



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 20-188		Contact	John Kelley, jkelley@duluthmn.gov	
Type	Vacation of Right-Of-Way		Planning Commission Date		February 9, 2021
Deadline for Action	Application Date		December 11, 2020	60 Days	February 9, 2021
	Date Extension Letter Mailed		December 16, 2020	120 Days	April 10, 2021
Location of Subject		Unimproved Portion of Swenson Avenue and adjacent to 330 South 88 th Avenue West (Applicant)			
Applicant	Jason Lindelof		Contact		
Agent			Contact		
Legal Description		See Attached			
Site Visit Date		January 29, 2021	Sign Notice Date		December 29, 2020/Revised January 25, 2021
Neighbor Letter Date		January 26, 2021	Number of Letters Sent		19

Proposal

The applicant is requesting to vacate an unimproved portion of Swenson Avenue adjacent to their street frontage along South 88th Avenue West.

Recommended Action

Staff recommends a recommendation of approval with conditions. Final action on vacations is by the City Council.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Unimproved right of way	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Vacant land	Traditional Neighborhood
West	R-1	Residential	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 #7 – Create and maintain connectivity. Vacations of streets should be supported only if the right of way or easement is not needed for connectivity.

Governing Principle #12 – Create efficiencies in delivery of public services. The costs of public services must be included in land use decisions. This includes decisions about whether to build future infrastructure or convert rights of way to private use.

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 Parks and open space areas are scattered through or adjacent to the neighborhood.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an unimproved portion of the platted right of way for Swenson Avenue in proximity to their property located at 330 South 88th Avenue West as shown on the attached exhibit. The applicant is proposing to remove the existing home and garage, and construct a new dwelling unit.
2. The proposed vacation of a portion of Swenson Avenue is approximately 11,592 square feet, and is 0.27 acres in size. The platted street ends at a railroad right of way so it would not provide connectivity further east even if it was improved.
3. The applicant owns the property on the north side of the unimproved portion of Swenson Avenue. The property owner with frontage along the south side of the right of way has signed the vacation petition and has access to their property via South 88th Avenue West.
4. The City has determined that this portion of the right of way is not needed for street use. Vacating the right of way will not impact or deny access to other property owners.
5. There are utilities within the area to be vacated, which consist of storm sewer mains. The City Engineering office has reviewed the proposed vacation and has indicated that a 30-foot wide utility easement shall be retained over the portion of the right of way with the storm sewer mains. This easement is shown in the attached exhibit.
6. The eastern terminus of Swenson Avenue could provide potential connections to the Marten (Western Waterfront) trail. Therefore a pedestrian easement shall be retained over the same portion as the utility easement.
7. No other public or City comments have been received at the time of drafting this report.
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.) The applicant shall submit a revised exhibit showing the combined utility and pedestrian easement area.
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

S 88 AVE W

(FIRST ST. PER PLAT)

E LINE S 88 AVE W

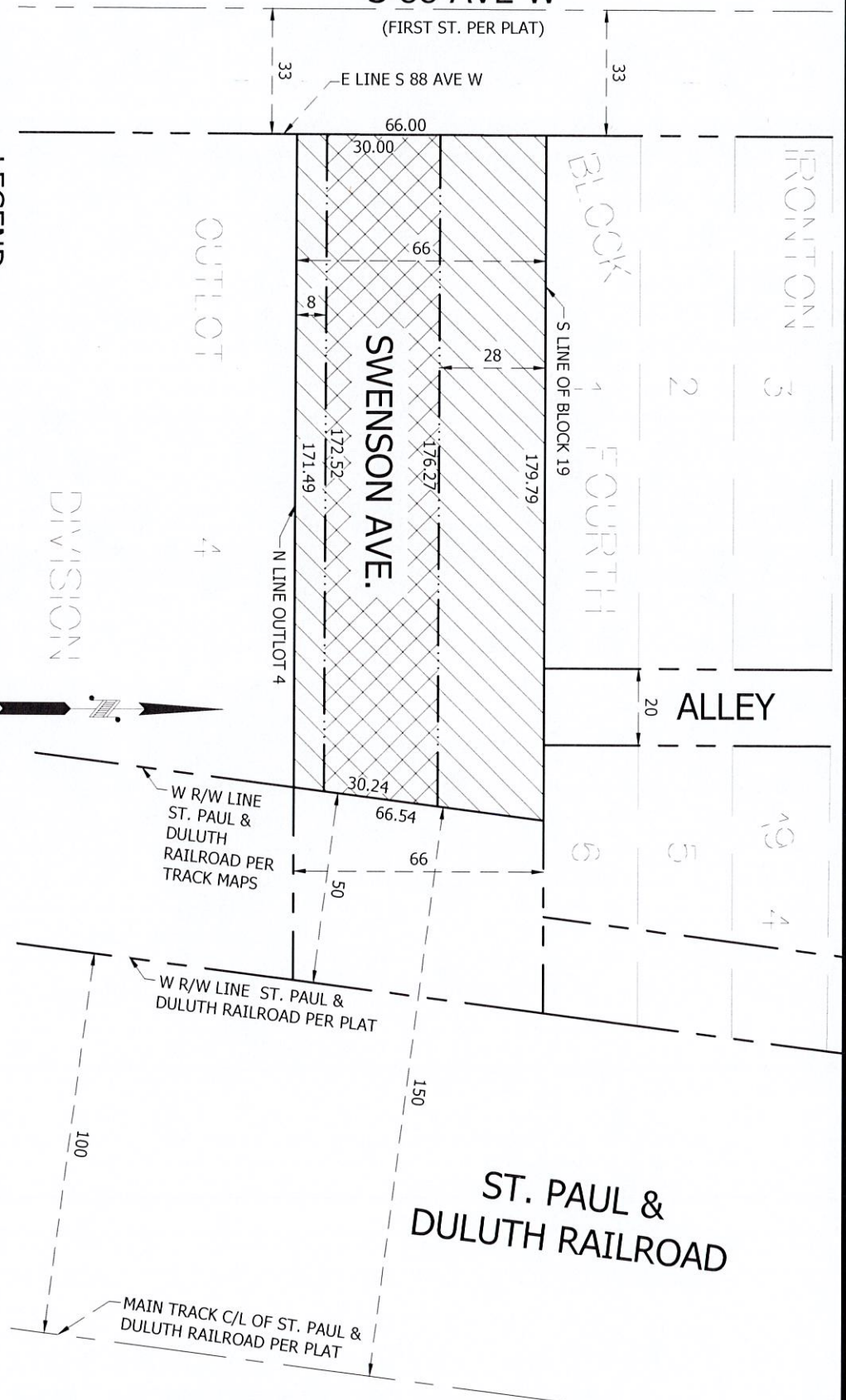
LEGEND

RIGHT OF WAY LINE
CENTER LINE
PLAT LINE

VACATION OF SWENSON AVE.

VACATION OF SWENSON AVE.
WITH RETAINED UTILITY EASEMENT

0 40
SCALE IN FEET



VACATION EXHIBIT

CLIENT: JASON LINDELOF

REVISIONS:

ADDRESS: 330 88TH AVENUE WEST
DULUTH, MN 55808

DATE: 10-15-2020

JOB NO: 20-304 SHEET 2 OF 2

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

LEGAL DESCRIPTION OF VACATION OF SWENSON AVE.

All that part of Swenson Ave. adjacent to and abutting Block 19 and Outlot 4, IRONTON FOURTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota, that lies between the East line of S 88 Ave W, First St. per plat and a line parallel with and distant 150.00 feet Westerly of the main track center line of the St. Paul and Duluth Railroad as shown on said IRONTON FOURTH DIVISION. Said parcel contains 11,592 square feet or 0.27 acres.

LEGAL DESCRIPTION OF RETAINED UTILITY EASEMENT OVER THE VACATED PORTION OF SWENSON AVE.

All that part of Swenson Ave. lying between a line parallel with and distant 28.00 feet South of the South line of Block 19, IRONTON FOURTH DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota and a line parallel with and distant 8.00 feet North of the North line of Outlot 4, said IRONTON FOURTH DIVISION, and lies between the East line of S 88 Ave W, First St. per plat and a line parallel with and distant 150.00 feet Westerly of the main track center line of the St. Paul and Duluth Railroad as shown on said IRONTON FOURTH DIVISION. Said parcel contains 5,232 square feet or 0.12 acres.

SURVEYOR'S NOTES

1. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the
City of Duluth, MN this 27 day
of Jan 2021

By

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. Emsen
David R. Emsen

DATE: 10-15-2020

MN Lic. No. 49505

CLIENT: JASON LINDELOF

REVISIONS:

ADDRESS: 330 88TH AVENUE WEST
DULUTH, MN 55808

DATE: 10-15-2020

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SHEET 1 OF 2

VACATION EXHIBIT


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PL 20-188
Vacation - Swenson Avenue

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
- Road or Alley ROW
- Vacated ROW
- Easement Type**
 - Utility Easement
 - Other Easement
- Zoning Boundaries

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