



**CITY OF DULUTH**  
Planning Division

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

**STAFF REPORT**

<b>File Number</b>	PL 16-001	<b>Contact</b>	Jenn Reed Moses, jmoses@duluthmn.gov	
<b>Application Type</b>	Vacation of Street	<b>Planning Commission Date</b>	February 9, 2016	
<b>Deadline for Action</b>	<b>Application Date</b>	January 20, 2016	<b>60 Days</b>	March 20, 2016
	<b>Date Extension Letter Mailed</b>	January 22, 2016	<b>120 Days</b>	May 19, 2016
<b>Location of Subject</b>	8267 Congdon Boulevard			
<b>Applicant</b>	John F. and Kristine Curtis	<b>Contact</b>	jackcurtis@curtisoil.com (218) 729-8241	
<b>Agent</b>	Kenneth D. Butler	<b>Contact</b>	kbutler@kenbutlerlaw.com (218) 625-2264	
<b>Legal Description</b>	Section 35, Township 51 N, Range 13 W, and Lots 42-47, Block 3, Hyde Park.			
<b>Site Visit Date</b>	N/A	<b>Sign Notice Date</b>	January 25, 2016	
<b>Neighbor Letter Date</b>	January 26, 16	<b>Number of Letters Sent</b>	17	

**Proposal**

The applicant is proposing a vacation of an undeveloped right of way. The undeveloped road is 30' wide.

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

H.F-1

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

Governing Principle #7: Create and maintain connectivity.

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 30' wide and runs from E Superior Street to Congdon Boulevard. Currently the right of way is undeveloped.
- 2.) The City does not anticipate the need for a road in this location under current land use plans. No development is proposed in this location.
- 3.) 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; 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.) City Engineering has stated the vacation is acceptable. No other public, agency, or City comments have been received.
- 5.) Vacations of streets lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The Duluth City Clerk facilitates the recording process, after City Council approval.

**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 vacation of the right of way subject to the following condition:

- 1.) 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.

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



**City Planning**  
 PL 16-001  
 8267 Congdon Blvd

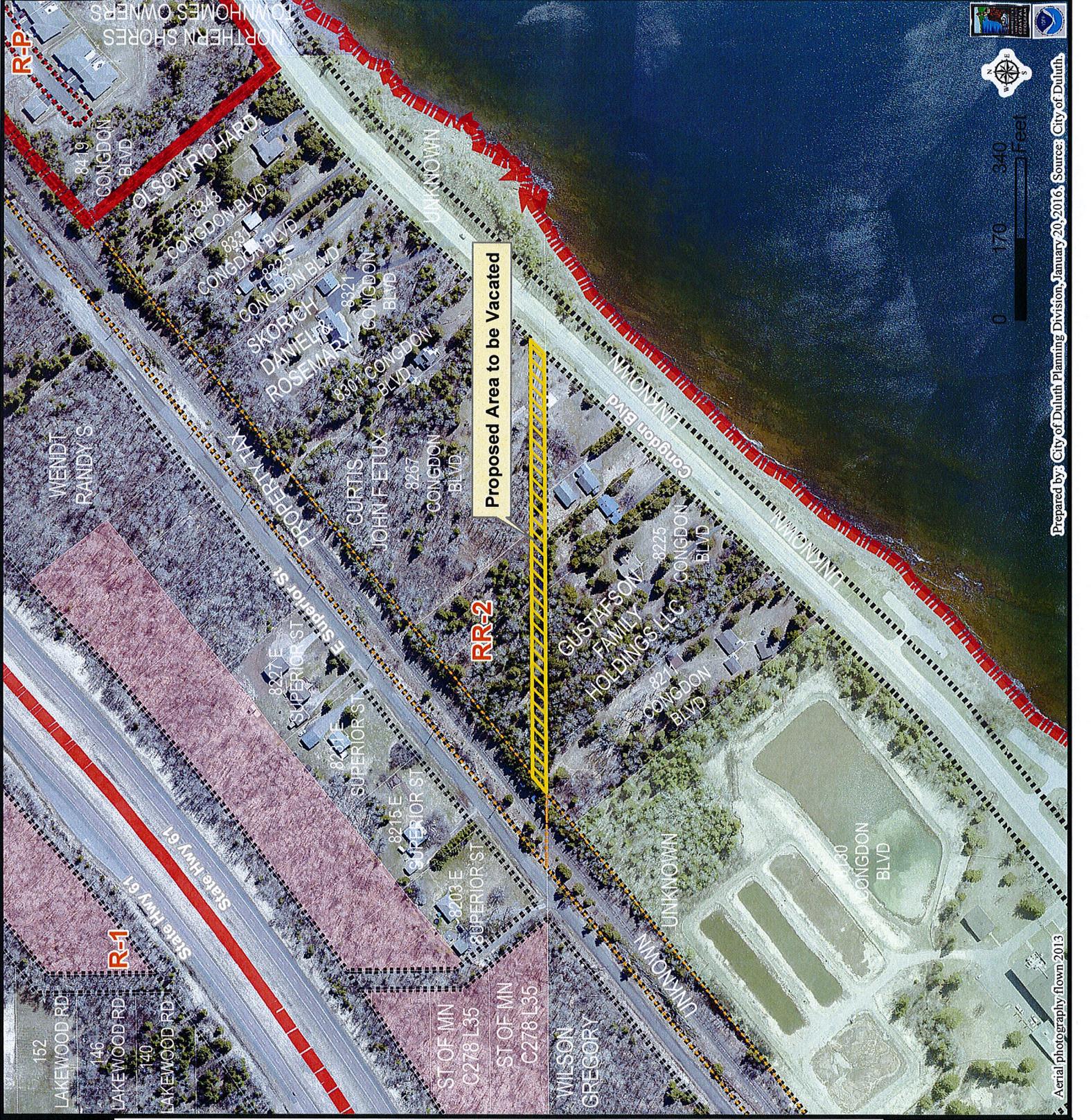
**Legend**

**Zoning Boundaries**  
 Zoning Boundaries

**Right-of-Way Type**  
 Road or Alley ROW  
 Vacated ROW

**Easement Type**  
 Utility Easement  
 Other Easement

**Titleholder (6 class)**  
**Public Owned Land**  
 Tax Forfeited  
 City  
 School  
 County  
 State  
 Federal



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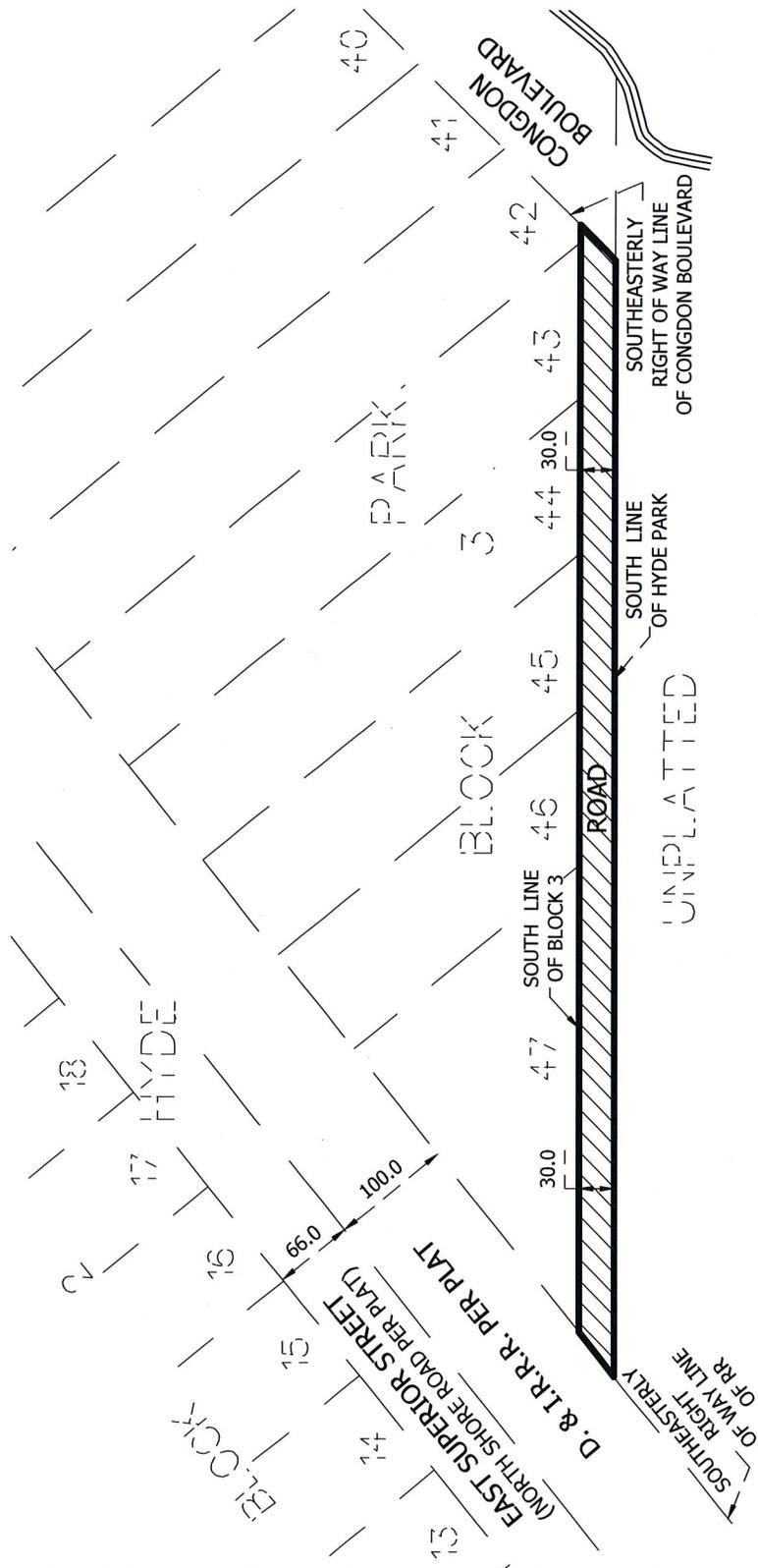


\* LAND SURVEYING  
 \* LAND DEVELOPMENT  
 \* PLATTING  
 \* LEGAL DESCRIPTIONS  
 \* CONSTRUCTION STAKING  
 WWW.ALTA.LANDSURVEYDULUTH.COM  
 CERTIFIED FEDERAL SURVEYOR  
 LICENSED IN MN & WI  
 PHONE: 218-727-5211

JOB NUMBER: 16-008	
ADDRESS: 8267 CONGDON BOULEVARD DULUTH, MN 55804	
DATE: 1/19/16	CLIENT: JACK CURTIS
REVISIONS: XXX	

David R. Evanson MN License No. 49505  
 Date: JANUARY 19, 2016  
 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.

VACATION EXHIBIT OF RIGHT OF WAY

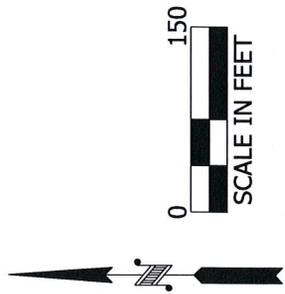


**LEGAL DESCRIPTION OF VACATION OF RIGHT OF WAY**  
 All that part of the 30 wide right of way lying southerly and adjacent to Block 3, HYDE PARK, according to the recorded plat thereof, St. Louis County, Minnesota.

Said above described parcel contains 27,551 square feet or 0.63 acres, more or less.

Approved by the City Engineer of the City of Duluth, MN. this \_\_\_ day of \_\_\_ 20\_\_  
 By \_\_\_\_\_

**LEGEND**  
 These standard symbols will be found in the drawing  
 PROPOSED RIGHT OF WAY VACATION



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.

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# 8267 Congdon Blvd

## Site Photos



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