

Exhibit B



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-2509-0008	Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Vacation of Street	Planning Commission Date	December 9, 2025	
Deadline for Action	Application Date	September 9, 2025	60 Days	n/a
	Date Extension Letter Mailed	November 17, 2025	120 Days	n/a
Location of Subject	10 94 th Ave W			
Applicant	Sumair Sheikh	Contact		
Agent		Contact		
Legal Description	See attached			
Site Visit Date	November 25, 2025	Sign Notice Date	November 24, 2025	
Neighbor Letter Date	November 12, 2025	Number of Letters Sent	14	

Proposal:

The applicant seeks to vacate a portion of 66-foot wide, unimproved, platted right-of-way of 94th Ave W, between the DWP Trail (abandoned Duluth, Winnipeg and Pacific Railway) corridor and Lanigan Blvd in the Riverside neighborhood.

Recommended Action: Staff recommends that Planning Commission recommend approval to City Council with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	RR-1	Residential	Rural Residential
North	RR-1	Undeveloped	Rural Residential
South	RR-1	Recreational (Trail)	Rural Residential
East	RR-1	Recreational (Trail)/Residential	Rural Residential
West	RR-1	Undeveloped	Rural Residential

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 – Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that fosters neighborhood reinvestment. New development or redevelopment should maximize public. The vacation will allow for the property owner to make improvements to their property.

Future Land Use – Rural residential: Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Conservation development encouraged or required.

History: The applicant’s residence was built in 1918, which preceded the plat approval in 1919. Parcels adjoining the proposed vacation area have seen no other physical development. To the south, the DWP Trail was first envisioned in 2011 and completed in 2017.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate 0.21 acres of right-of-way running south along 94th Ave W from the intersection at Lanigan Blvd and terminating at the DWP Trail, as depicted in the attachments to this report. The easterly 33 feet of the 66-foot right-of-way is proposed to be vacated. All the vacated area is within the plat of River Side Park 2nd Addition.
2. The right-of-way is inactive and unimproved, and the applicant owns all the land along the east side of the proposed vacation.
3. The proposed vacation will allow the applicant to make property improvements, specifically to build a well in replacement of the current well. The applicant has maintained the land adjacent to his property abutting 94th Ave W for five years.
4. The street proposed to be vacated was platted but never utilized for its intended purpose.
5. The 0.21-acre area of the proposed vacation area is not served by utilities.
6. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signature from the property owner. The remaining, abutting land is tax forfeit.
7. The proposed street to be vacated will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
8. The City has determined that this portion of the street is not needed for utility or pedestrian use. Vacating the right-of-way will not impact or deny access to other property owners.
9. St. Louis County Land and Minerals Department has provided a Letter of No Objection, in lieu of signing the vacation petition. No City or public comments were received at the time of drafting this report.
10. 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 and easements must be recorded within 90 days of final approval by City Council or such approval will lapse.
- 2) The vacation must be approved with a 6/9 vote from City Council.