



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 23-151		Contact	Jason Mozol, jmozol@duluthmn.gov	
Type	Vacation of Street Right of Way		Planning Commission Date		October 10, 2023
Deadline for Action	Application Date		10/3/2023	60 Days	12/2/2023
	Date Extension Letter Mailed		10/3/2023	120 Days	1/31/2024
Location of Subject		Right of Way of 67th Avenue W Adjacent to 6630 Grand Avenue			
Applicant	James Williams		Contact	218-348-0455	
Agent			Contact		
Legal Description		All that part of 67 th Avenue West lying adjacent to and abutting Lot 1, Block 5 and Lot 18, Block 14, Hunter’s Grassy Point Addition to Duluth Third Division, according to the recorded plat thereof, St. Louis county, Minnesota, except the Northwesternly 5 feet of said 67 th Avenue West. Said right of way vacation contains 7,920 Square feet or 0.18 acres.			
Site Visit Date	9/22/23		Sign Notice Date		9/25/23
Neighbor Letter Date	9/22/23		Number of Letters Sent		18

Proposal

The applicant is requesting to vacate a 120-foot portion of a 66-foot platted street lying adjacent to and abutting Lots 1, Block 5 and Lot 18, Block 14, Hunter's Grassy Point Addition to Duluth Third Division.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-N	Parking Lot	Neighborhood Mixed Use
North	MU-N	Residential	Traditional Neighborhood
South	MU-N	Commercial	Neighborhood Mixed Use
East	MU-N	Commercial	Neighborhood Mixed Use
West	MU-N	Church	Neighborhood Mixed Use

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 #7 – Create and maintain connectivity

This portion of the right-of-way dead ends and is not connected to any other part of the street network.

Future Land Use – Neighborhood Mixed Use - A transitional use between more intensive commercial uses and purely residential neighborhoods. Includes conversions of houses to office or live-work spaces. May include limited commercial-only space oriented to neighborhood or specialty retail markets.

Review and Discussion Items:

Staff finds that:

1. The applicant requests vacation of all that part of 67th Avenue West lying adjacent to and abutting Lot 1, Block 5 and Lot 18, Block 14, Hunter's Grassy Point Addition to Duluth Third Division, according to the recorded plat thereof, St. Louis county, Minnesota, except the Northwesterly 5 feet of said 67th Avenue West. Said right of way vacation contains 7,920 Square feet or 0.18 acres.
2. A portion of the adjacent commercial building is in the platted street. The proposed vacation will allow the owner's business to be wholly on their property.
3. The street was platted in the Hunter's Grassy Point Addition to Duluth Third Division. It was previously improved as a gravel road. The gravel road was abandoned in the early 2000's.
4. The street will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
5. The City has determined that this street is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners or impact future trail development.
6. The City Engineering office has reviewed the proposed vacation and has indicated that no utility easement shall be retained.
7. 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.
8. The City has received two public comments from citizens regarding right of way use for trail or road development.

Staff Recommendation:

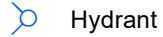
Based on the above findings, Staff recommends that Planning Commission recommend approval of the vacation with the following conditions:

- 1.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.



PL23-151
Vacation of Street
6630 Grand Ave

Legend



Hydrant

LifecycleStatus

Water Main

Network Structure

Subtype



Storage Basin



Pump Station

Sanitary Sewer Mains

Owner

CITY OF DULUTH

WLSSD; PRIVATE

Sanitary Sewer Forced Main



Storm Sewer Catch Basin

Subtype

Storm Sewer Pipe

Material

Gas Main



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.

LEGAL DESCRIPTION OF RIGHT OF WAY VACATION

All that part of 67th Avenue West lying adjacent to and abutting Lot 1, Block 5 and Lot 18, Block 14, HUNTER'S GRASSY POINT ADDITION TO DULUTH THIRD DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT the Northwesterly 5 feet of said 67th Avenue West. Said right of way vacation contains 7,920 square feet or 0.18 acres.

Approved by the City Engineer of the
City of Duluth, MN this 3rd day
of OCT 2023

By CS

SURVEYOR'S NOTES

1. RIGHT OF WAY OF GRAND AVENUE PER THE RECORDED PLAT OF HUNTER'S GRASSY POINT ADDITION TO DULUTH THIRD DIVISION.
2. RIGHT OF WAY OF HIGHWAY NO. 23 (GRAND AVENUE) PER THE RECORDED PLAT OF MN DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO'S. 69-146 & 69-152.
3. SOUTHEASTERLY LINE OF RECORDED PLAT OF HUNTER'S GRASSY POINT ADDITION TO DULUTH THIRD DIVISION.
4. 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:08-16-2023

RIGHT OF WAY VACATION EXHIBIT

CLIENT:JIM WILLIAMS

REVISIONS:

ADDRESS:6630 GRAND AVENUE
DULUTH, MN 55807

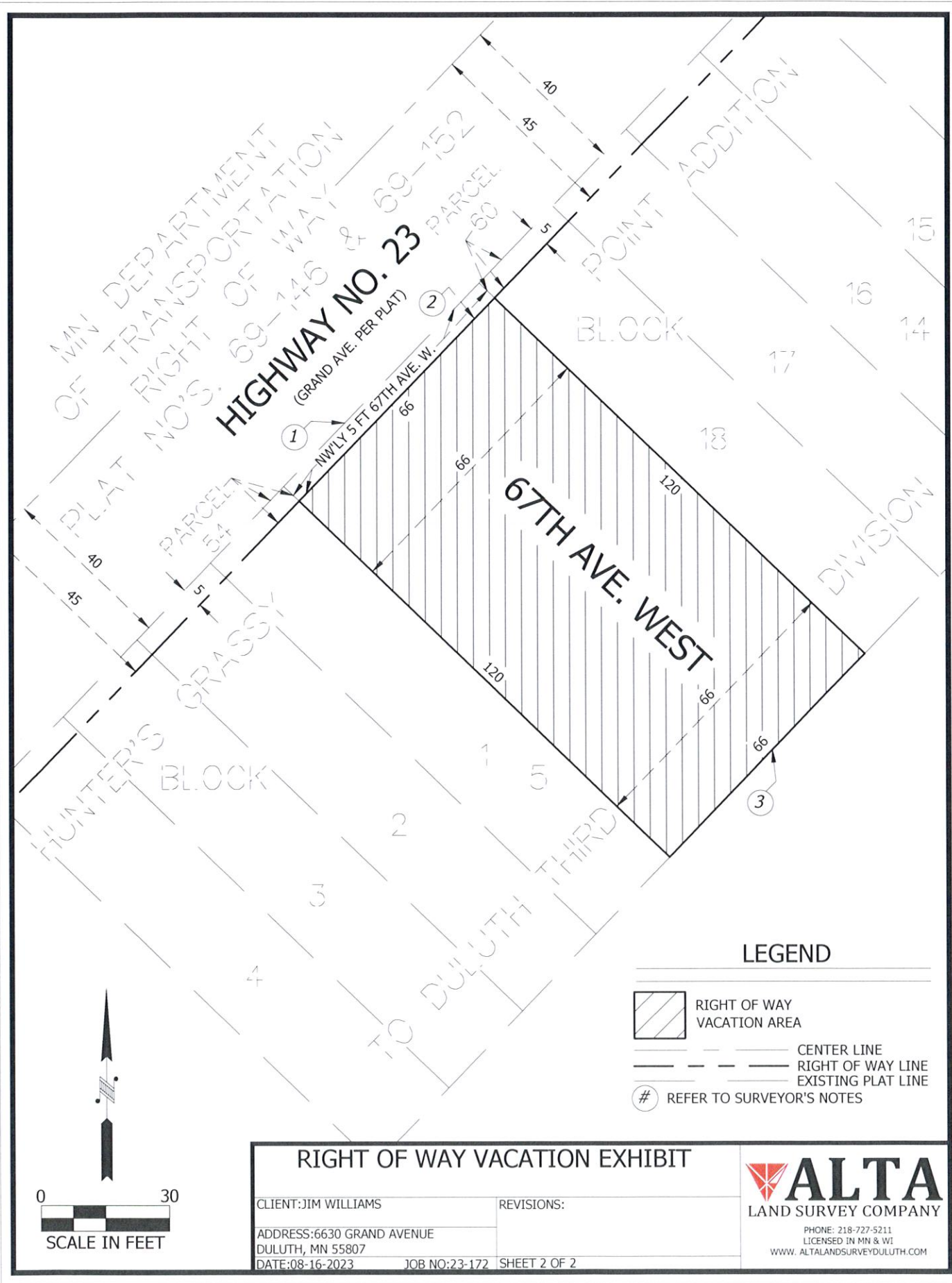
DATE:08-16-2023

JOB NO:23-172

SHEET 1 OF 2

 **ALTA**
LAND SURVEY COMPANY

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



Petition to Vacate Street, Alley, or Utility Easement

Name: James Williams

Description of street, alley, or easement to vacate: Cut in driveway at 16630 Grand Ave.

My request for this vacation is to (indicate purpose of vacation):

during survey found out building was built on edge of vacant road

The City of Duluth will not need this street, alley, or easement in the future because:

Small vacant roadway, deadends into private property - no through fare

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:

In July 2023 it was discovered the west front corner of the building at 16630 Grand Ave was built on property listed as a vacant dead end roadway owned by the City of Duluth. The driveway/road is landlocked and can never be used as a road.

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): 

Date: 8-17-23

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.

Petition Signature Form

We, the undersigned, do hereby request that the City of Duluth consider vacating: 671 Ave M

[illegible]

Re: Planning Package

Mike Casey [REDACTED]

Fri 9/29/2023 10:09 AM

To: Jason Mozol <jmozol@DuluthMN.gov>

Thanks for the fast reply.

I'm a long time Cross City Trail advocate so I'm concerned that more property will be given away or transformed before the trail alignment's property is acquired by the City. At one time the city was not to change public lands until the alignment was determined and acquired. When Kwik Trip acquired land in the area the City was to have an easement on the land for the trail for this very reason, but that fell through. The completion of the trail will be heavily impacted by land transactions that could prevent it from being completed at all.

So I would like to learn more about the rezoning and the vacation of land and why. Also is the Planning Department aware of the land needs to complete the Cross City Trail, a project that is now in its 25th year and for some of us over 40 years in the making.

Note, I have included James Gittemeier in this email so he can be aware and maybe provide some information.

Mike Casey
