



**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 22-048	Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Platted Alley	Planning Commission Date		May 10, 2022
Deadline for Action	Application Date	March 29, 2022	60 Days	May 28, 2022
	Date Extension Letter Mailed	April 14, 2022	120 Days	July 27, 2022
Location of Subject		The 16 foot wide alley between Block 11 and Block 6 of the recorded plat of Dodges Addition To Duluth		
Applicant	Timothy Carter & Karen Carter - Attia	Contact		
Agent		Contact		
Legal Description		See Attached		
Site Visit Date	April 28, 2022	Sign Notice Date		April 26, 2022
Neighbor Letter Date	April 27, 2022	Number of Letters Sent		36

**Proposal**

The applicant is requesting to vacate 16-foot wide alley between Block 11 and Block 6 of the recorded plat of Dodges Addition To Duluth, located in the Cody neighborhood.

Staff is recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Alley	Traditional Neighborhood
<b>North</b>	R-1	Single Family	Traditional Neighborhood
<b>South</b>	R-1	Vacant/Undeveloped	Traditional Neighborhood
<b>East</b>	R-1	Single Family	Traditional Neighborhood
<b>West</b>	R-1	Vacant/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.

The vacation will allow for existing vacant parcels to be reconfigured for single family dwellings.

**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.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate an unimproved platted alley right of way between Block 11 and Block 6 of the recorded plat of Dodges Addition to Duluth as shown on the attached exhibit.
2. The proposed vacation will allow existing vacant parcels adjacent to the alley to be reconfigured for single-family dwellings.
3. The alley was platted in the Dodges Addition to Duluth but never utilized for its intended purpose as there is no pavement nor utilities installed.
4. The alley will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved and City Engineering does not expect to need it in the future.
5. The City has determined that this portion of the alley right of way is not needed for street or pedestrian use. Vacating the right of way will not impact or deny access to other property owners.
6. Other than City Engineering, no other public or City comments have been received at the time of drafting this report.
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.

**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 22-048  
Alley to be vacated



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.





SURVEY FOR: ISAAC SULLIVAN  
13635 HARWELL PATH  
APPLE VALLEY, MN 55124

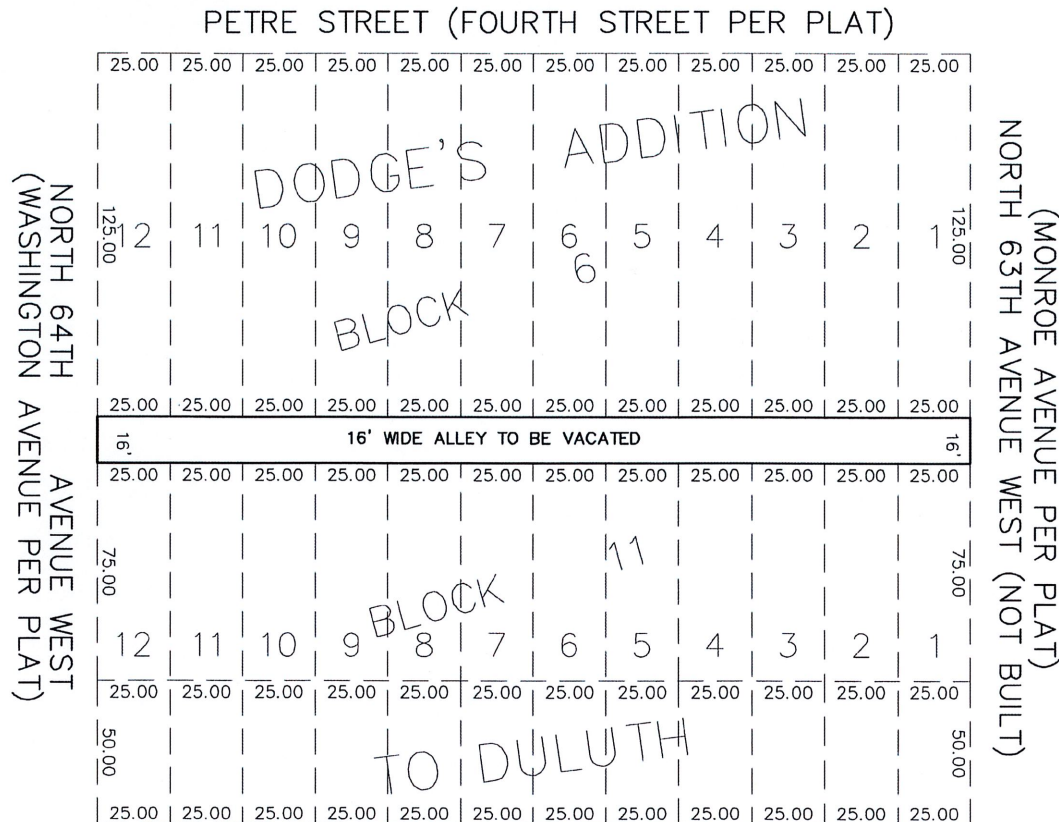
SURVEY OF: 16 FOOT WIDE ALLEY TO BE VACATED BETWEEN  
BLOCK 6 AND BLOCK 11, "DODGE'S ADDITION TO  
DULUTH" ST. LOUIS COUNTY, MINNESOTA.

- DENOTES FOUND IRON MONUMENT  
○ DENOTES 1/2" IRON REBAR MONUMENT  
SET AND CAPPED "ANDERSON 45498"  
△ DENOTES "MAG" NAIL SET

STRAIGHTLINE SURVEYING, INC.

P.O. Box 510, 500 Fair Blvd Telephone: (218)-485-4811  
Moose Lake, MN 55767 Fax: (218)-485-4811  
E-MAIL: banderson@straightlinesurveying.com

SCALE 1" = 40'  
20 10 0 20 40



4-18-22  
CITY OF DULUTH CITY ENGINEER

CODY STREET (THIRD STREET PER PLAT)

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.

Benjamin H. Anderson  
Benjamin H. Anderson

45498  
License No.

04-14-2022  
Date

2022-023  
Job No.

NONE  
Book No.

**Legal Description of 16.00 Foot Wide Alley to be Vacated**

The 16.00 foot wide alley lying between Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.

**Legal Description of 16.00 Foot Wide Alley to be Vacated**

The 16.00 foot wide alley lying between Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.

**Legal Description of 16.00 Foot Wide Alley to be Vacated**

The 16.00 foot wide alley lying between Block 11 and Block 6 of the recorded plat of "DODGE'S ADDITION TO DULUTH" on file and of record in the office of the St. Louis County Recorder, St. Louis County, Minnesota.