



Council Agenda Item 25-0582R

MEETING DATE: July 21, 2025

SUBJECT/TITLE: RESOLUTION VACATING A PORTION OF A UTILITY EASEMENT ALONG THE PREVIOUSLY VACATED 35TH AVENUE EAST RIGHT-OF-WAY, IN THE PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH.

SUBMITTED BY: Ben Van Tassel, Planning and Economic Development Director

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: Planning Commission

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND:

This resolution vacates 0.16 acres of the utility easement retained in vacated right-of-way of 35th Avenue East (23 feet on the east and west sides of the street). This utility vacation was requested by the adjacent property owner to allow them to erect a fence in the side yard. The City will continue to have a utility easement ten feet on each side from the center line of vacated 35th Ave. E. to operate, maintain, repair and access existing and future utilities.

At its regular meeting on July 8, 2025, the planning commission held a public hearing on the proposed vacation (Exhibit A), reviewed staff report findings and conclusions associated with the vacation request (Exhibit B), and discussed and deliberated the matter as a commission. The Planning Commission considered a motion to recommend to City Council to approve the vacation request with the motion passing on a vote of 6 yes, 0 nays and 0 abstentions.

Having reviewed and considered the Application and conducted a public hearing, the Planning Commission recommends that the City Council approve the vacation of right-of-way with the conditions stated for the following reasons:

- 1) This proposal is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
- 2) This proposal is required by public necessity, convenience, or general welfare, or good zoning practice; and.
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.



BUDGET/FISCAL IMPACT: Development has the potential to increase the tax revenue produced by a property.

OPTIONS: Approve or deny the vacation application

NECESSARY ACTION: Not Applicable

ATTACHMENTS:

- Exhibit A – Exhibit/Legal Description
- Exhibit B – Staff Report Findings and Conclusions
- Exhibit C – Planning Commission Meeting Minutes