



**Planning & Development Division**  
Planning & Economic Development Department

Room 160  
411 West First Street  
Duluth, Minnesota 55802

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<b>File Number</b>	PL 22-054	<b>Contact</b>	Chris Lee, clee@duluthmn.gov	
<b>Type</b>	Vacation of unimproved street	<b>Planning Commission Date</b>		May 10, 2022
<b>Deadline for Action</b>	<b>Application Date</b>	March 29, 2022	<b>60 Days</b>	May 8, 2022
	<b>Date Extension Letter Mailed</b>	April 8, 2022	<b>120 Days</b>	July 7, 2022
<b>Location of Subject</b>		Lexington Street between N 61 <sup>st</sup> Ave West and N 62 <sup>nd</sup> Ave West		
<b>Applicant</b>	Steven and Carol Grams	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	April 25, 2022	<b>Sign Notice Date</b>	April 26 2022	
<b>Neighbor Letter Date</b>	April 25, 2022	<b>Number of Letters Sent</b>	27	

**Proposal**

Vacation of the unimproved platted right of way between 61<sup>st</sup> Avenue West and 62<sup>nd</sup> Avenue West

**Staff Recommendation**

Staff recommends approval with conditions. Vacations are recommended by the Planning Commission, and approved by the City Council via resolution.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Dwellings	Traditional Residential
<b>North</b>	R-1	Dwellings	Traditional Residential
<b>South</b>	R-1	Vacant	Traditional Residential
<b>East</b>	R-1	Dwellings	Traditional Residential
<b>West</b>	R-1	Dwellings	Traditional Residential

**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.

UCD Sec. 50-37.6.C – 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. 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 #5 – Promote reinvestment in neighborhoods. Vacating this alley will allow previously unused property to be converted to private property which increases the City's tax base.

Governing Principle #7 – Create and maintain connectivity. Vacating this alley will not reduce connectivity since it has never been improved and will not be needed by the planned development.

Governing Principle #12 – Create efficiencies in delivery of public services. Vacating the alley will reduce future costs to the City because it won't need to be maintained by the City.

**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. Includes many of Duluth's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

**Review and Discussion Items:**

1. The applicant is requesting to vacate the 66-foot-wide platted, unimproved street between 61<sup>st</sup> Avenue West and 62<sup>nd</sup> Avenue West, of Kimberly & Stryker's Addition to Duluth
2. The purpose of vacating the street is for preservation of green space.
3. The street will not be needed by the City for the efficient supply of utilities or public services in the City, nor for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
4. City Engineering stated that a private easement will be required to resolve a private sewer connection that will be located on an adjacent property. No other public or City comments have been received at the time of drafting this report.
5. Vacations of rights of way and easements 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.

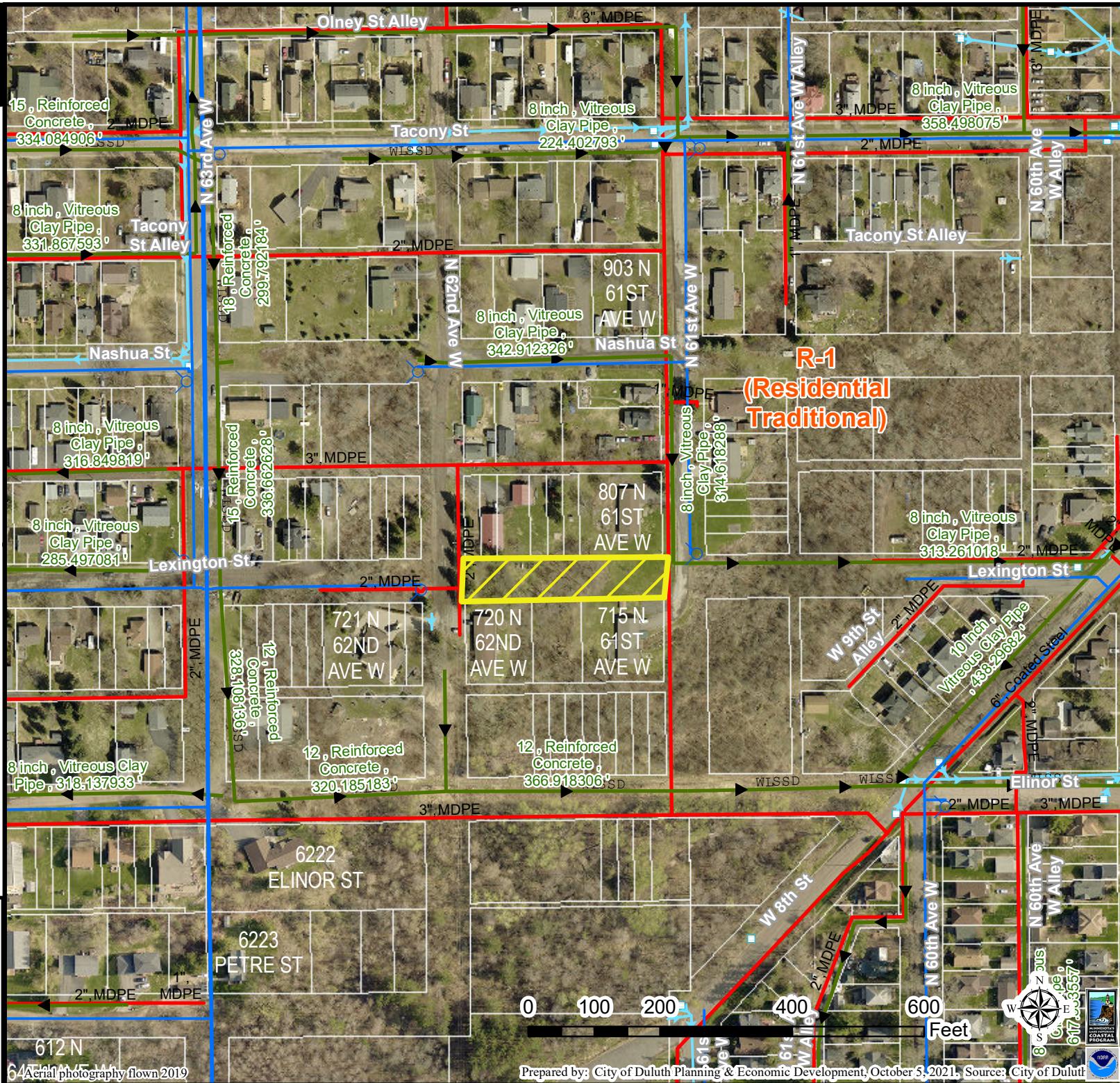
**Staff Recommendation:**

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:

1. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.

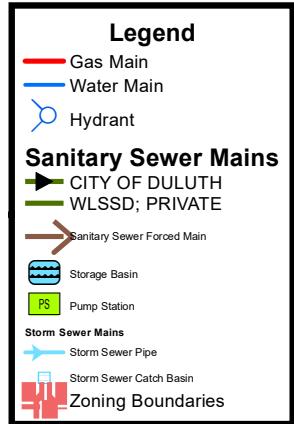


PL22-054  
Vacation of Right of Way  
Lexington Street



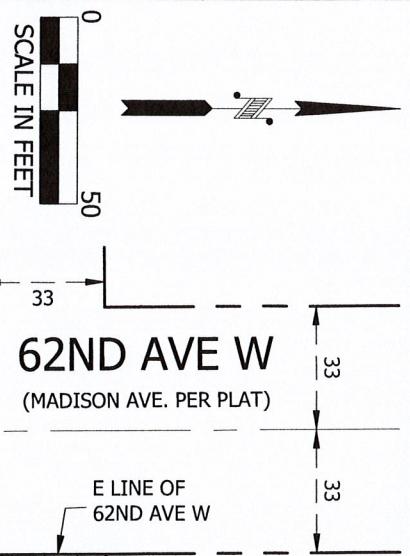


PL22-054  
Vacation of Right of Way  
Lexington Street



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.





## 62ND AVE W (MADISON AVE. PER PLAT)

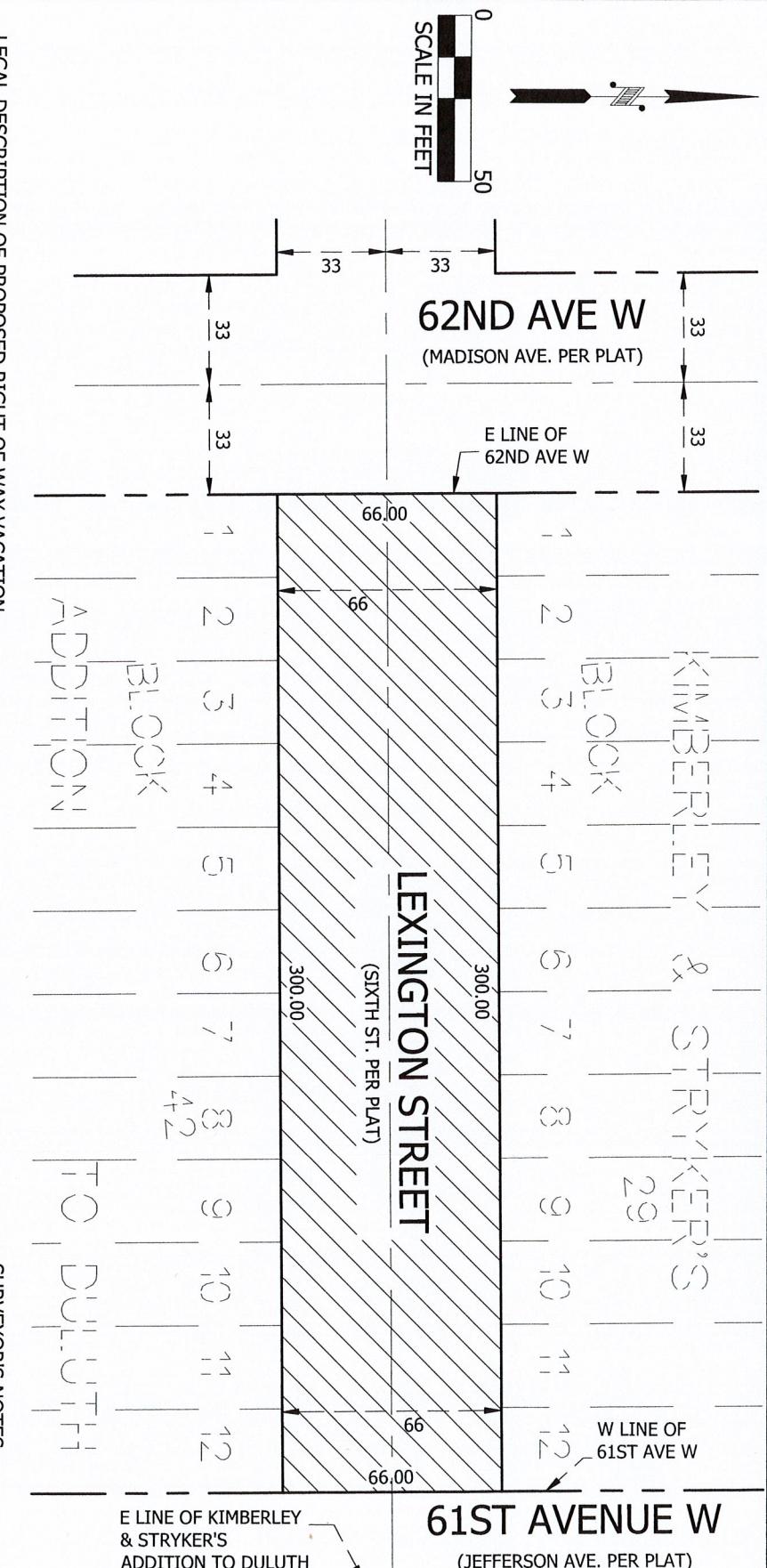
E LINE OF  
62ND AVE W

## LEXINGTON STREET (SIXTH ST. PER PLAT)

## 61ST AVENUE W (JEFFERSON AVE. PER PLAT)

W LINE OF  
61ST AVE W

E LINE OF KIMBERLEY  
& STRYKER'S  
ADDITION TO DULUTH



### SURVEYOR'S NOTES

All that part of Lexington Street (Sixth St. per plat) lying East of the East line of 62nd Avenue West (Madison Ave. per plat) and lying West of the West line of 61st Avenue West (Jefferson Ave. per plat) as dedicated on KIMBERLEY & STRYKER'S ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County Minnesota. Said proposed right of way area to be vacated contains 19,800 Sq. Feet or 0.45 Acres.

1. 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. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
2. THIS IS NOT A BOUNDARY SURVEY.

### LEGEND



VACATION OF RIGHT OF WAY

— — — CENTER LINE  
— — — RIGHT OF WAY LINE  
— — — EXISTING PLAT LINE

### VACATION EXHIBIT

**ALTA**  
LAND SURVEY COMPANY

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.

DATE:12-17-2021

David R. Evanson

MN License #49505

ADDRESS:720 N 62ND AVE W,  
DULUTH, MN 55807

DATE:12-17-2021

JOB NO:21-386 SHEET 1 OF 1

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