



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 23-187	Contact	Chris Lee	
Type	Vacation Unimproved Right of Way	Planning Commission Date	December 12, 2023	
Deadline for Action	Application Date	October 20, 2023	60 Days	N/A
	Date Extension Letter Mailed	November 10, 2023	120 Days	N/A
Location of Subject	West of 4902 Idlewild Street			
Applicant	Kelly Greenwalt	Contact		
Agent		Contact		
Legal Description	All that part of 49 th Avenue East, also known as Spencer Avenue lying South of Idlewild Street and laying adjacent to and abutting Lot 1653, Block 119 and Lot 1654, Block 120, CROSLY PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.			
Site Visit Date	November 27, 2023	Sign Notice Date	November 28, 2023	
Neighbor Letter Date	November 21, 2023	Number of Letters Sent	32	

Proposal: Vacate a 66footwide 140 foot long unimproved street right of way between Idlewild Street and the Alley.

Staff Recommendation
 Approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Vacant	Traditional Neighborhood

Summary of Code Requirements

Vacation of public rights of way and/or easements require a Planning Commission public hearing and 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 Principles and Policies:

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will allow for a reasonable use of the lot to support community housing needs.

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

Review and Discussion Items

Staff finds that:

1. The proposal is to vacate 66’ wide by 140’ long platted right of way for 49th Avenue East (Spencer Ave per plat).
2. The street was platted in the Crosley Park Addition but never utilized for its intended purpose.
3. The street will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the street is currently unimproved and City Engineering does not expect to need it in the future.
4. 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.
5. No utilities are currently located within the right of way. Engineering has reviewed the exhibit and has requested minor edits, which the applicant is currently working on.
6. Vacations lapse unless they are 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 right of way vacation with the following conditions:

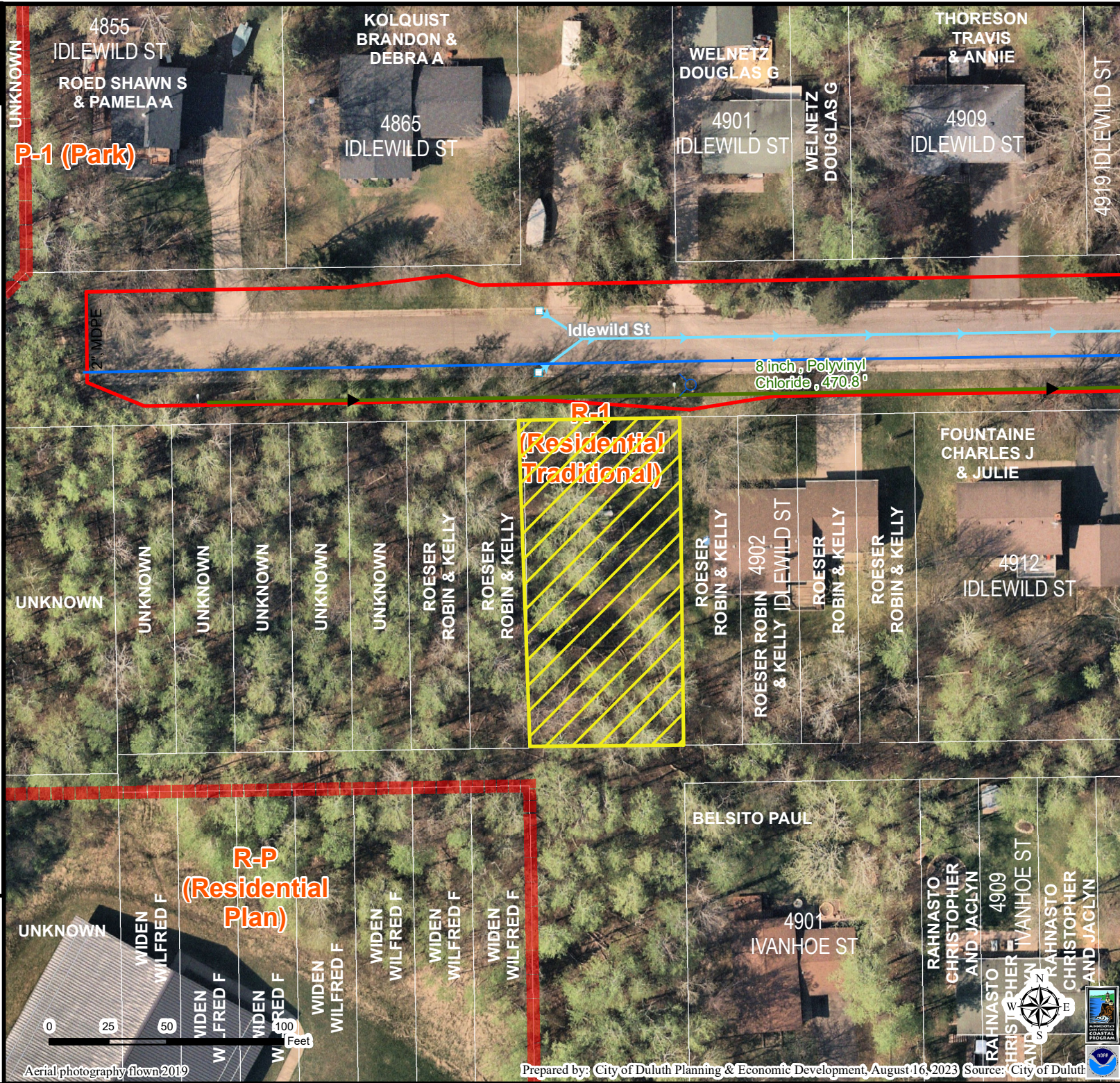
1. The final exhibit is signed by City Engineering prior to City Council review.
2. The Council approve the vacation with at least a 6/9’s vote.
3. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PL23-187
Vacate Right of Way
Near 4902 Idlewild

Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
 CITY OF DULUTH
 WLS&D; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- PS Pump Station
- Storm Sewer Mains**
 Storm Sewer Pipe
 Storm Sewer Catch Basin
- Zoning Boundaries**
 Trout Stream (GPS)
 Other Stream (GPS)

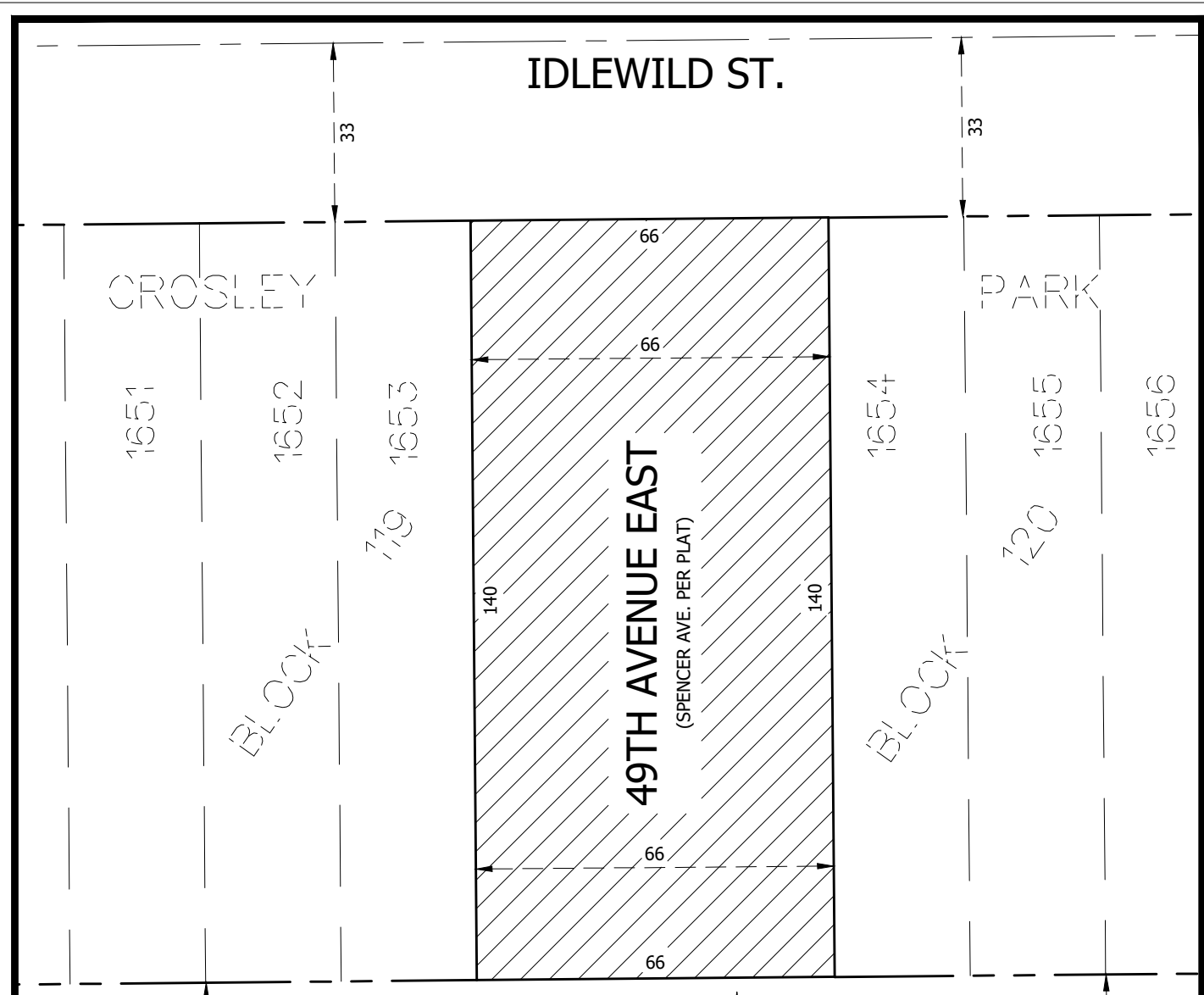


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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 2019

Prepared by: City of Duluth Planning & Economic Development, August 16, 2023 Source: City of Duluth





LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that part of 49th Avenue East, also known as Spencer Avenue lying South of the South line of Idlewild Street and North of the East extension of the South line of Lot 1653, Block 119, CROSLLEY PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and lying adjacent to and abutting Lot 1653, Block 119 and Lot 1654, Block 120, said CROSLLEY PARK ADDITION TO DULUTH. Said right of way vacation area contains 9,240 square feet or 0.21 acres.







Approved by the City Engineer of the City of Duluth, MN this ____ day of ____ 20__

By _____

TO DULUTH

LEGEND

-  RIGHT OF WAY VACATION AREA
-  CENTER LINE
-  RIGHT OF WAY LINE
-  EXISTING PLAT LINE

SURVEYOR'S NOTES

1. THIS IS NOT A BOUNDARY SURVEY.

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
David R. Evanson
MN License #49505
DATE: 09-25-2023

RIGHT OF WAY VACATION EXHIBIT

CLIENT: ROBIN ROESER
ADDRESS: 4902 IDLEWILD STREET
DULUTH, MN 55804
DATE: 09-25-2023

REVISIONS:
JOB NO: 23-305 SHEET 1 OF 1

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