



**CITY OF DULUTH**

Community Planning Division

411 W 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

<b>File Number</b>	PL 16-098	<b>Contact</b>	Steven Robertson, 730-5295	
<b>Type</b>	Vacation of Platted Alley	<b>Planning Commission Date</b>	September 13, 2016	
<b>Deadline for Action</b>	<b>Application Date</b>	August 31, 2016	<b>60 Days</b>	October 30, 2016
	<b>Date Extension Letter Mailed</b>	September 6, 2016	<b>120 Days</b>	December 29, 2016
<b>Location of Subject</b>	Central Avenue and 54 <sup>th</sup> Avenue West, and Bristol Street and Roosevelt Street			
<b>Applicant</b>	Spirit Valley Laundromat	<b>Contact</b>	218-628-3147	
<b>Agent</b>	Valaree Hammond	<b>Contact</b>		
<b>Legal Description</b>	North 175 feet of the 16 foot wide platted alley lying adjacent to Lots 1 through 7, Blocks and 19, West Duluth First Division.			
<b>Site Visit Date</b>	August 30, 2016	<b>Sign Notice Date</b>	August 29, 2016	
<b>Neighbor Letter Date</b>	September 1, 2016	<b>Number of Letters Sent</b>	23	

**Proposal**

Application to vacate platted public right of way (alley), and retain utility easement. The proposed vacation is located in the Spirit Valley neighborhood, just to the east of North Central Avenue. Applicant is making the request in association with concerns for pedestrian/customer safety.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	F-3	Commercial	Central Business Secondary
<b>North</b>	F-3	Commercial	Central Business Secondary
<b>South</b>	F-4	Commercial	Central Business Secondary
<b>East</b>	F-4/MU-N	Commercial	Central Business Secondary
<b>West</b>	F-4	Commercial	Central Business Secondary

**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. Connectivity is established through our streets and highways, transit system, sidewalks, bikeways and trails, (local and regional). The non-vehicular modes should be considered other than recreation. They are important component of an overall transportation system. Winter maintenance of sidewalks and other public ways is critical to creation of usable pedestrian systems.

Policies T8 (Traffic Calming). The City will evaluate traffic calming strategies as a means of reducing cut through traffic and increasing pedestrian safety. The City will focus traffic calming strategies in appropriate situations.

Future Land Use – Central Business Secondary. An area adjacent to and supporting the primary central business area or a stand-alone area providing a similar mix of destination land uses but at a lower intensity than the primary CB area. Includes mixed regional and neighborhood retail, employment centers, public spaces, medium density residential, and public parking facilities.

**Review and Discussion Items**

- 1.) The applicant’s proposal is to vacate a public right of way (alley) that lies directly east and adjacent to the applicant’s property. Applicant intends to close alley access. Applicant owns the parking lot to the east of the building at 232 North Central Avenue, on the other side of the alley; customers coming into and exiting the business from the rear alley customer door must cross the alley. Applicant states this situation is safety issue for customers, and that the alley is poorly maintained by the City.
- 2.) The platted alley ends just south of the proposed vacation. The alley was platted in 1887 as part of the West Duluth First Division. A portion of the platted right of way was vacated in 1992 (Resolution 92-0358), and in 2010 (Resolution 10-0500). It is unclear why the alley was not fully vacated during the previous City actions.
- 3.) There are city utilities located in the right of way. The applicant’s proposed exhibit retains a utility easement.
- 4.) If approved, the 16-foot alley would be returned to adjacent property owners: the western eight feet would go to the Laundromat, Evergreen Square LLC, and James and Wanda Hanson, while the eastern eight feet would go to the Spirit Valley Laundromat and Miners Incorporated. Customers coming to Miners (Super One) would still have three access points (one on North Central Avenue and two on Bristol Street).
- 5.) Of the four adjacent property owners, two have signed the 2016 petition. Planning Staff consider this to be the second phase of the alley vacation initially started in 2010; that vacation was requested on behalf of Miners, Inc., thus the petitions submitted are adequate.
- 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. By vacating this dead-end alley created by the vacation in 2010, the issue is corrected.
- 8.) At the time that this staff report was written, no comments were received from the public on this project. No other public, agency, or City comments were received.
- 9.) Vacations of rights of way 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 alley, with the following conditions:

1. An utility easement be retained,
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.



Bristol St

N Central Ave

3",  
Polyethylene,  
7/20/1979

3",  
Polyethylene,  
7/20/1979

2",  
Polyethylene,  
7/20/1979

N Central Ave Alley

21 inch,  
Vitreous Clay  
Pipe, 427'

**HAMMOND VALAREE**  
447002880

**EVERGREEN SQUARE LLC**  
447002890

**EVERGREEN SQUARE LLC**

**HANSEN JAMES P & WANDA M**  
447002910

**HANSEN JAMES P & WANDA M**  
447002920

**HANSEN JAMES P & WANDA M**  
447002930

**SUPER ONE LIQUOR LLC**  
447002940

**HAMMOND VALAREE**  
447002710

**MINERS INCORPORATED**  
447002720

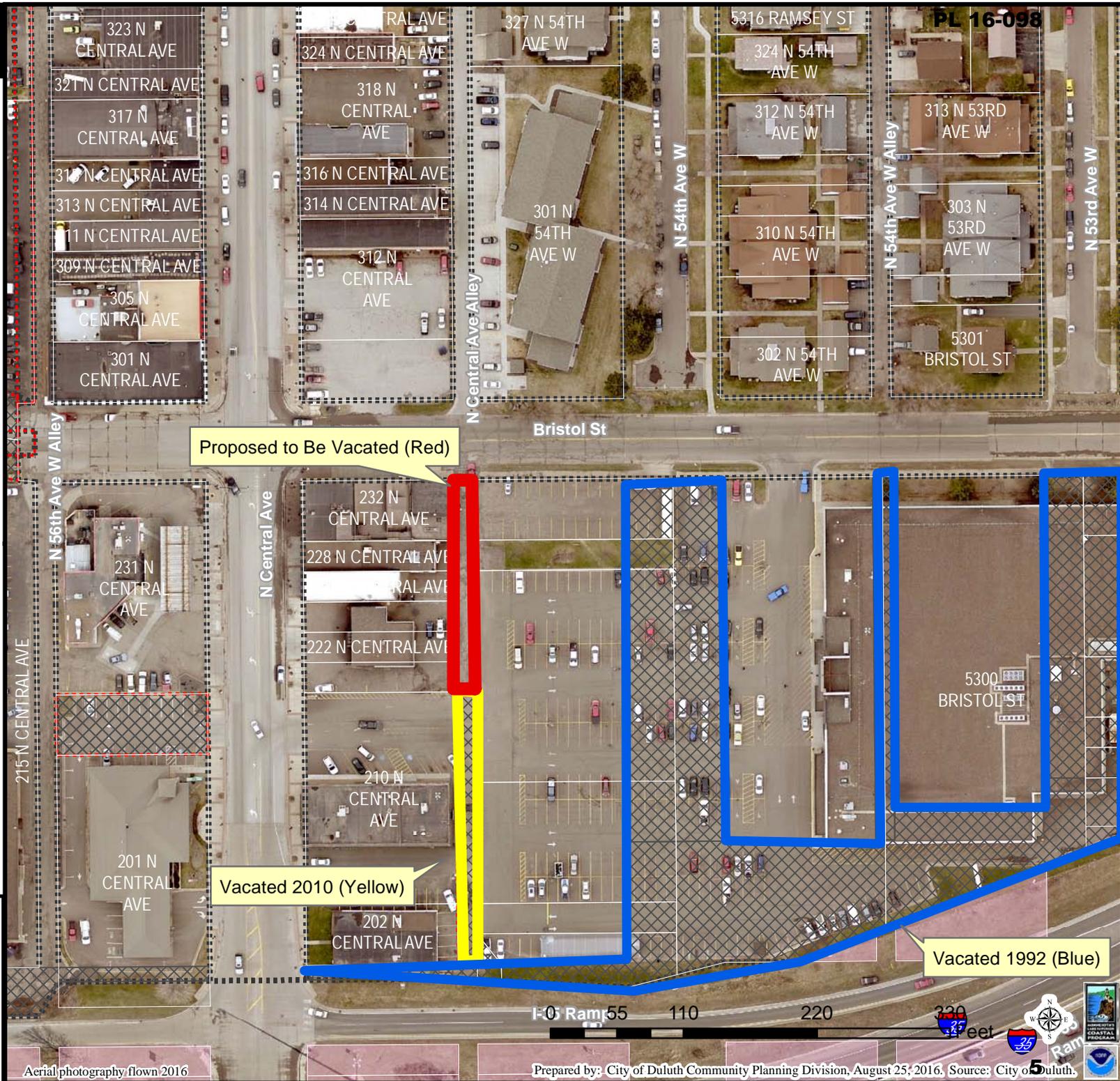
**MINERS INCORPORATED**  
447002730

**MINERS INCORPORATED**  
447002520

**MINERS INCORPORATED**

**MINERS INCORPORATED**

**MINERS INCORPORATED**



**Legend**

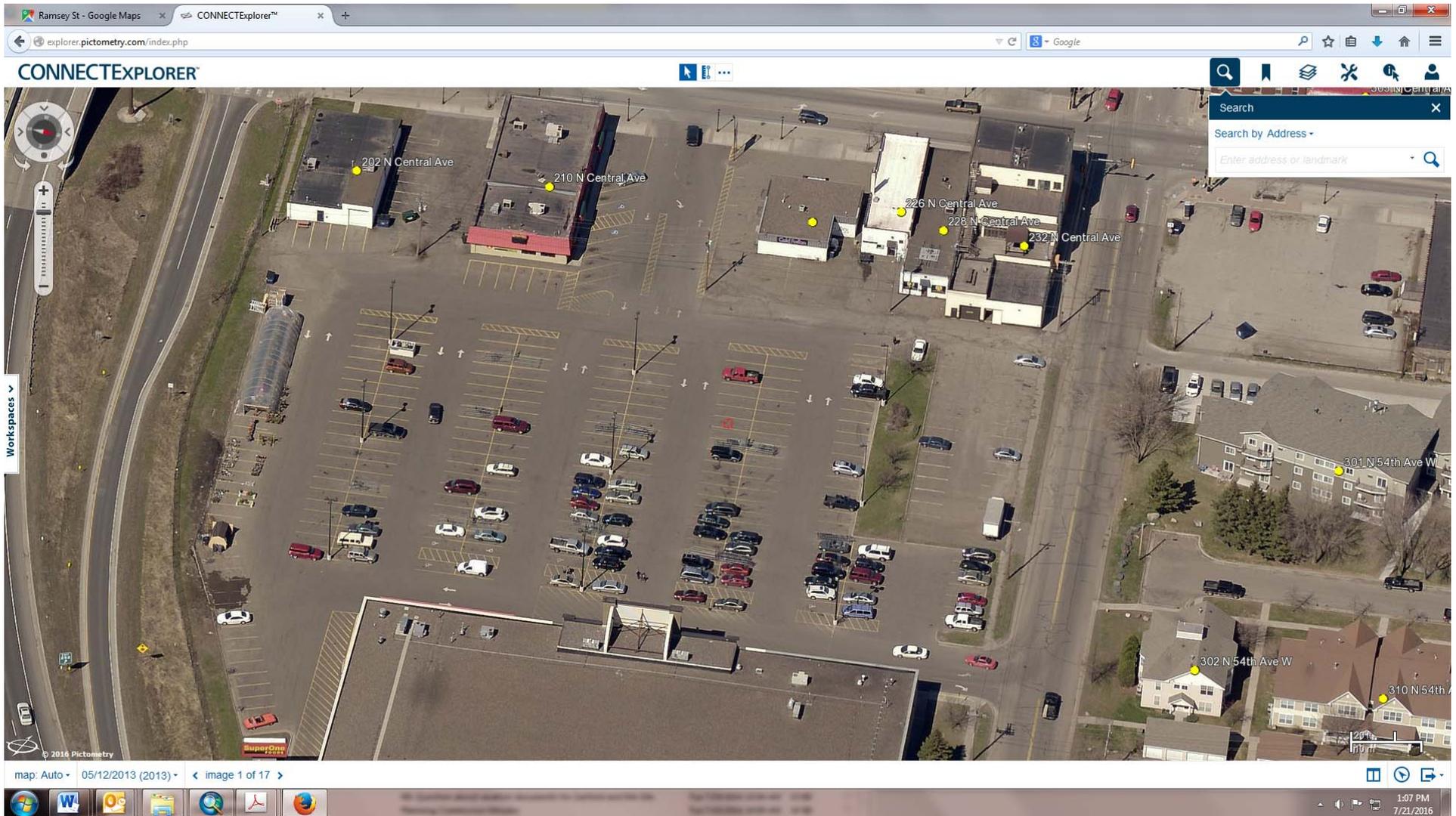
**Right-of-Way Type**

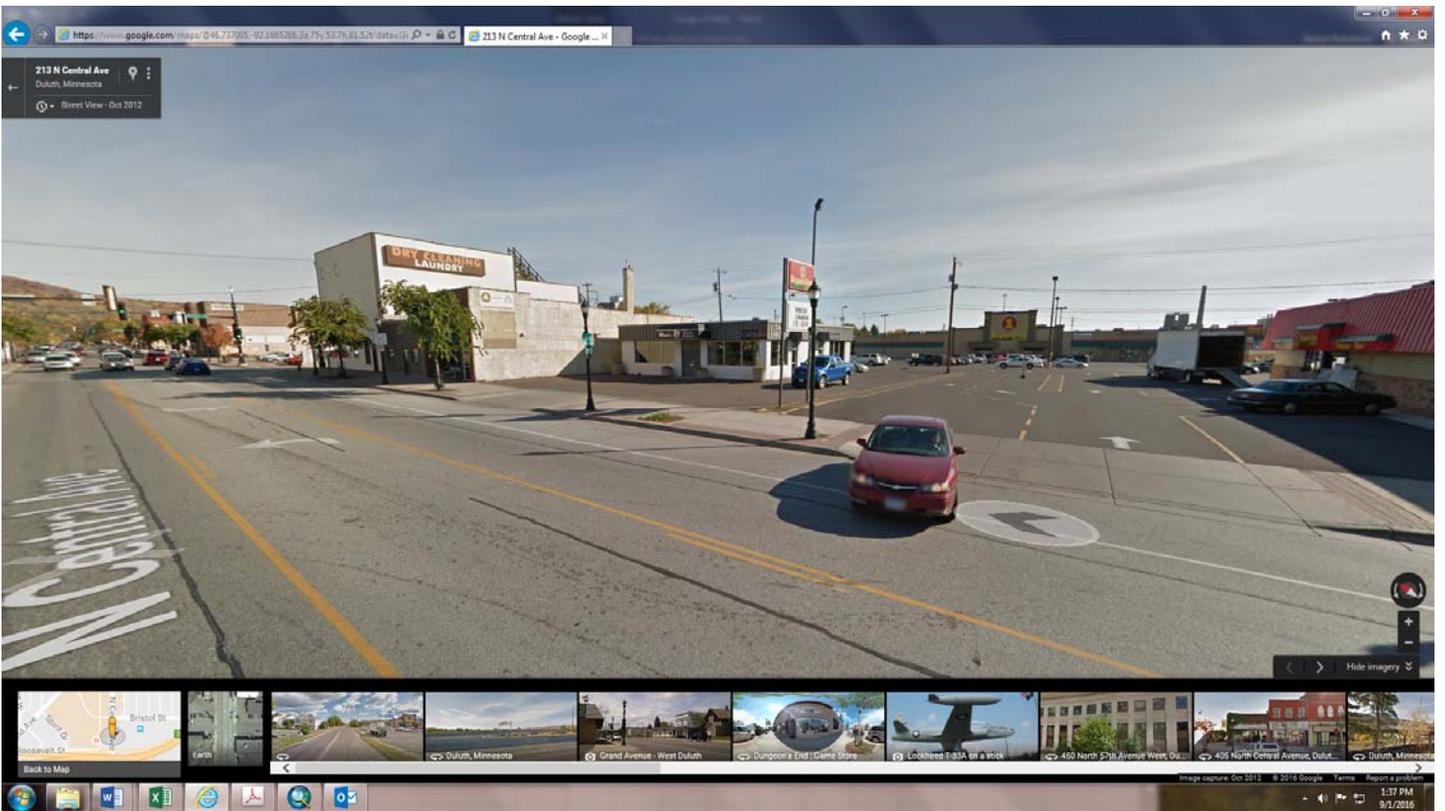
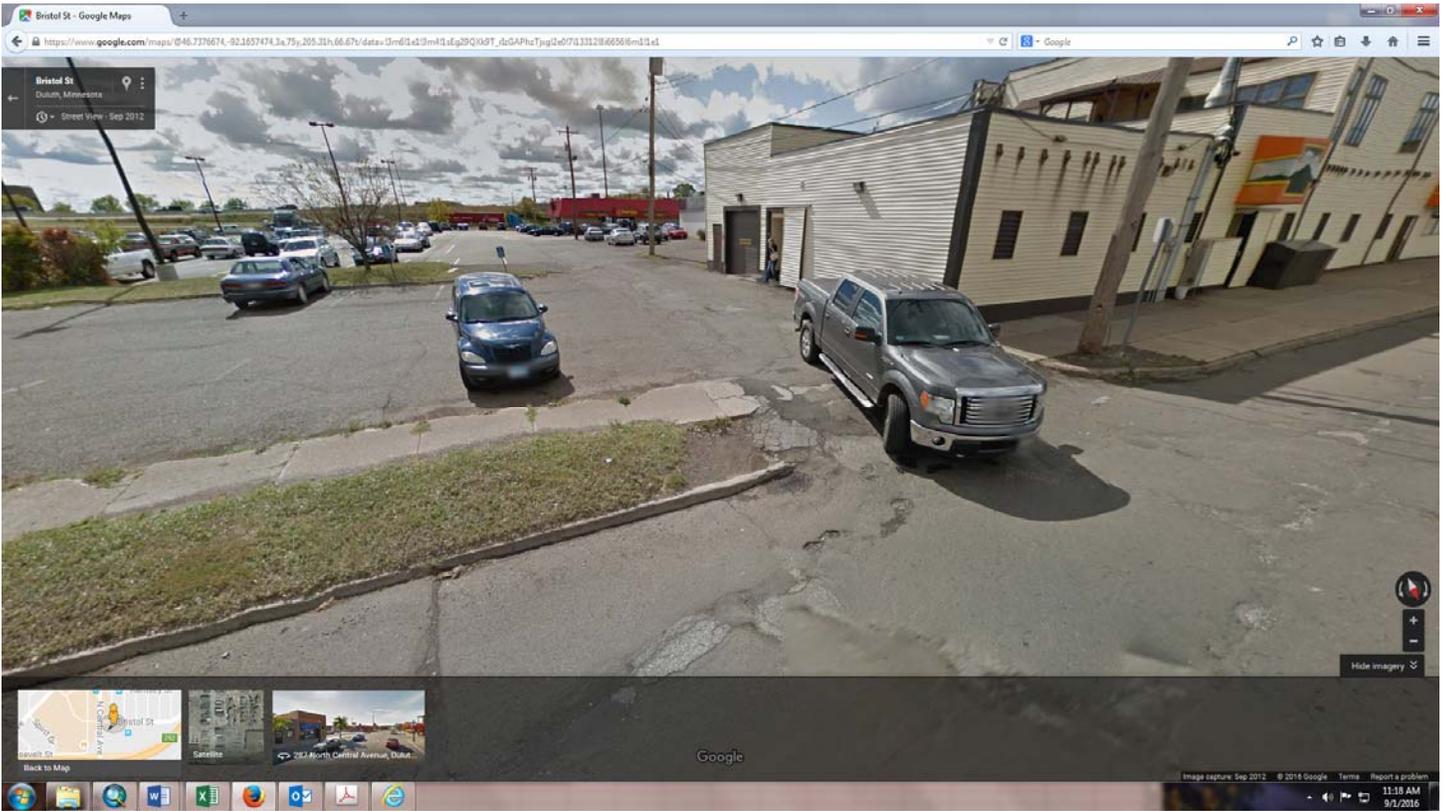
- ..... Road or Alley ROW
- ▨ Vacated ROW
- - - - Utility Easement
- - - - Other Easement

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.

Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, August 25, 2016, Source: City of Duluth.

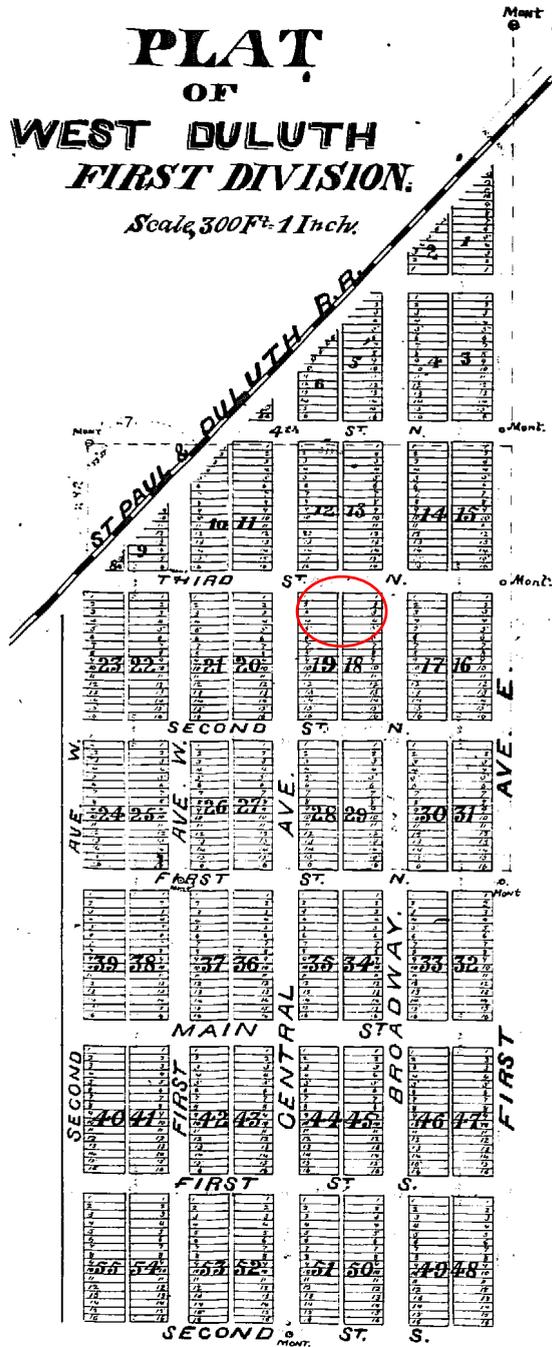






**PLAT  
OF  
WEST DULUTH  
FIRST DIVISION.**

Scale, 300 Ft. = 1 Inch.



I, *Wm B Silvey* do hereby certify, I am a surveyor and civil engineer that I have made a survey of the property herein described and have platted the same into Blocks, Streets, & alleys, as herein shown Dated at Duluth Minn March 18<sup>th</sup> 1887  
 In Presence of  
*A.H. Myers*  
*R.R. Wells*  
*Wm B Silvey* (Seal)

State of Minnesota } I hereby certify that on this 18<sup>th</sup> day of March 1887  
 County of St Louis } before me personally appeared *Wm B Silvey* to me known  
 to be the same person who has signed the certificate hereon and he acknowledged such certificate and plat hereon made to be his own free act and deed  
 (Seal)  
*H. H. Myers* Notary Public

State of Minnesota } Duluth Minn March 18/1887  
 County of St Louis } We the West Duluth Land Company, all of Duluth  
 St Louis County Minnesota do hereby certify that we are the owners of the  
 following Real estate in the County of Saint Louis and State of Minnesota  
 to wit: The S<sup>1/2</sup> of S<sup>1/4</sup> Sec 7, Part of the S<sup>1/4</sup> of the S<sup>1/4</sup> Sec 7, and all of  
 the N<sup>1/2</sup> of S<sup>1/4</sup> Sec 7 lying south of the St Paul & Duluth RR track and  
 the N<sup>1/2</sup> of S<sup>1/4</sup> Sec 8 and part of lot six and N<sup>1/2</sup> of S<sup>1/4</sup> of Sec 8 within  
 township forty nine, Fourteen 14 West, and we have caused said  
 property, and we have caused same property to be platted into Blocks,  
 Streets and alleys as herein made and described and herein and  
 called West Duluth First Division and we have placed monuments as  
 designated on map, from which to make future surveys, said monument  
 are iron spikes twenty four inches in height, seven inches apart twenty  
 inches and said spikes are one inch in diameter, the witnesses whom  
 we have signed this certificate by the names of our President and  
 Secretary and caused the official seal to be affixed.

In Presence of  
*H. H. Myers*  
*R. R. Wells*  
*West Duluth Land Company*  
*J. R. Myers* Secy  
*Wm B Silvey* (Seal)

State of Minnesota }  
 County of St Louis } In this 18<sup>th</sup> day of March A.D. 1887 before me appeared  
*Jacob R Myers* to me personally known who being to me duly sworn  
 did say that he is the Vice President of the West Duluth Land  
 Company of Minnesota and that *James C Smith* is the  
 the same person who did say that he is the Secretary of said Company  
 and that the seal affixed to the foregoing plat is the corporate seal of  
 said Corporation and that said plat was signed and sealed in  
 behalf of said Corporation by authority of its Board of Directors and  
 said *Jacob R Myers* and *James C Smith* acknowledged said plat to  
 be the free act and deed of said Company, Witness my hand and  
 seal this day and year aforesaid  
 (Seal)  
*J. H. Myers* Notary Public

State of Minnesota }  
 County of St Louis } I hereby certify that the same as above stated  
 as described are fully paid to wit  
 Duluth March 21<sup>st</sup> 1887  
 Office of Registrar of Land }  
 County of Saint Louis } I hereby certify that the within plat was  
 filed in this office for record on the 18<sup>th</sup> day of March A.D. 1887  
 at 10 o'clock P.M. at the office of the Registrar of Land  
*Frank Parker*  
 Registrar of Land. **9**