



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLVAC-2407-0002	Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Vacation of Street	Planning Commission Date	March 11, 2025	
Deadline for Action	Application Date	January 30, 2025	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	1206 W 1 st St			
Applicant	Jason Vincent and Jeff Anderson	Contact		
Agent		Contact		
Legal Description	See attached			
Site Visit Date	February 25, 2025	Sign Notice Date	February 25, 2025	
Neighbor Letter Date	February 19, 2025	Number of Letters Sent	16	

Proposal

The applicant is requesting to vacate a section of undeveloped platted W 1st St.

Staff Recommendation

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-2	Residential/Undeveloped	Traditional Neighborhood/ Open Space
North	R-2	Residential	Traditional Neighborhood/ Open Space
South	R-2	Undeveloped	Open Space
East	R-2	Undeveloped/ Stream	Open Space
West	R-2	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):

Governing Principle #5 – Promote Reinvestment in Neighborhoods

This vacation will provide a larger buildable area for the applicant to construct an addition on their home.

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, neighborhood extensions, and new traditional neighborhood areas.

Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Recent History

The northerly half of W 1st St was platted as a part of Duluth Proper Second Division and the southerly half was platted as a part of Glen Place Division. The platted street is in an area of very steep, rocky terrain and has not ever been constructed.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a section of platted W 1st St as described in the attached exhibit. This street is undeveloped.
2. The proposed vacation will allow the applicant to construct an addition to their existing home.
3. The platted street does not contain public utilities or infrastructure.
4. The platted street will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
5. Vacating the platted street will not impact or deny access to other property owners.
6. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the area for future utilities or drainage.
7. No other public, agency, or City comments have been received.
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. City Council must approve the vacation with at least 6/9 vote.
2. The vacation and easements must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PLVAC-2407-0002
 Right of Way Vacation
 1206 W 1st St



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, October 23, 2023; Source: City of Duluth



LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

Those parts of West 1st Street abutting Lots 193 and 195, Block 108, DULUTH PROPER SECOND DIVISION and Point of Rocks Park, GLEN PLACE DIVISION, according to the recorded plats thereof, St. Louis County, Minnesota bounded by the following described lines:

On the Northeast: By the Southeasterly extension of the Southwesterly line of North 12th Avenue West as dedicated on said DULUTH PROPER SECOND DIVISION.

On the Southeast: By the Southeasterly right of way line of West 1st Street as dedicated on said GLEN PLACE DIVISION.

On the Southwest: By the Southeasterly extension of the Southwesterly line of Lot 195, Block 68, said DULUTH PROPER SECOND DIVISION.

On the Northwest: By the Southeasterly line of Block 68, said DULUTH PROPER SECOND DIVISION.

Said right of way vacation contains 6,595 Sq. Feet or 0.15 Acres.

SURVEYOR'S NOTES

1. NEW LOCATION OF W 1ST STREET PER BOOK C OF PLATS, PG. 1, RECORDED SEPTEMBER 24, 1888.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
3. THIS IS NOT A BOUNDARY SURVEY.

LEGEND

R/W-RIGHT OF WAY



RIGHT OF WAY VACATION AREA

— — — — — CENTER LINE

— — — — — RIGHT OF WAY LINE

— — — — — EXISTING PLAT LINE

Approved by the City Engineer of the City of Duluth, MN this 30 day of Jan. 2025

Signed by: Gandy Voigt

153BCC1A236A4E8...

RIGHT OF WAY VACATION EXHIBIT

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:02-13-2024

CLIENT:JEFF ANDERSON

REVISIONS:

ADDRESS:1206 W 1ST ST,
DULUTH, MN 55806

DATE:02-13-2024

JOB NO:24-027 SHEET 1 OF 2

ALTA
LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTLANDSURVEYDULUTH.COM

DULUTH PROPER

191

BLOCK 67

N 12TH AVE W

33

33

80.27

SE'LY EXTENSION
OF THE SW'LY
LINE OF N
12TH AVE W

193

W 1ST. STREET
(PER BOOK C OF PLAT PG. 1)

33

33

68
68

SE'LY LINE OF BLK. 68

195

SW'LY LINE OF
LOT 195, BLK. 68

197

SECOND DIVISION

S'LY R/W LINE
OF W 1ST ST

115.97

34°42'21"

95.36

W 1ST. STREET
(NOT BUILT)

66.00

N LINE OF GLEN PLACE DIVISION

(NOT BUILT)

99.92

66.00

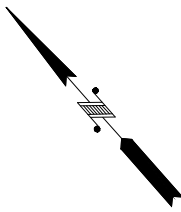
33

33

DIVISION
DIVISION

SE'LY RW OF LINE OF W 1ST ST. PER GLEN PLACE DIV

GLEN
PLACE



PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTLANDSURVEYDULUTH.COM

RIGHT OF WAY VACATION EXHIBIT

CLIENT: JEFF ANDERSON
ADDRESS: 1206 W 1ST ST,
DULUTH, MN 55806
DATE: 02-13-2024

REVISIONS:
JOB NO: 24-027 SHEET 2 OF 2



Petition to Vacate Street, Alley, or Utility Easement

Name: JASON R. Vincent + JEFFERY D. ANDERSON

Description of street, alley, or easement to vacate: 1206 W 1st St - BETWEEN 12TH + 13TH AVE W + 1ST ST.

My request for this vacation is to (indicate purpose of vacation):
Allow for possible home addition.

The City of Duluth will not need this street, alley, or easement in the future because:
It is all rock + is undevelopable.

PLEASE TAKE NOTICE: Pursuant to Section 50-37.6 of the Duluth City Code, the above-identified applicant(s) petition the Duluth City Council to vacate the street, alley, or easement described in the attached legal description.

This petition is made upon the following facts and reasons (Identify the factual basis and reasons supporting the petition)¹:

- Paper Street
- Undevelopable for a street
- 1st St already developed
- Yard established on paper street

This petition is supported by a majority of the person(s) who own a majority of the lineal frontage of the land abutting upon the portion of the public easement proposed to be vacated. A copy of the signatures of these persons is attached hereto and made a part hereof.²

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.

Signature(s): Jason R. Vincent Jeffery D. Anderson

Date: July 1, 2024

Notice: This is public data.

¹ In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.
² If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e. power of attorney, trustee, or court approved guardianship or conservatorship.