



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PL 23-002	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Alley Right of Way	Planning Commission Date		February 14, 2023
Deadline for Action	Application Date	January 6, 2023	60 Days	March 7, 2023
	Date Extension Letter Mailed	January 18, 2023	120 Days	May 6, 2023
Location of Subject		A portion of a 15-foot-wide platted alley right of way between West 5 <sup>th</sup> Street and West 6 <sup>th</sup> Street and 19 <sup>th</sup> Avenue West and 19 1\2 Avenue West.		
Applicant	Christopher McKenzie & Sandra Thornton	Contact		
Agent		Contact		
Legal Description		See Attached		
Site Visit Date		February 2, 2023	Sign Notice Date	January 29, 2023
Neighbor Letter Date		January 19, 2023	Number of Letters Sent	14

**Proposal**

The applicant is requesting to vacate a portion of a 15-foot wide platted alley north of West 5<sup>th</sup> Street in the Duluth Proper Second Division, between 19th Avenue West and 19 1/2 Avenue West located in the Lincoln Park neighborhood.

Staff is recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>North</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>South</b>	R-2	Residential	Traditional Neighborhood
<b>East</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>West</b>	R-1	Vacant/Undeveloped	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.

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. 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 #5** - Promote reinvestment in neighborhoods.

The vacation will allow for existing vacant parcels to be reconfigured for a single-family dwelling.

**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.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate a portion of a 15-foot wide platted alley north of West 5th Street and in Duluth Proper Second Division, between 19th Avenue West and 19 1/2 Avenue West, located in the Lincoln Park neighborhood as shown on the attached exhibit.
2. The proposed vacation will allow existing vacant parcels adjacent to the alley to be used for a proposed single-family dwelling.
3. The alley was platted in the Duluth Proper Second Division but never utilized for its intended purpose.
4. The alley will not be needed by the City 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.
5. The City has determined that this portion of the alley is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. The City Engineering office has reviewed the proposed vacation and has indicated that a utility easement shall be retained over the entire portion of alley to be vacated.
7. Other than City Engineering, no other public or City comments have been received at the time of drafting this report.
8. 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 approval of the vacation with the following conditions:

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





PL 23-002  
Vacation of Alley  
Site Map

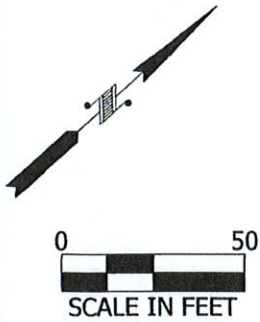
**Legend**

- Road or Alley ROW
- Zoning Boundaries

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.



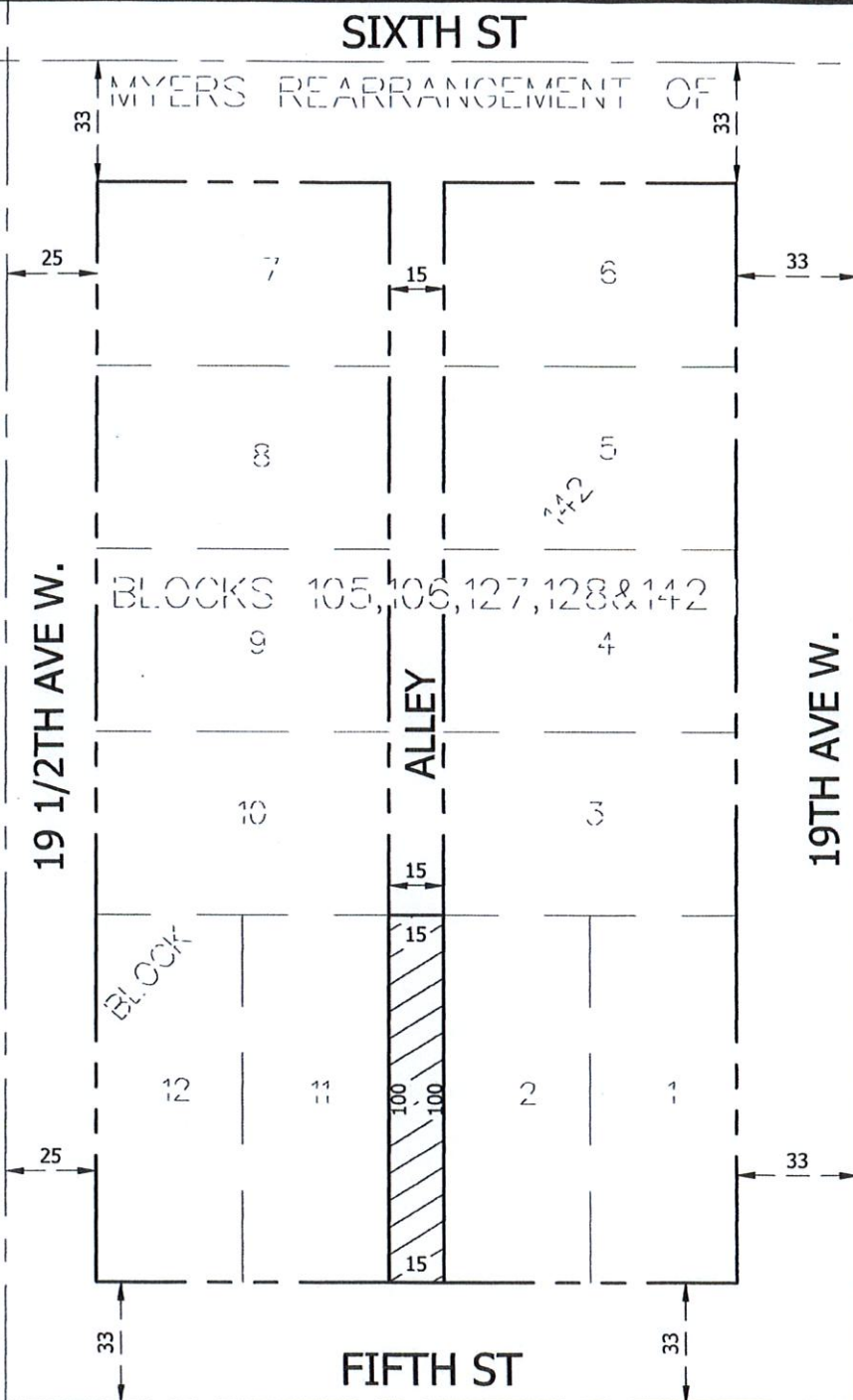




**LEGAL DESCRIPTION OF RIGHT OF WAY VACATION WITH RETAINED UTILITY EASEMENT**

All that part of the 15-foot-wide platted Alley lying adjacent to and abutting Lot 2 and Lot 11, Block 142, MYERS REARRANGEMENT OF BLOCKS 105, 106, 127, 128 & 142, IN DULUTH PROPER SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said right of way vacation contains 1,500 square feet or 0.03 acres.



**LEGEND**

- RIGHT OF WAY VACATION AREA WITH RETAINED UTILITY EASEMENT
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING PLAT LINE

DULUTH PROPER SECOND DIVISION

Approved by the City Engineer of the City of Duluth, MN this 24 day of JAN 2023

**SURVEYOR'S NOTES**  
1. THIS IS NOT A BOUNDARY SURVEY.

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  
Mn License #49505  
DATE: 12-19-2022

**VACATION EXHIBIT**

CLIENT: SANDRA THORNTON  
ADDRESS: 19XX N 19TH 1/2 AVE WEST  
DULUTH, MN 55806  
DATE: 12-19-2022

REVISIONS:

JOB NO: 22-323 SHEET 1 OF 1

**ALTA**  
LAND SURVEY COMPANY

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