



Council Agenda Item 25-0582R

MEETING DATE: July 21, 2025

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

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

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: Planning Commission

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND:

The resolution is to vacate 150' x 30' of platted Second Avenue on both side of 125th Avenue West. A 300' x 300' x 33' portion of the north end of 125th Avenue West and platted Third Avenue is proposed to be vacated with an easement retained over it for circulation. The applicant and property owner wishes to vacate to create buildable area for a future accessory building.

At its regular meeting on May 13, 2025, the planning commission held a public hearing (meeting minutes included as Attachment 3) on the proposed vacation, where the commission heard a public hearing, reviewed staff report findings and conclusions associated with the vacation request (Attachment 1), Staff Report (File No. PLVAC-2502-0002), 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 8 yeas, 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:

- Attachment 1- Staff Report and Attachments
- Attachment 2- Exhibit
- Attachment 3- Planning Commission Meeting Minutes