



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

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File Number	PL 24-048	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of utility easement	Planning Commission Date	May 14, 2024	
Deadline for Action	Application Date	April 12, 2024	60 Days	June 11, 2024
	Date Extension Letter Mailed	April 17, 2024	120 Days	August 10, 2024
Location of Subject	6303 Highland Street			
Applicant	Eric D. Abbett & Joy Van Dell Abbett	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	April 26, 2024	Sign Notice Date	April 30, 2024	
Neighbor Letter Date	April 19, 2024	Number of Letters Sent	6	

Proposal

The applicant is requesting to vacate a portion of a 66-foot-wide unimproved platted right of way of 63rd Avenue West between 6303 Highland Street and 6229 Highland Street located in the Cody neighborhood.

Staff is recommending approval with conditions.

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

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 the applicant to acquire additional land for a possible new well installation and to construct a garage.

Future Land Use – Institutional - Applicable to medical, university/college, public school, religious, or governmental campuses. Can include adjacent areas that support them, with related commercial and/or office uses, and residential uses in the fringe areas of the district.

History: The right of way was platted in the Lloyd's Division of West Duluth plat in 1891

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a portion of a 66-foot-wide unimproved platted right of way for 63rd Avenue West between 6303 Highland Street and 6229 Highland Street, as shown on the attached exhibit.
2. The proposed vacation will allow the applicant to acquire additional land for a possible new well installation and to construct a garage.
3. The 66-foot-wide right of way was platted in the Lloyd's Division of West Duluth plat but never utilized for its intended purpose.
4. The right of way will not be needed by the City for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city and City Engineering does not expect to need it in the future.
5. Minnesota Power has also indicated this utility easement is not needed for future power lines.
6. The vacated right of way will be split between property owners of 6303 Highland Street and 6229 Highland Street with each owner receiving 33 feet.
7. 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 24-048
Vacation of ROW
Area Map

Legend

- ▬▬▬ Road or Alley ROW
- ⊠ Vacated ROW
- Easement Type**
- ▤ Utility Easement
- ▥ Other Easement
- ⊕ Zoning Boundaries

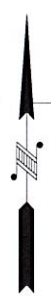
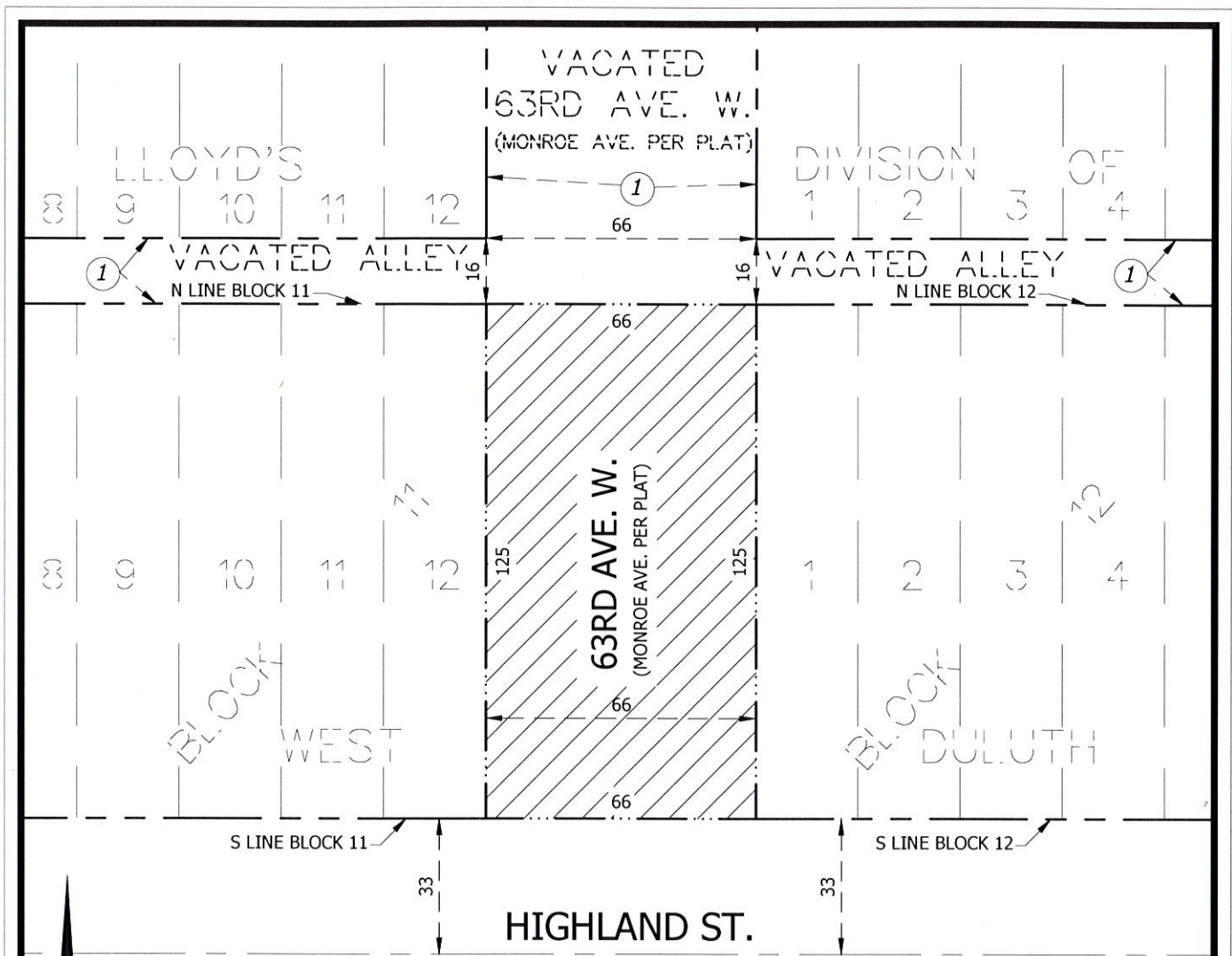


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

Prepared by: City of Duluth Community Planning Division, May 3, 2019. Source: City of Duluth.





LEGEND

- RIGHT OF WAY VACATION AREA
- CENTER LINE
- RIGHT OF WAY LINE
- EXISTING PLAT LINE
- RIGHT OF WAY VACATION LINE
- REFER TO SURVEYOR'S NOTES

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that part of Monroe Ave. (now known as 63rd Avenue West) as dedicated on the plat of LLOYD'S DIVISION OF WEST DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota lying North of the extended South lines of Blocks 11 and 12, said LLOYD'S DIVISION OF WEST DULUTH and South of the extended North lines of said Blocks 11 and 12 and lying adjacent to Lot 12, said Block 11 and Lot 1, said Block 12. Said right of way vacation contains 8,250 Sq. Feet or 0.19 Acres.

Approved by the City Engineer of the City of Duluth, MN this 2nd day of MAY 2024

By [Signature]

- SURVEYOR'S NOTES**
1. VACATION OF ALLEY AND MONROE AVENUE PER MISC. BOOK 247, PAGE 366
 2. 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.

[Signature]
David R. Evanson
MN License #49505

DATE: 03-25-2024

RIGHT OF WAY VACATION EXHIBIT

CLIENT: MELISSA ABBETT REVISIONS:

ADDRESS: 6303 HIGHLAND STREET
DULUTH, MN 55807

DATE: 03-25-2024 JOB NO: 24-090 SHEET 1 OF 1

ALTA
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