



CITY OF DULUTH

Community Planning Division

411 W 1st St, Rm 110 * Duluth, Minnesota 55802-1197

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

File Number	PL 19-009	Contact	Chris Lee, 730-5304	
Type	Vacation of Right of Way	Planning Commission Date	March 12, 2019	
Deadline for Action	Application Date	February 4, 2019	60 Days	April 5, 2019
	Date Extension Letter Mailed	February 22, 2019	120 Days	June 4, 2019
Location of Subject	Near West 8 th Street			
Applicant	David Polson	Contact		
Agent	Paul Vogel	Contact		
Legal Description	See Attached, North 61 st Avenue West and abutting alley to the west			
Site Visit Date	February 23, 2019	Sign Notice Date	February 26, 2019	
Neighbor Letter Date	February 22, 2019	Number of Letters Sent	51	

Proposal

The applicant is requesting to vacate an unimproved portion of Jefferson Avenue also known as N. 61st Avenue West along with an alley. This portion of Jefferson Avenue and the alley is currently undeveloped.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential/Undeveloped	Traditional Neighborhood
North	R-1	Residential/Undeveloped	Traditional Neighborhood
South	R-1	Residential/Undeveloped	Traditional Neighborhood
East	R-1	Residential/Undeveloped	Traditional Neighborhood
West	R-1	Residential/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):

Principle #5 - Strengthen neighborhoods: The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation and public service delivery patterns which strengthen neighborhood identity. New institutional expansions, major public infrastructure or large commercial or industrial uses should not divide historic neighborhood patterns.

Housing Policy #4 – Improve the quality of the city’s housing stock and neighborhoods

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, and neighborhood extensions, and new traditional neighborhood areas.

Review and Discussion Items

Staff Finds that:

1. The applicant is requesting to vacate an unimproved portion of the platted right-of-way of North 61st Avenue West and an alley as shown in the attached exhibit.
2. The proposed vacation of North 61st Avenue West is about 66’ x 250’. The alley way is approximately 300’ long.
3. The proposed vacated portion of North 61st Avenue West and the alley is not needed for public use. The City Engineering office has reviewed the proposed vacation and has stated that no easements will be required.
4. This portion of the right of way is not needed to provide access to any public water. Vacating the right of way will not have impacted or deny access to other property owners.
5. No other public or City comments have been received at this time of drafting this report.
6. 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 of the right of way as shown in the attached vacation exhibit.



PL 19-009: Vacation of Right of Way

Legend

- Gas Main
- Water Main
- Hydrant

Sanitary Sewer Mains

- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main

Storage Basin

- Storage Basin
- PS Pump Station

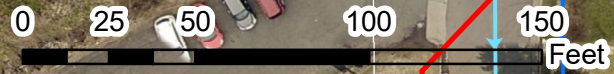
Storm Sewer Mains

- Storm Sewer Pipe
- Storm Sewer Catch Basin
- 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.

Aerial photography flown 2016



612 N 61st Ave W

61st Ave W

EXHIBIT A

VACATION EXHIBIT

VACATION DESCRIPTION:

ALL THOSE PARTS OF JEFFERSON AVENUE AND 11TH STREET, CENTRAL DIVISION OF WEST DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING NORTHERLY OF THE SOUTHWESTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID 11TH STREET OF SAID CENTRAL DIVISION OF WEST DULUTH

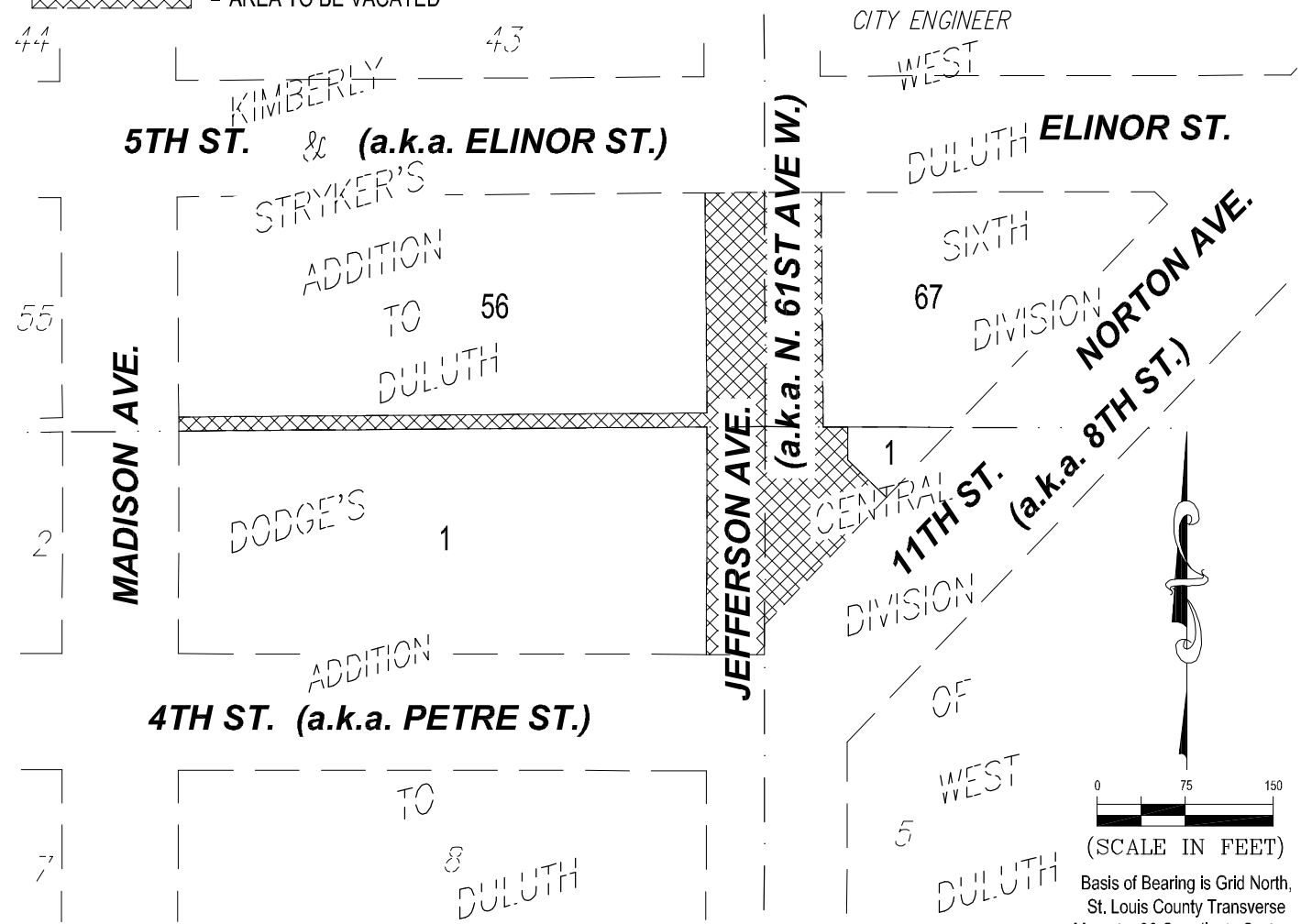
AND
ALL THAT PART OF JEFFERSON AVENUE, DODGE'S ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING NORTHERLY OF THE NORTH LINE OF 4TH STREET OF SAID DODGE'S ADDITION TO DULUTH

AND
THAT PART OF JEFFERSON AVENUE, KIMBERLY & STRYKER'S ADDITION TO DULUTH, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING SOUTH OF THE EASTERLY EXTENSION OF THE SOUTH LINE OF 5TH STREET OF SAID KIMBERLY & STRYKER'S ADDITION TO DULUTH TOGETHER WITH THE 5TH STREET ALLEY APPURTENANT TO BLOCK 56, SAID KIMBERLY & STRYKER'S ADDITION TO DULUTH.

AND
THAT PART OF JEFFERSON AVENUE, WEST DULUTH SIXTH DIVISION, CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA; LYING SOUTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF ELINOR STREET OF SAID WEST DULUTH SIXTH DIVISION.

 = AREA TO BE VACATED

APPROVED 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.

Print Name: Paul A. Vogel License # 44075

Signature:  Date: 03/04/2019



**PERFORMANCE
DRIVEN DESIGN.**

LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

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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.

Paul A. Vogel

Signed

Date


3/04/2019

License No. 44075





PL 19-009: Vacation of
Right of Way

Legend

- Open Space
- Open Space/Outside Duluth
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Central Business Secondary
- Central Business Primary
- Large-scale commercial
- Tourism/Entertainment District
- Commercial Waterfront
- General Mixed Use
- Neighborhood Mixed Use
- Light Industrial
- General Industrial
- Industrial Waterfront
- Business Park
- Transportation and Utilities
- Transportation and Utilities/Outside Duluth
- Medical District
- Institutional



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