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 16-006	**Contact**	Steven Robertson, 218 730 5295		
Application Type	Vacation of Platted Right of Way	**Planning Commission Date**	February 9, 2016		
Deadline for Action	**Application Date**	January 21, 2016	**60 Days**	March 21, 2016	
	Date Extension Letter Mailed	January 29, 2016	**120 Days**	May 20, 2016	
Location of Subject	4900 Block of Airport Road				
Applicant	City of Duluth	**Contact**			
Agent	Jason Hale, Business Development	**Contact**	jhale@duluthmn.gov		
Legal Description	See attached				
Site Visit Date	February 2, 2016	**Sign Notice Date**	January 26, 2016		
Neighbor Letter Date	January 27, 2016	**Number of Letters Sent**	1		

Proposal

Applicant is proposing to vacate portions of platted Vandenberg Drive in the Airport Division near the Duluth International Airport.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-B	Light Industrial	General Industrial
North	MU-B/MU-N	Light Industrial	General Industrial/Transportation and Utilities
South	N/A	Prison (City of Hermantown)	N/A (City of Hermantown)
East	MU-B	Light Industrial	General Industrial
West	MU-B	Light Industrial	General Industrial

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. E-1

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

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.

Governing Principle #1: Reuse previously developed lands.
Governing Principle #7: Create and maintain connectivity.

There was a previous vacation on a portion of Vandenberg Drive north of Airport Road (resolution 06-0569). A condition of the vacation was that the existing sanitary sewer line was to to relocated. The line was not moved, and so a new easement will need to be dedicated over this area.

This area was rezoned from MU-N to MU-B (Ordinance 10355, Effective April 10, 2015).

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

-Proposal: Applicant is proposing to vacate platted Vandenberg Drive in the Airport Division near the Airport. A new structure will be built on city land at 4946 Airport Road, directly to the east of the Vandenberg right of way. Airplanes will be taken from construction facilities to the north of Airport Road and taxied over to the proposed new Completion Center to be finished. Vacating the right of way will help with the flow of the airplanes and will eliminate the potential for private party/vehicle conflicts.
-Issue/Item for Review: Vacation of the city's ability/right to use platted right of way can only be approved by City Council (via resolution), after a public hearing is conducted, and a recommendation is made, by the Planning Commission.

1) Applicant is proposing to vacate the following: a section of Vandenberg Drive north of Airport Road which is 410 feet long and 20 feet wide, a section south of the Airport Road which is 240 feet long and 66 feet wide, the alley south of and running parallel to Airport Road which is 620 feet long and 33 feet wide.

2) The Duluth International Airport and the City of Duluth are co-applicants for this proposal. The City of Duluth is the titleholder to all the property on this block.

3) Staff believe 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 (once the utility line is relocated to make room for a future structure); 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) No comments were received from the public. Comments from City Engineering indicate that underground utilities exist in the right of ways proposed to be vacated. The exhibits will need to be altered to show that there will be utility easements maintained over the either right of ways. Revised exhibits are anticipated to be revised prior to the Planning Commission public hearing.

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 the Planning Commission recommend approval of the vacation of the utility easement, without conditions.

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

City Planning

PL 16-006
Vandenberg Dr

Legend

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

Zoning Boundaries

- Zoning Boundaries

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.

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City Planning
PL 16-006
Vandenberg Dr

Legend

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

Zoning Boundaries
- Zoning Boundaries

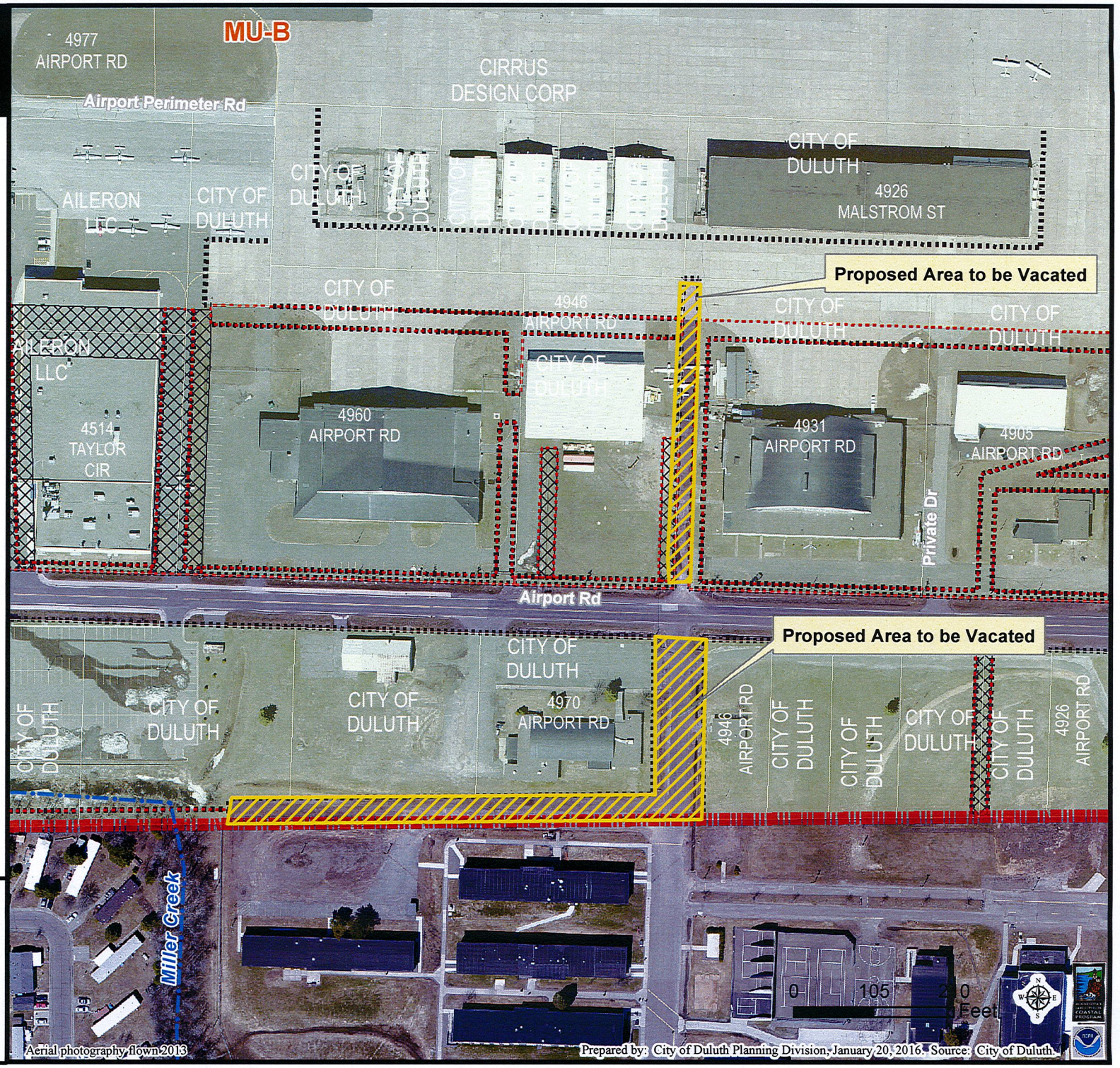
Right-of-Way Type
- Road or Alley ROW
- Vacated ROW

Easement Type
- Utility Easement
- Other Easement

Shoreland Overlay Zone
- Cold Water
- Natural Environment
- General Development

Titleholder (6 class)

Public Owned Land
- Tax Forfeited
- City
- School
- County
- State
- Federal



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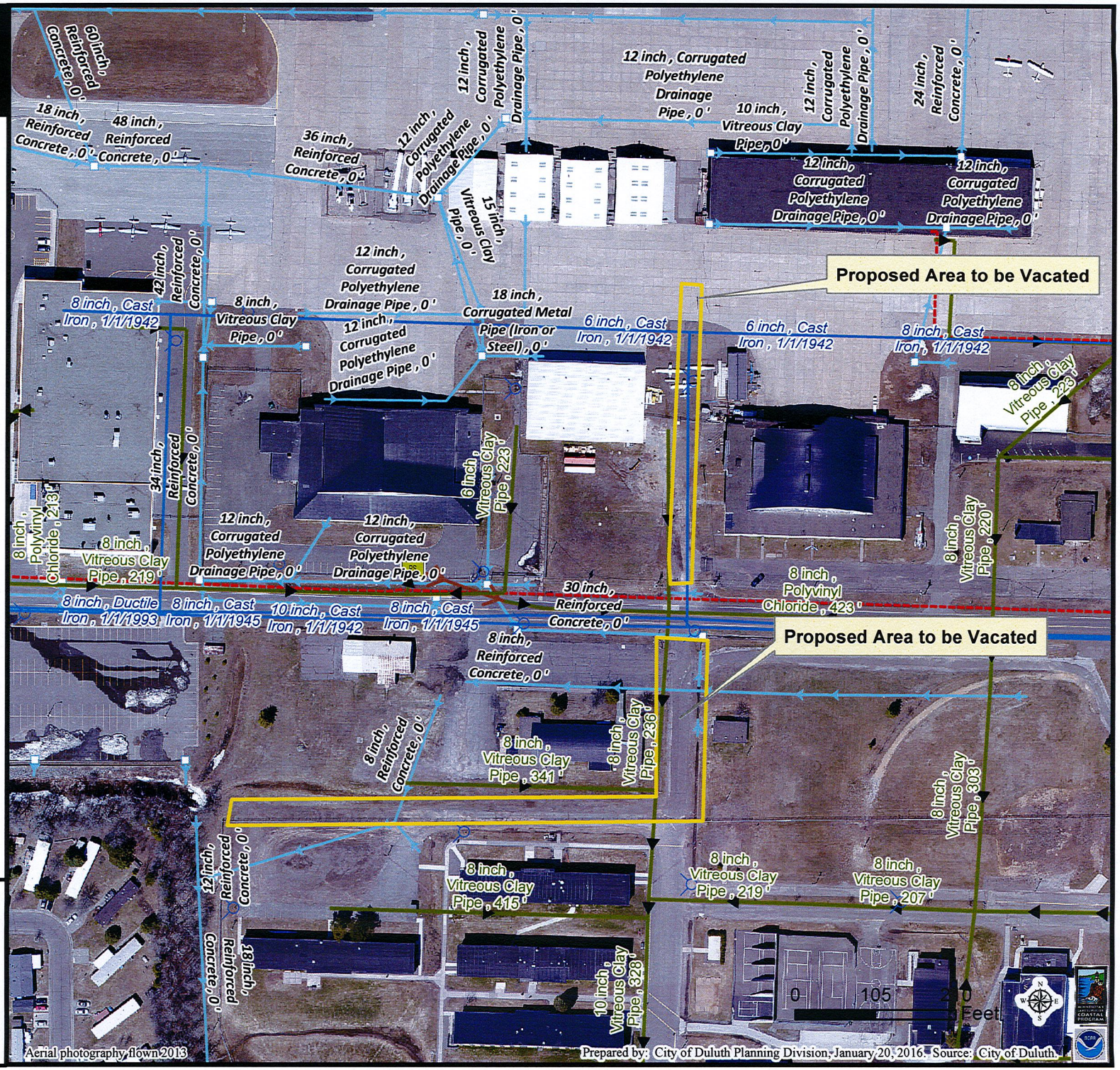
City Planning

PL 16-006
Vandenberg Dr



Legend

- 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

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E-5

LEGAL DESCRIPTION OF VACATION OF RIGHT OF WAY AND PUBLIC UTILITY EASEMENT RETENTION

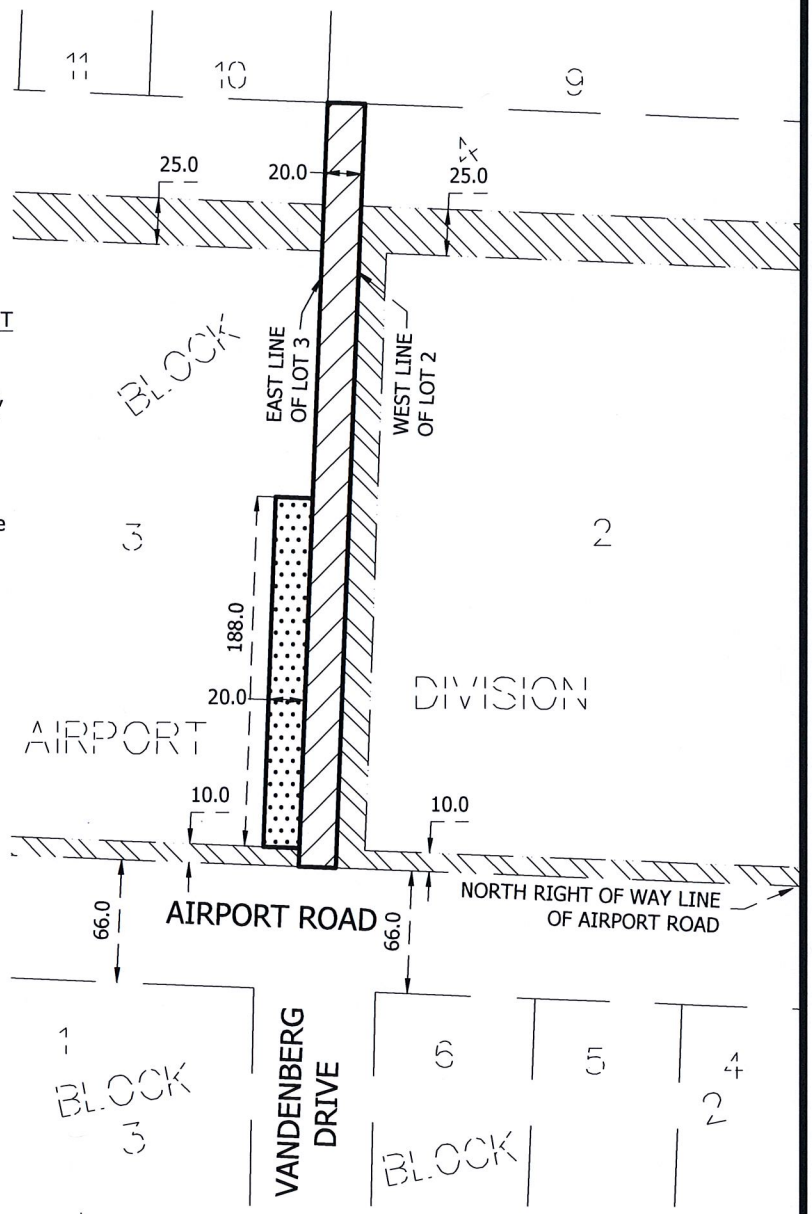
All that part of the 20.00 foot wide right of way lying between Lots 2 and 3, Block 4, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said parcel contains 8,226 square feet or 0.19 acres, more or less.

LEGAL DESCRIPTION OF PROPOSED UTILITY EASEMENT

All that part of the 20.00 foot by 188.00 foot utility easement in Lot 3, Block 4, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota. Said easement was vacated per Duluth City Council Resolution 06-0569 as approved on August 22, 2005 and recorded on February 27, 2006 as Document No. 813731 on record with the Registrar of Titles of St. Louis County, Minnesota and affecting Certificate of Title No. 288785.

Said parcel contains 3,760 square feet or 0.09 acres, more or less.



LEGEND

These standard symbols will be found in the drawing

- PROPOSED RIGHT OF WAY VACATION WITH PUBLIC UTILITY EASEMENT RETENTION
- EXISTING UTILITY EASEMENT TO REMAIN
- PROPOSED UTILITY EASEMENT

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_____day of_____20__

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: JANUARY 14, 2016

David R. Evanson

David R. Evanson MN License No. 49505

VACATION AND UTILITY EASEMENT EXHIBIT

CLIENT: CITY OF DULUTH	REVISION: 2/1/16 ADD PROPOSED AND RETAINED UTILITY EASEMENTS
DATE: JANUARY 14, 2016	
ADDRESS: XXX	
JOB NUMBER: 16-006	

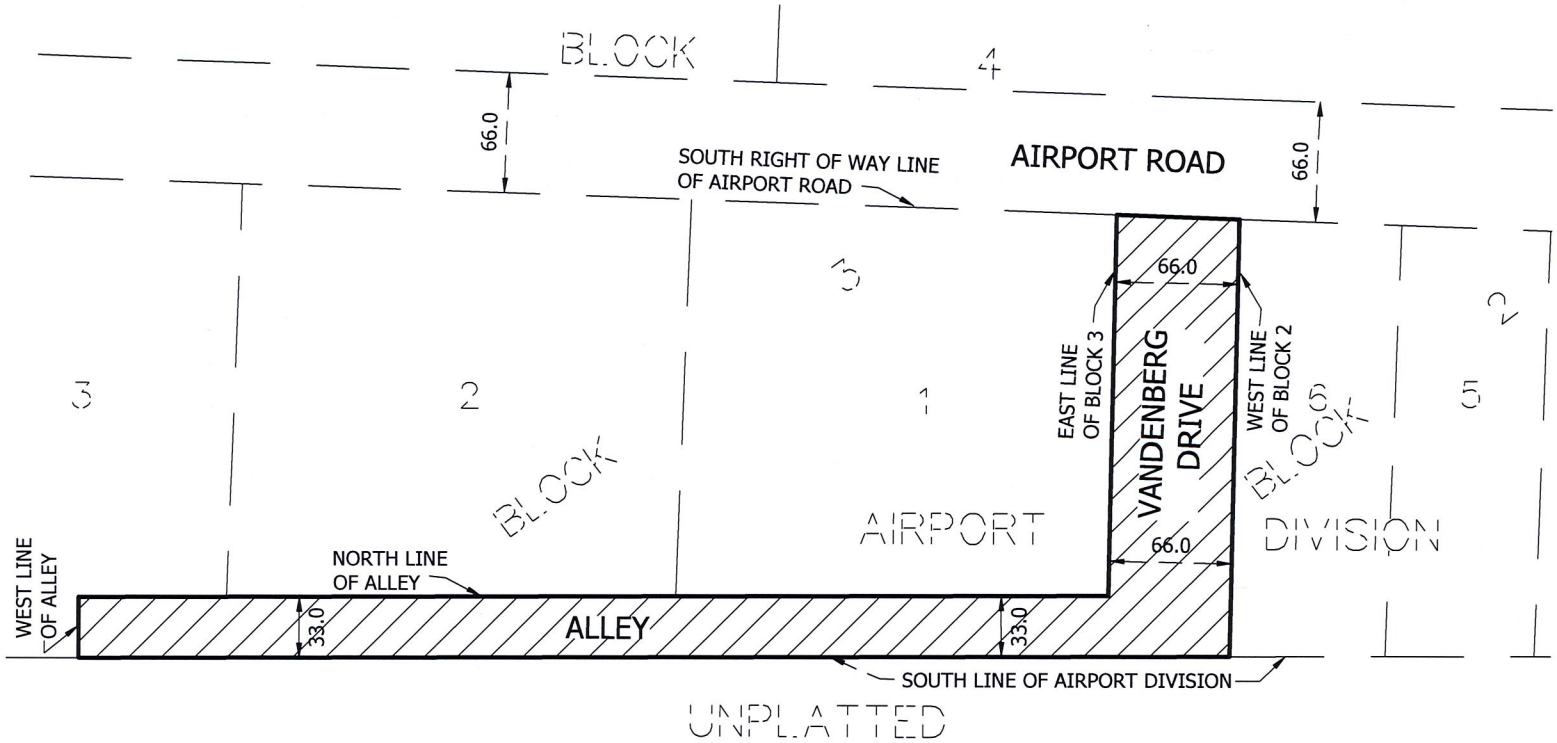
ALTA LAND SURVEY COMPANY

* LAND SURVEYING
* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
* CONSTRUCTION STAKING

PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW. ALTALANDSURVEYDULUTH.COM

E-6

L-9



LEGEND

These standard symbols will be found in the drawing

PROPOSED RIGHT OF WAY VACATION WITH PUBLIC UTILITY EASEMENT RETENTION

0 100

SCALE IN FEET

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LEGAL DESCRIPTION OF VACATION OF RIGHT OF WAY AND PUBLIC UTILITY EASEMENT RETENTION

All that part of Vandenberg Drive lying between Blocks 2 and 3, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

AND

All that part of the 33 foot wide alley lying southerly and adjacent to Lots 1, 2, and 3, Block 3, AIRPORT DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota

Said above described parcels contain 34,060 square feet or 0.78 acres, more or less.

Approved by the City Engineer of the City of Duluth, MN. this_____day of_____20__

By_____

ALTA LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
CERTIFIED FEDERAL SURVEYOR
WWW. ALTALANDSURVEYDULUTH.COM

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* LAND DEVELOPMENT
* PLATTING
* LEGAL DESCRIPTIONS
* CONSTRUCTION STAKING

VACATION AND UTILITY EASEMENT EXHIBIT

CLIENT: CITY OF DULUTH

REVISION: 2/1/16 ADD RETAINED UTILITY EASEMENT

DATE: JANUARY 14, 2016

ADDRESS: XXX

JOB NUMBER: 16-006

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: JANUARY 14, 2016

David R. Evanson

David R. Evanson MN License No. 49505

VAC 859

CITY OF DULUTH
CITY CLERK'S OFFICE
330 City Hall ● 411 West First Street
Duluth, Minnesota 55802-1189
URL: www.ci.duluth.mn.us
Phone (218) 730-5500

June 23, 2006

Cirrus Design Corporation
4515 Taylor Circle
Duluth, Minnesota 55811

Re: Certified copy of Resolution

Dear Sir:

Enclosed is a certified copy of Resolution 06-0569 which was adopted by the Duluth City Council at their August 22, 2005, meeting entitled:

RESOLUTION VACATING TWO UTILITY EASEMENTS IN LOT 3, BLOCK 4 OF AIRPORT DIVISION (CIRRUS DESIGN).

The above vacation has been filed and is a matter of record with the Registrar of Titles of St. Louis County, Minnesota, as Document No. 813731, affecting Certificate(s) of Title No. 288785.

Sincerely,

Jeffrey J Cox/mo

JEFFREY J. COX
City Clerk

MAO:kj

enc1
cc: City Assessor
City Building Official
City Engineer
City Physical Planning
St. Louis County Auditor
Richard Bunten, MIS/GIS

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CERTIFIED COPY OF RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DULUTH, MINNESOTA

RESOLUTION 05-0569 ADOPTED: AUGUST 22, 2005

BY COUNCILOR GILBERT:

WHEREAS, a sufficient petition was filed with the city clerk requesting the vacation of the utility easements in Lot 3, Block 4, of Airport Division; and

WHEREAS, pursuant to Section 100 of the City Charter and Article IV of Chapter 45 of the Duluth City Code, 1959, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in public hearing; and

WHEREAS, the city planning commission determined that said utility easements are useless for the purposes for which they were intended because all existing utilities have either been removed or will be relocated to a nearby easement after receiving the consent of the city engineer; and

WHEREAS, the city planning commission unanimously approved the vacation of said utility easements at its regular meeting of August 9, 2005 (reference PC File No. 05081).

NOW, THEREFORE, BE IT RESOLVED, that the city council of the city of Duluth finds there is no need or necessity to retain the petitioned utility easement and approves the vacation more particularly described as Public Document No. 05-0822-23 with the following conditions:

(a) That the electric service provided by the utility pole in the westerly utility easement be relocated to a location deemed appropriate to the city engineer;

(b) That the sanitary sewer service provided in the easterly utility easement be relocated to a location deemed appropriate by the city engineer.

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RESOLVED FURTHER, that the city clerk is hereby directed to record, with the register of deeds and/or the registrar of titles of St. Louis County, Minnesota, a certified copy of this resolution together with a plat showing the portion of the streets and alleys to be vacated as well as the easements to be retained.

Resolution 05-0569 was unanimously adopted.

Approved August 22, 2005

HERB W. BERGSON, Mayor

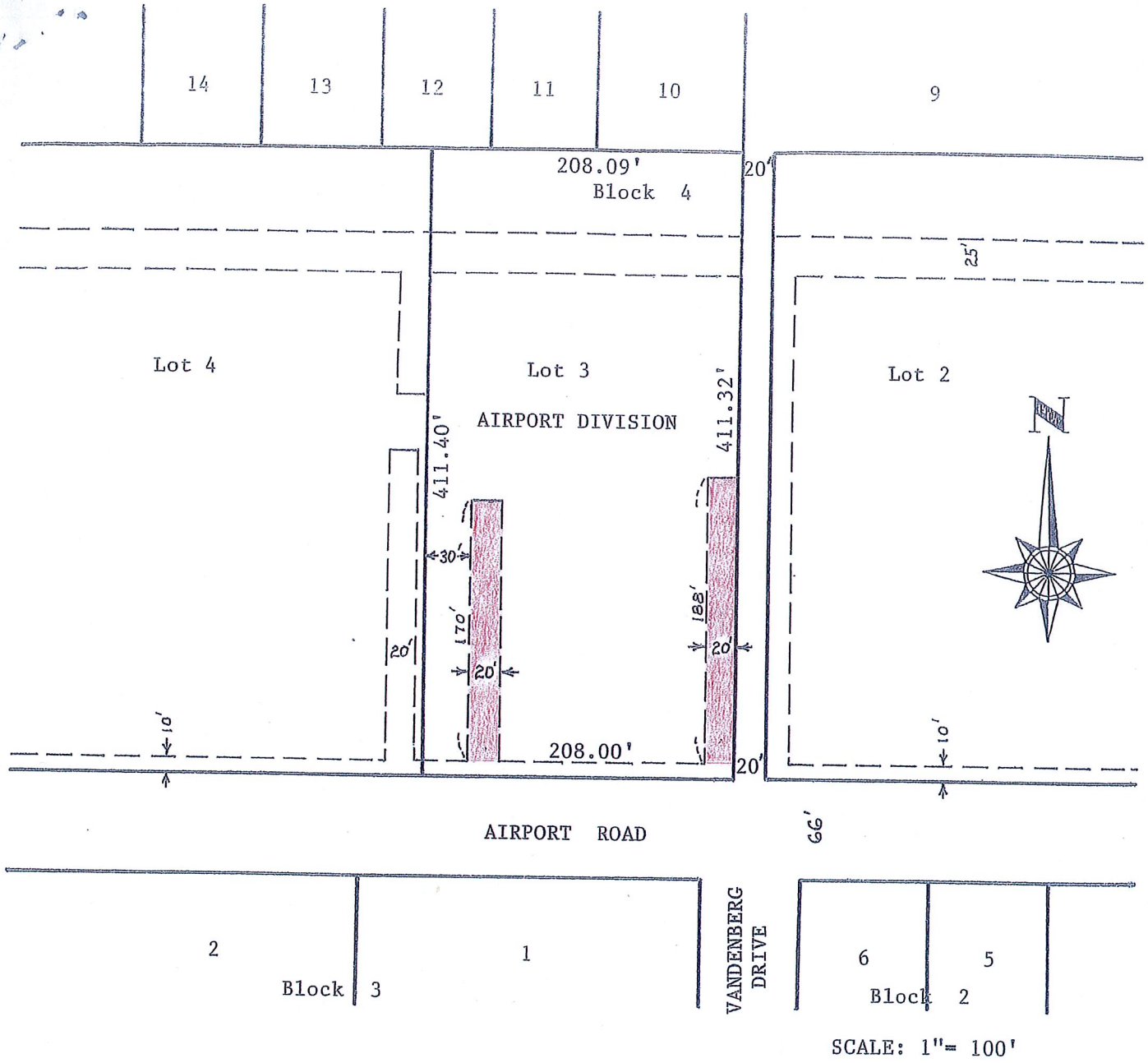
I, JEFFREY J. COX, city clerk of the city of Duluth, Minnesota, do hereby certify that I have compared the foregoing resolution passed by the city council on the 22nd day of August, 2005, with the original in my custody as city clerk of said city, and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Duluth, this ninth day of February, 2006.

JEFFREY J. COX
City Clerk

by Martha O Swalds
Assistant
CITY OF DULUTH, MINNESOTA

E-10



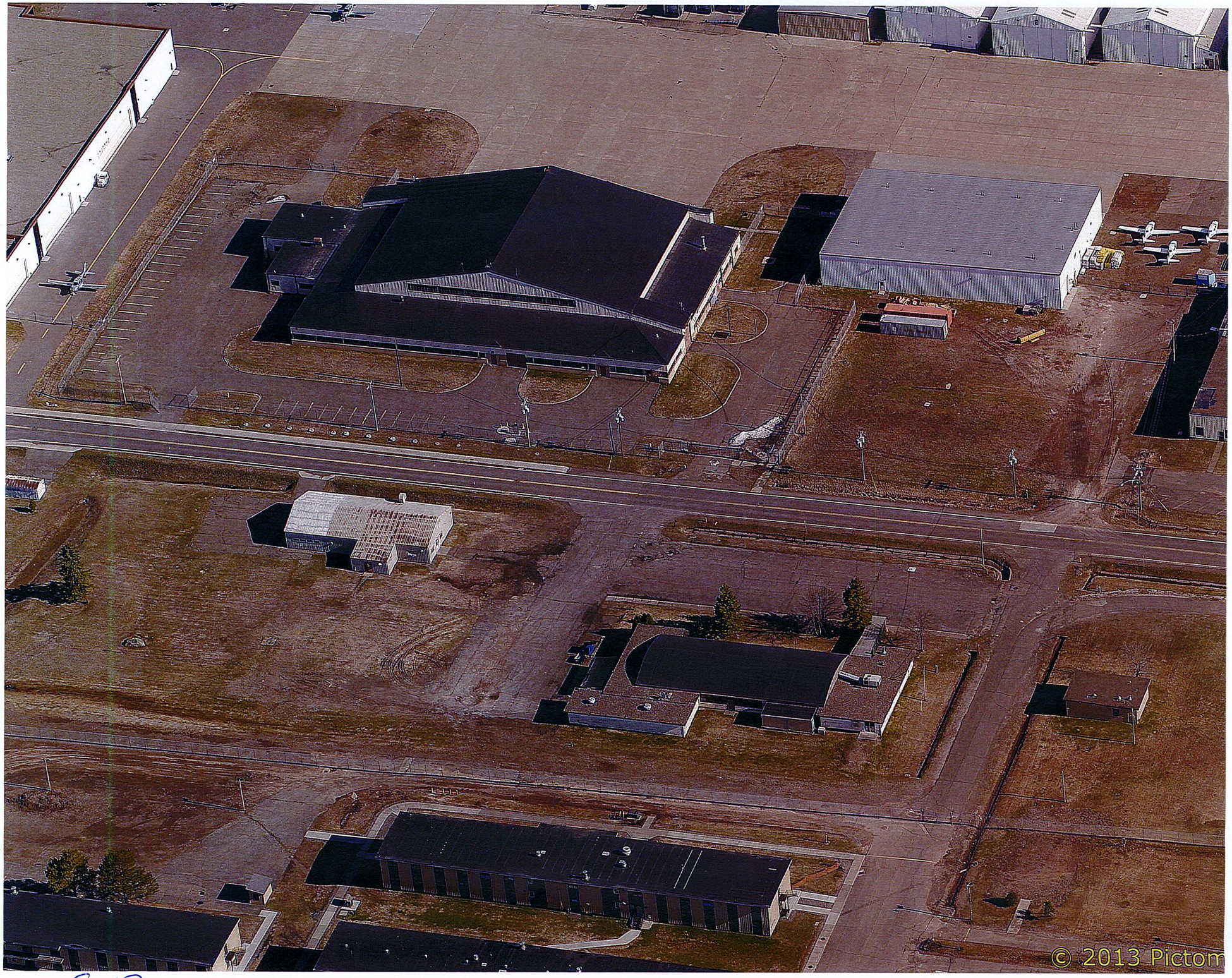
Plat showing the vacation of utility easements in Lot 3, Block 4, Airport Division.

The portions to be vacated are shown colored RED on the above plat.

CITY ENGINEER

2/3/06
DATE

E-11



E-12