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 16-075		**Contact**	Jenn Moses, jmoses@duluthmn.gov	
Type	Vacation		**Planning Commission Date**		August 9, 2016
Deadline for Action	**Application Date**	July 28, 2016	**60 Days**		September 26, 2016
	Date Extension Letter Mailed	July 28, 2016	**120 Days**		November 25, 2016
Location of Subject	1505 N 28th Ave W				
Applicant	Renee Borson		**Contact**	349-8788, reneeborson@hotmail.com	
Agent	N/A		**Contact**	N/A	
Legal Description	All that part of the 20.00 foot wide platted alley lying within Block 2, Piedmont Park Addition to Duluth				
Site Visit Date	July 25, 2016		**Sign Notice Date**		July 26, 2016
Neighbor Letter Date	July 25, 2016		**Number of Letters Sent**		36

Proposal

Application for City to vacate undeveloped alley. The applicant intends to use the alley to extend their garage and landscaping.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Single-family residential	Traditional Neighborhood
North	R-1	Single-family residential	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 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 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.

Review and Discussion Items

Staff finds that:

1.) Proposal is to vacate an undeveloped alley that lies north of the applicant's property. Applicant wants to use the vacated alley to extend their garage and landscaping.
2.) Platted alley ends just west of the proposed vacation. Alley was originally platted as part of the Piedmont Park Division, but was not continued with the Mont Du Vue First Division. 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 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.) Neighbor's driveway to the north of applicant is located within portion of alley that, if vacated, would be granted to the property at 2811 W 1st Street. These affected neighbors have signed the vacation petition.
5.) The UDC requires signatures from the majority of property owners affected by the vacation (determined by linear feet). Applicant has acquired approximately 80 percent of affected property owner's signatures.
6.) The right of way is not otherwise needed to promote the public health, safety, or welfare of the citizens of Duluth.
7.) Governing Principle # 7 of the Comprehensive Plan addresses the implications of connectivity; however, as the platted alley dead-ends, it is not needed for connectivity purposes. Note that generally, the City's policy is to avoid dead-end streets and alleys as they are problematic from a maintenance and life safety standpoint.
8.) One comment was received opposing the vacation (email attached to staff report). No other public, agency, or City comments were received.
9.) Vacations of streets lapse unless the vacation is recorded with the county recorder within 90 days after final approval. The vacation recording is facilitated by the City of Duluth.

Staff Recommendation

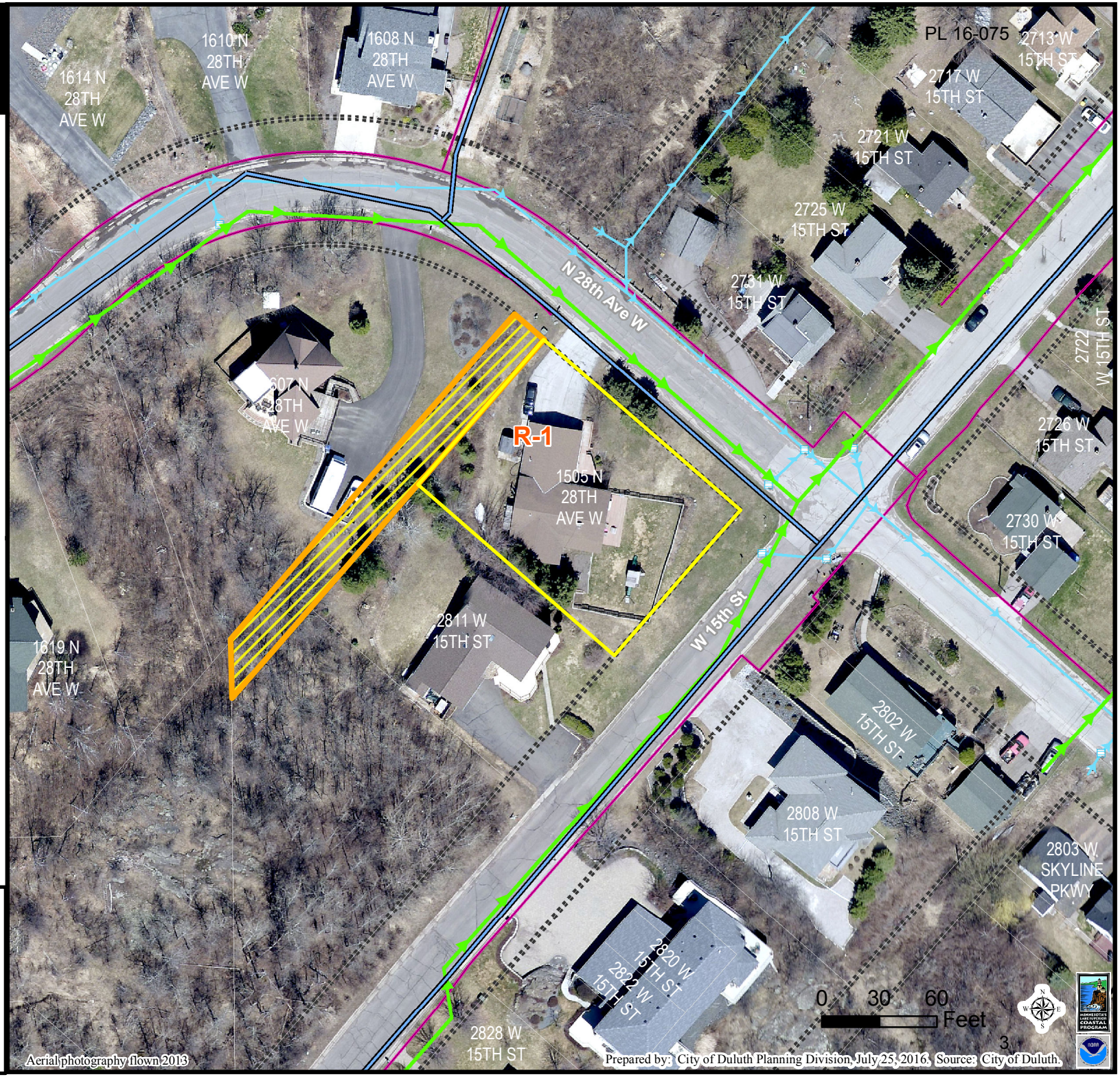
Based on the above findings, Staff recommends that the Planning Commission recommend approval of the vacation of the street easement, with the following conditions:

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.

City Planning

PL 16-075

1505 N. 28th Ave W.



Legend

Zoning Boundaries

- Zoning Boundaries

Water Distribution System

- 30 - 60" Water Pipe
- 16 - 24" Water Pipe
- 4 - 6" Water Pipe

Sanitary Sewer Collection System

- Sanitary Sewer Collector
- Sanitary Sewer Interceptor
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station (PS)

Gas Distribution Main

- 8" - 16" Gas Pipes
- 4" - 6" Gas Pipes
- 0" - 4" Gas Pipes

Storm Sewer Collection System

- Storm Sewer Pipe
- Storm Sewer Catch Basin

Right-of-Way Type

- Road or Alley ROW
- Vacated ROW

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.

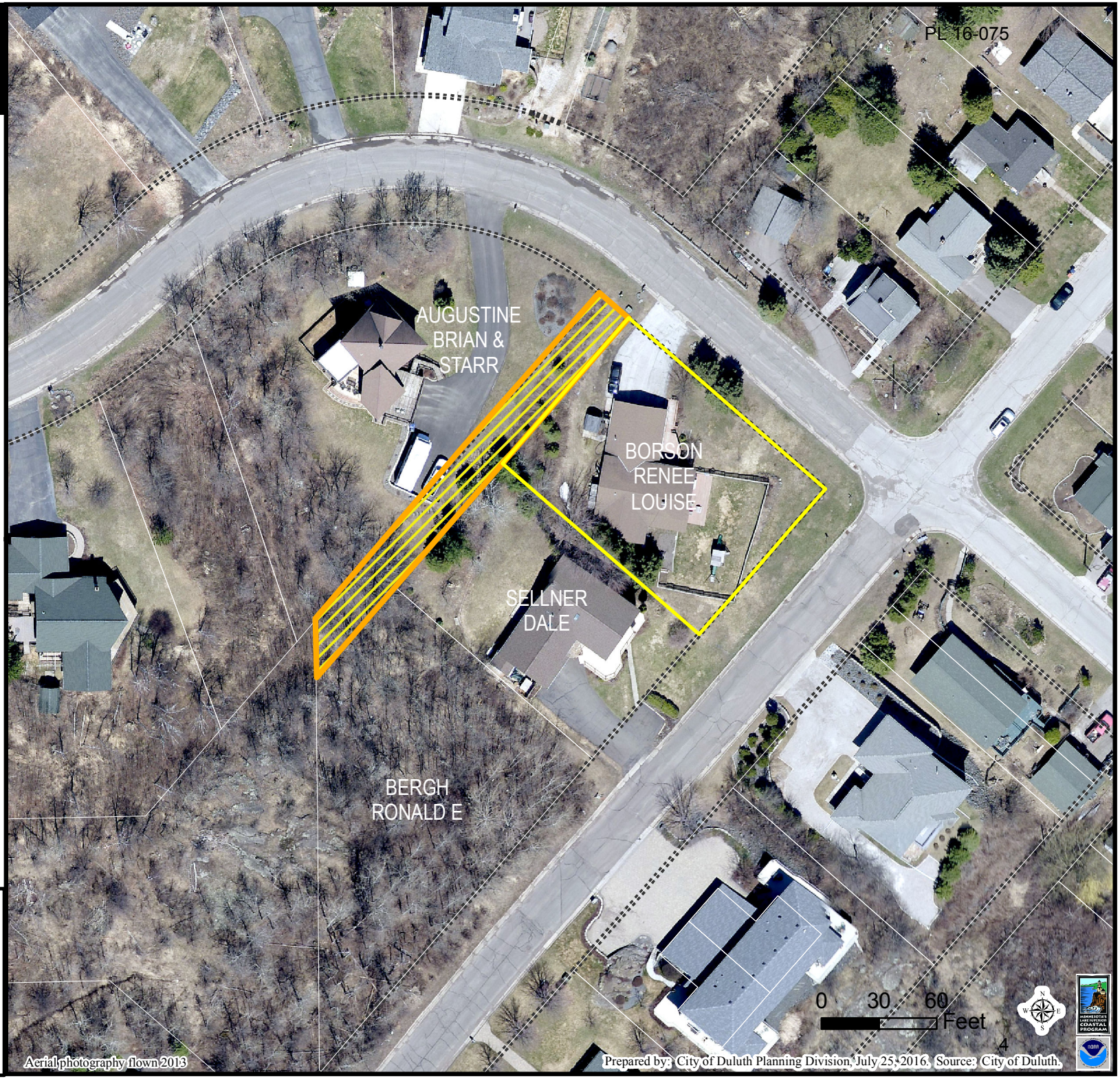
City Planning

PL 16-075
1505 N. 28th Ave W.

Legend

Right-of-Way Type

▪▪▪▪▪▪ Road or Alley ROW



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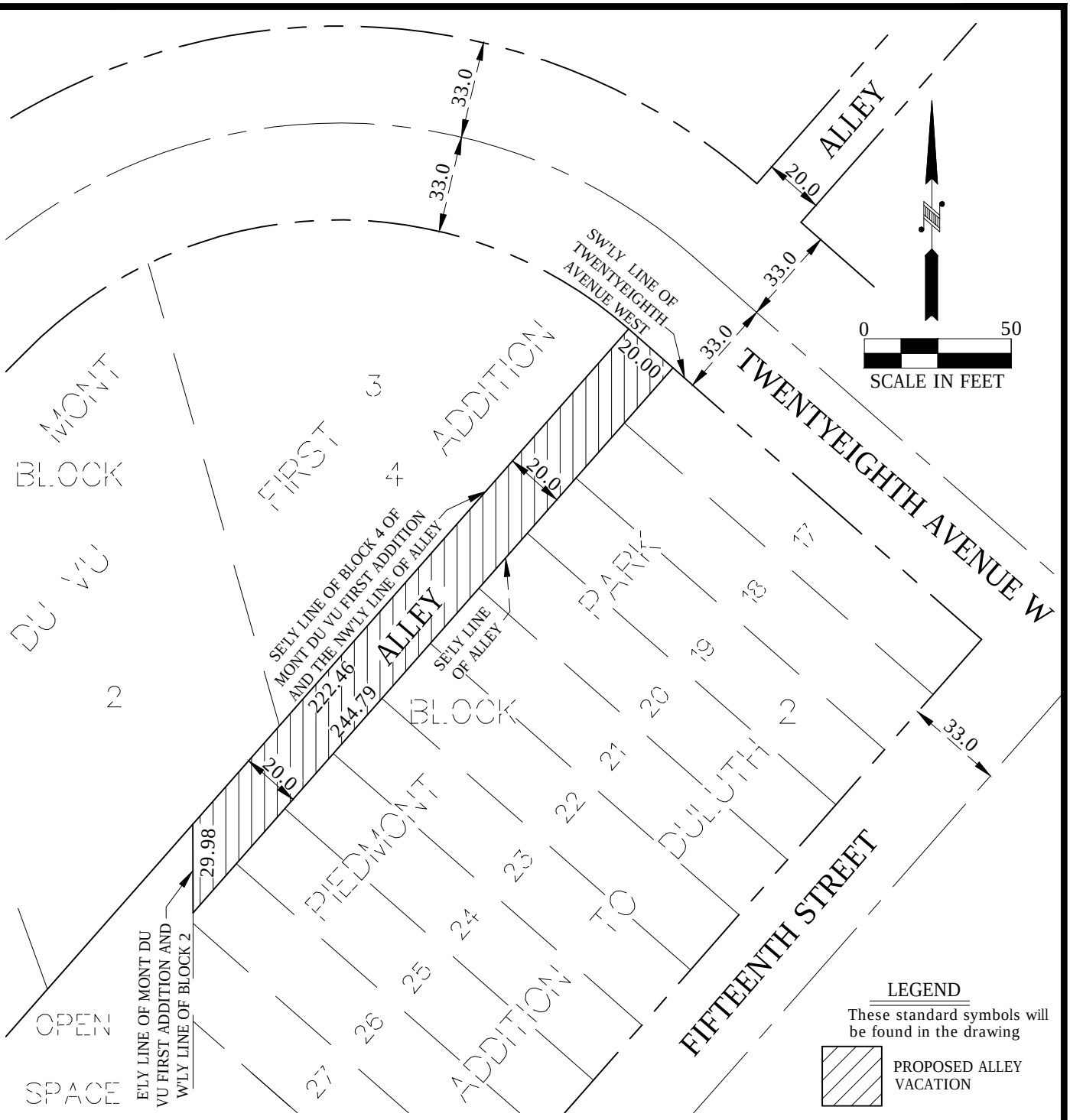

LEGEND

These standard symbols will be found in the drawing

PROPOSED ALLEY 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.

LEGAL DESCRIPTION OF VACATION OF ALLEY

All that part of the 20.00 foot wide platted alley lying within Block 2, PIEDMONT PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

Said alley contains 4,719 square feet or 0.11 acres.

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

By_____

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.

David R. Evanson

Date: JUNE 21, 2016 MN Lic. No. 49505

ALLEY VACATION EXHIBIT

CLIENT: RENEE BORSON	REVISIONS: XXX
DATE: JUNE 21, 2016	
ADDRESS: 1505 NORTH 28TH AVENUE WEST, DULUTH, MN 55806	
JOB NUMBER: 16-100	

ALTA
LAND SURVEY COMPANY
* LAND SURVEYING
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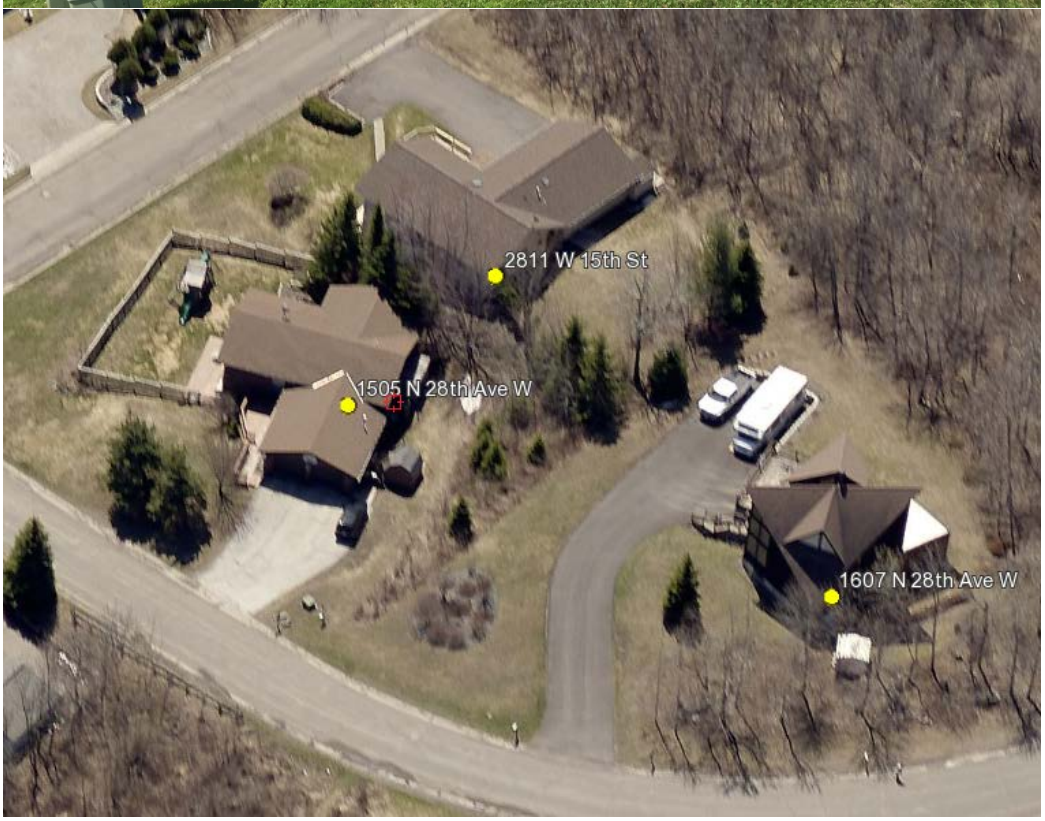
CERTIFIED FEDERAL SURVEYOR
WWW. ALTALANDSURVEYDULUTH.COM

1505 N 28th Ave W

Site Photos

Photo taken of proposed Vacation from N 28th Ave W.



From: Jennifer Moses
To: George Knutson
Subject: FW: Alley Vacation at 1505 N. 28 Ave West (PL 16-075)
Date: Monday, August 01, 2016 9:41:46 AM

From: ron bergh [mailto:berghr@hotmail.com]
Sent: Sunday, July 31, 2016 12:51 PM
To: Jennifer Moses
Subject: Alley Vacation at 1505 N. 28 Ave West (PL 16-075)

Dear Duluth Planning Commission: My name is Ronald Bergh. I own Lots: 24,25,26,27,28,29,30,31, & 32 in Block 2 of Piedmont Park Addition. I do not want my alley vacated. I do not want to restrict future access to my property with this proposed alley vacation. Thank you, Ronald Bergh 4227 Cooke St. , Duluth, MN. 55804.