



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 23-187	<b>Contact</b>	Chris Lee	
<b>Type</b>	Vacation Unimproved Right of Way	<b>Planning Commission Date</b>	December 12, 2023	
<b>Deadline for Action</b>	Application Date	October 20, 2023	<b>60 Days</b>	N/A
	Date Extension Letter Mailed	November 10, 2023	<b>120 Days</b>	N/A
<b>Location of Subject</b>	West of 4902 Idlewild Street			
<b>Applicant</b>	Kelly Greenwalt	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	All that part of 49 <sup>th</sup> Avenue East, also known as Spencer Avenue lying South of Idlewild Street and laying adjacent to and abutting Lot 1653, Block 119 and Lot 1654, Block 120, CROSLY PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.			
<b>Site Visit Date</b>	November 27, 2023	<b>Sign Notice Date</b>	November 28, 2023	
<b>Neighbor Letter Date</b>	November 21, 2023	<b>Number of Letters Sent</b>	32	

**Proposal:** Vacate a 66footwide 140 foot long unimproved street right of way between Idlewild Street and the Alley.

**Staff Recommendation**  
 Approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Vacant	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Vacant	Traditional Neighborhood

**Summary of Code Requirements**

Vacation of public rights of way and/or easements require a Planning Commission public hearing and 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. 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 Principles and Policies:

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will allow for a reasonable use of the lot to support community housing needs.

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. .... Includes many of Duluth’s older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

**Review and Discussion Items**

Staff finds that:

1. The proposal is to vacate 66’ wide by 140’ long platted right of way for 49<sup>th</sup> Avenue East (Spencer Ave per plat).
2. The street was platted in the Crosley Park Addition but never utilized for its intended purpose.
3. The street will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the street is currently unimproved and City Engineering does not expect to need it in the future.
4. The City has determined that this portion of the alley is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
5. No utilities are currently located within the right of way. Engineering has reviewed the exhibit and has requested minor edits, which the applicant is currently working on.
6. Vacations lapse unless they are 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 to City Council approval of the petitioned right of way vacation with the following conditions:

1. The final exhibit is signed by City Engineering prior to City Council review.
2. The Council approve the vacation with at least a 6/9’s vote.
3. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.

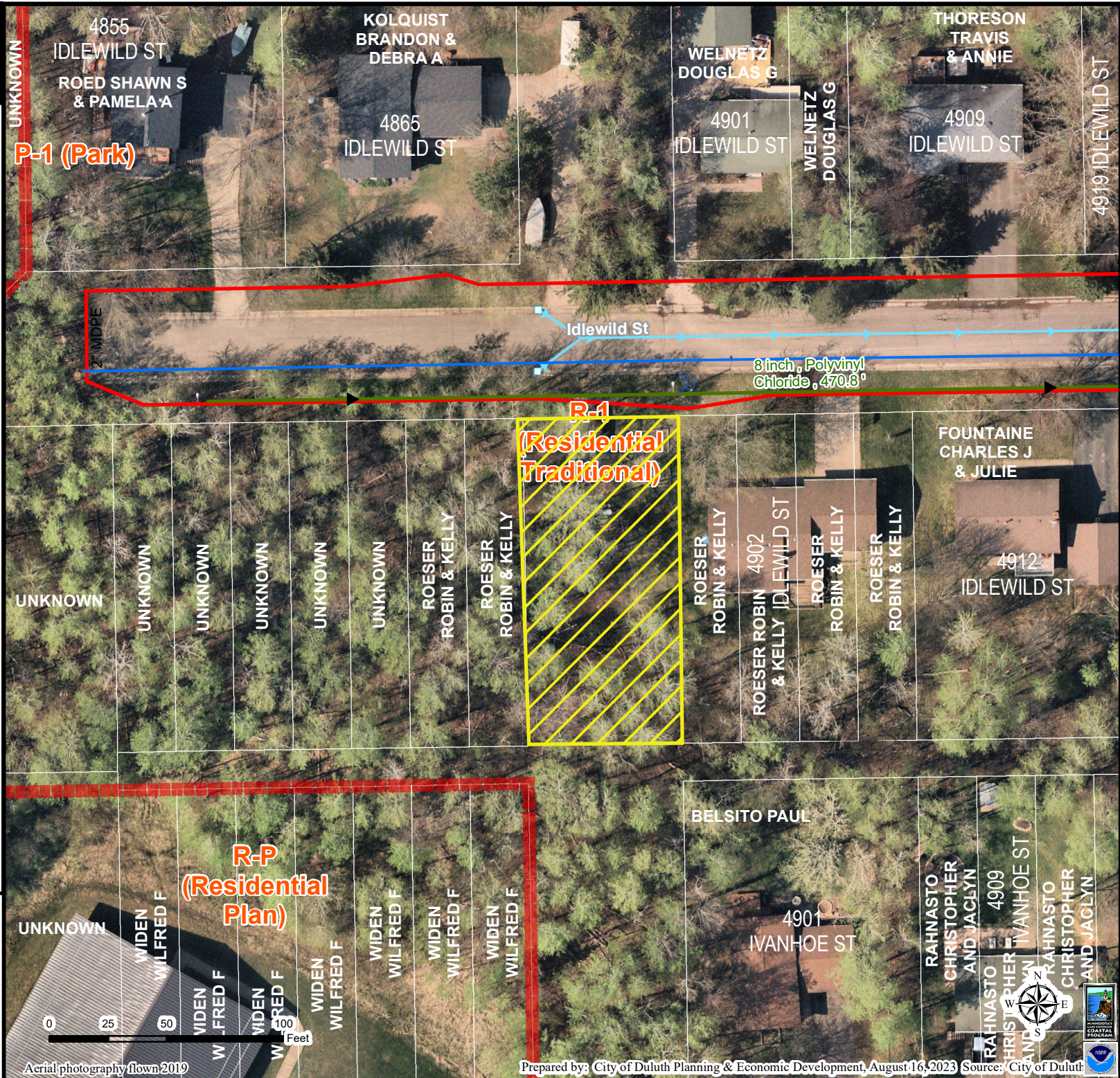




PL23-187  
 Vacate Right of Way  
 Near 4902 Idlewild

**Legend**

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains**
  - CITY OF DULUTH
  - WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Mains**
  - Storm Sewer Pipe
  - Storm Sewer Catch Basin
- Zoning Boundaries**
  - Trout Stream (GPS)
  - Other Stream (GPS)



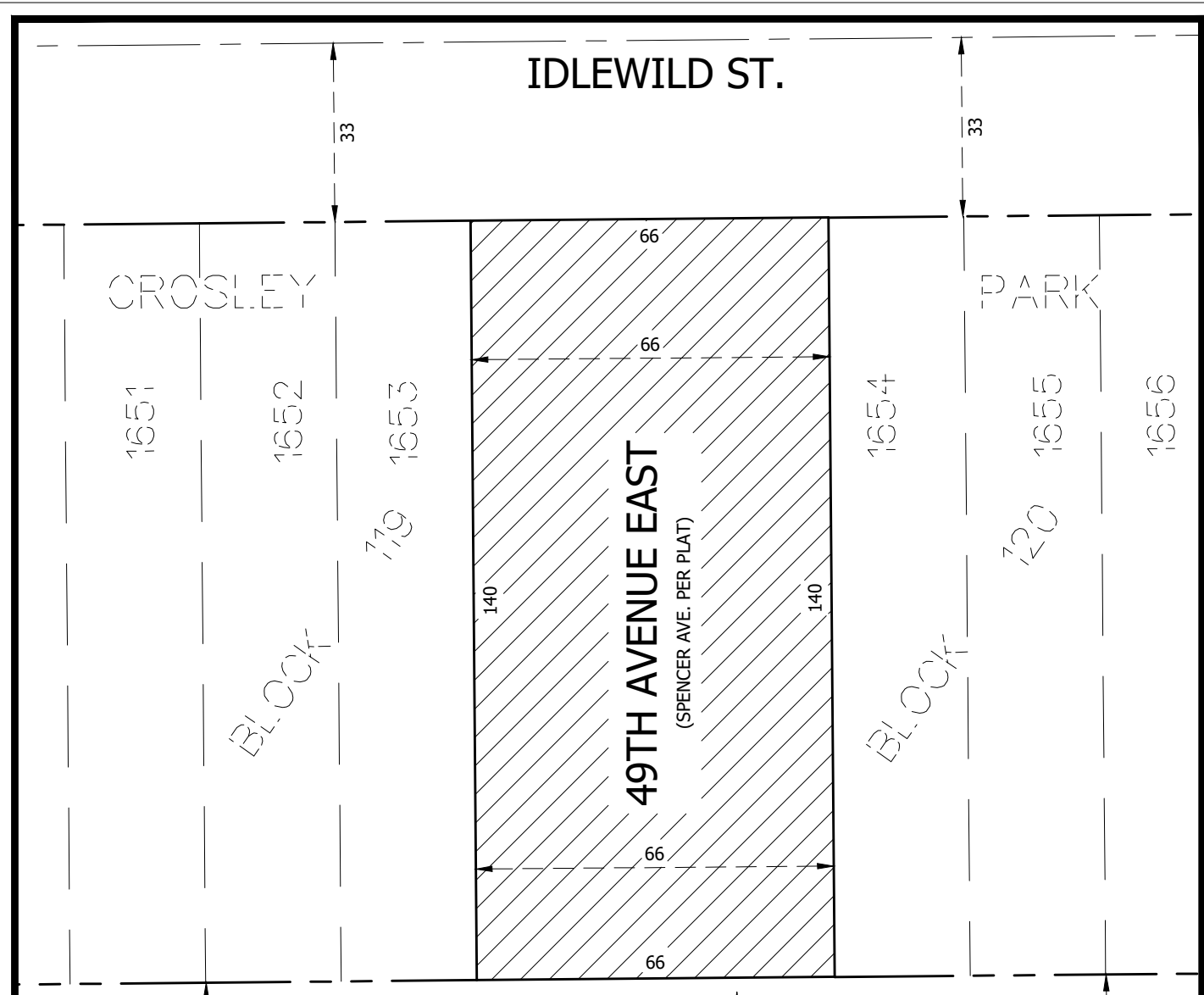
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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, August 16, 2023 Source: City of Duluth







IDLEWILD ST.

CROSLLEY

PARK

1651

1652

1653

1654

1655

1656

49TH AVENUE EAST  
(SPENCER AVE. PER PLAT)

ALLEY

ALLEY

ADDITION





TO DULUTH

**LEGAL DESCRIPTION OF RIGHT OF WAY VACATION**

All that part of 49th Avenue East, also known as Spencer Avenue lying South of the South line of Idlewild Street and North of the East extension of the South line of Lot 1653, Block 119, CROSLLEY PARK ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota and lying adjacent to and abutting Lot 1653, Block 119 and Lot 1654, Block 120, said CROSLLEY PARK ADDITION TO DULUTH. Said right of way vacation area contains 9,240 square feet or 0.21 acres.



**LEGEND**

-  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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

By \_\_\_\_\_

**SURVEYOR'S NOTES**

1. 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: 09-25-2023

**RIGHT OF WAY VACATION EXHIBIT**

CLIENT: ROBIN ROESER  
ADDRESS: 4902 IDLEWILD STREET  
DULUTH, MN 55804  
DATE: 09-25-2023

REVISIONS:  
JOB NO: 23-305 SHEET 1 OF 1

**ALTA**  
LAND SURVEY COMPANY  
PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW.ALTA LANDSURVEYDULUTH.COM