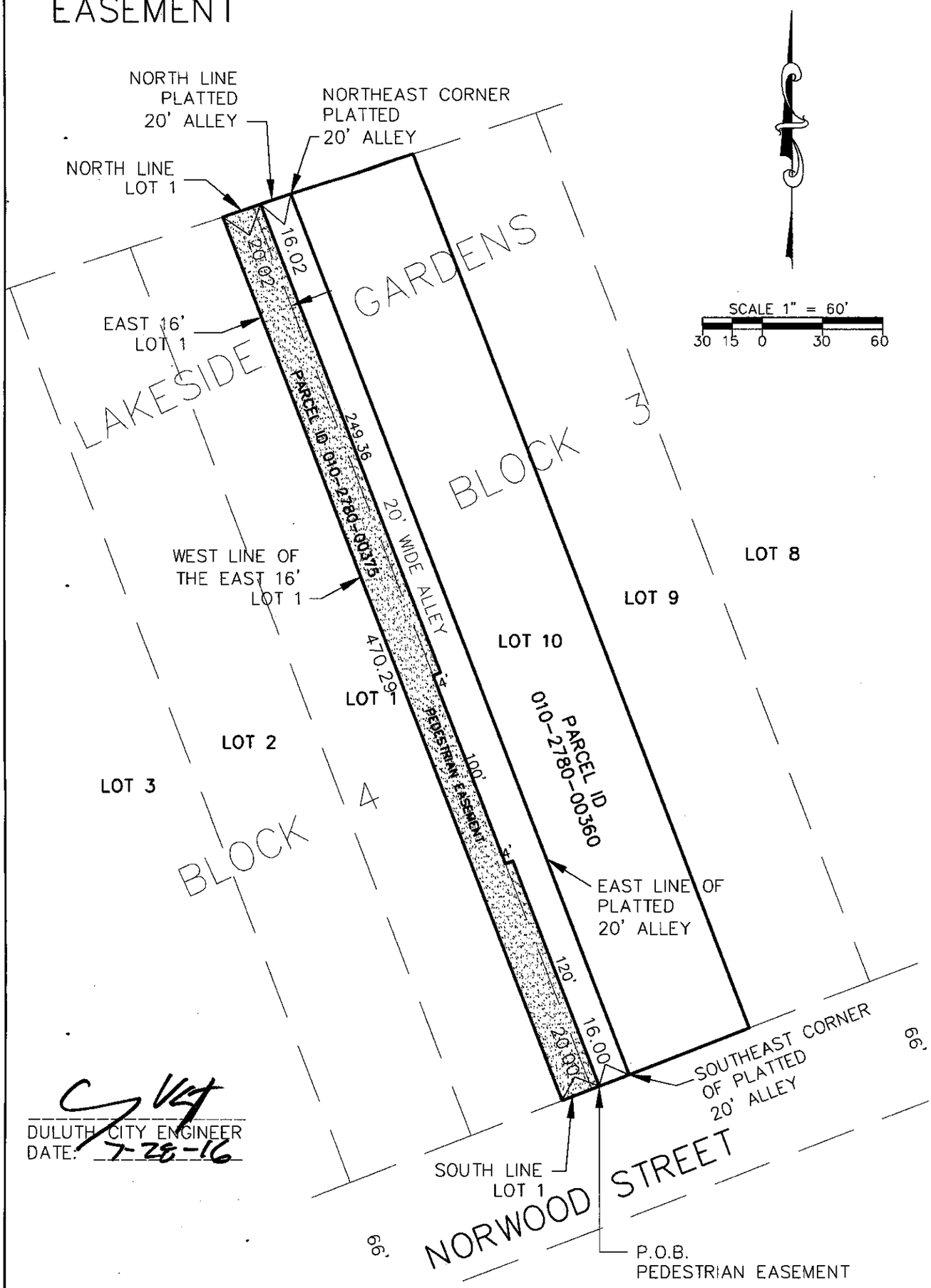
EXHIBIT A

PEDESTRIAN EASEMENT

STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Folz Blvd
Moose Lake, MN 55767
E-MAIL: banderson@straightlinesurveying.com

Telephone: (218)-485-4811
Fax: (218)-485-4811



DULUTH CITY ENGINEER
DATE: 7-28-16

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.

Benjamin H. Anderson	License No.	Date	Job No.	Book No.
Benjamin H. Anderson	45498	07-26-2016	2016-092	NONE

B

PL 16-054

7

Legal Description of 20.00 Foot Wide Alley Vacation

The 20.00 foot wide alley between Blocks 3 and Block 4, of the recorded plat of "LAKESIDE GARDENS" on file and of record in the office of the St Louis County Recorder, St Louis County, Minnesota. The said alley will terminate on the north end at the edge of said recorded plat of "LAKESIDE GARDENS" and on the south end at the north edge of Norwood Street.

PL 16-054

EXHIBIT B

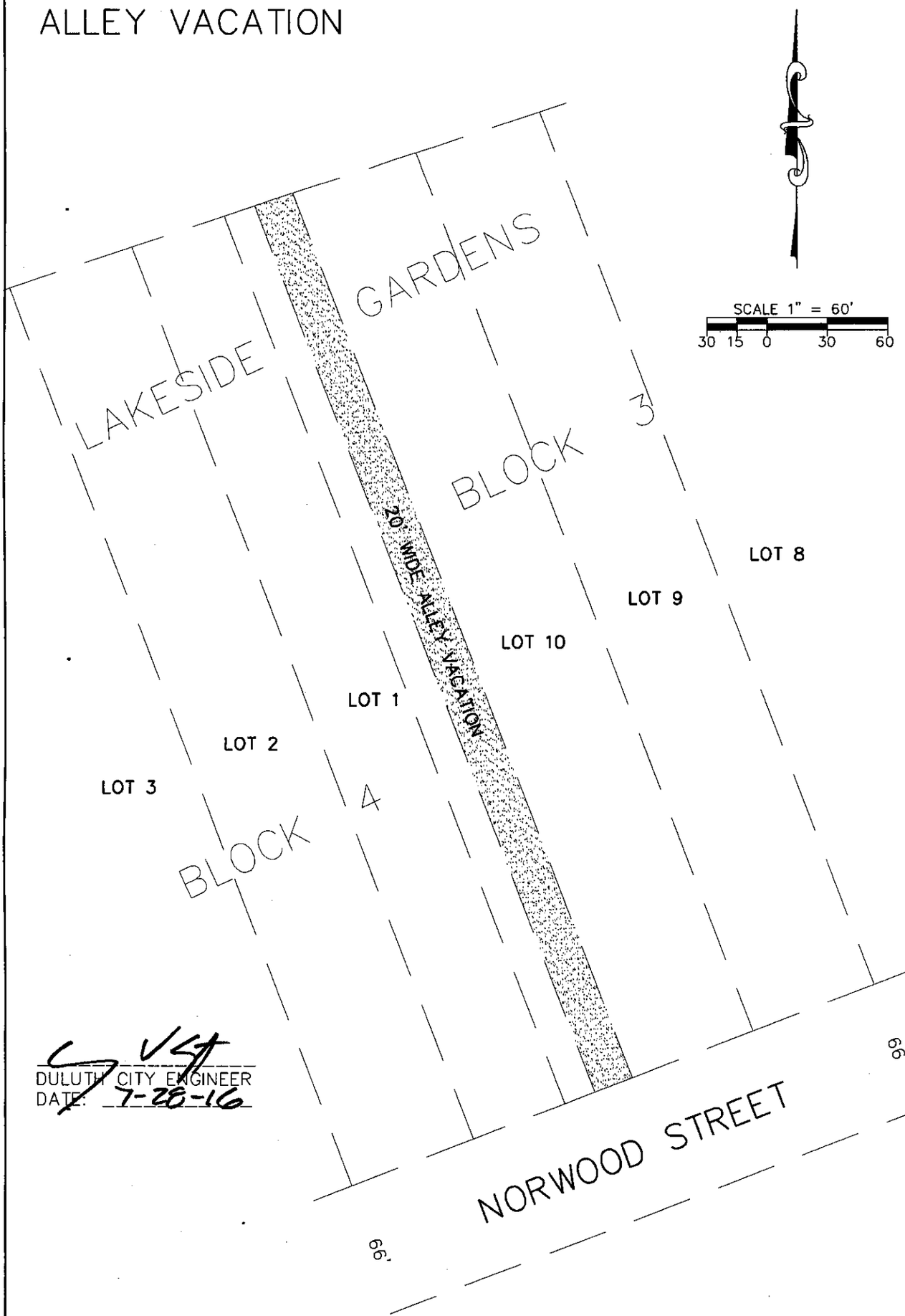
STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Folz Blvd
Moose Lake, MN 55767
E-MAIL: banderson@straightlinesurveying.com

Telephone: (218)-485-4811
Fax: (218)-485-4811

8

ALLEY VACATION



DULUTH CITY ENGINEER
DATE: 7-28-16

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.

Benjamin H. Anderson	License No.	Date	Job No.	Book No.
Benjamin H. Anderson	45498	07-26-2016	2016-092	NONE