Legislation Text

File #: 26-0673R, **Version:** 1

RESOLUTION VACATING A PORTION OF RIGHT-OF-WAY ALONG 18 ½ AVENUE WEST BETWEEN WEST 4TH STREET AND WEST 5TH STREET, IN THE PLAT OF MYERS REARRANGEMENT OF BLOCKS 105-106-127-128 & 142 IN DULUTH PROPER SECOND DIVISION.

CITY PROPOSAL:

RESOLVED, that:

(a) The city council finds a sufficient petition was filed with the city requesting the vacation described in (e) below; and

(b) Pursuant to Section 100 of the City Charter and Section 50-37.6 of Chapter 50 of the Duluth City Code, as amended, such petition was duly referred to the city planning commission and such commission gave due notice of public hearing and did consider same in a public hearing and the city planning commission found that the petitioned easements are not needed for sewer right-of-way purposes; and

(c) The city planning commission, at its Tuesday, July 14, 2026 regular meeting, recommended approval of the vacation petition; and

(d) The city council finds that the petitioned easement areas proposed to be vacated:

1. are not and will not be needed for the safe and efficient circulation of pedestrians, bicycles, automobiles or trucks, or the efficient supply of utilities or public services in the city; and

2. are not otherwise needed to promote the public health, safety or welfare of the citizens of Duluth.

(e) The city council of the city of Duluth approves the vacation of the petitioned right-of-way located in St. Louis County, Minnesota legally described and depicted on the attached Exhibit A; and

(f) That the city clerk is, pursuant to Section 100 (b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record, with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this resolution showing the easements; and

(g) That the vacation shall lapse if this resolution is not recorded within 90 days of city council approval.

STATEMENT OF PURPOSE: This resolution vacates a 0.34 acre portion of the 18 ½ Avenue West right-of-way lying between W 4th Street and W 5th Street. This vacation of right-of-way was requested by the adjacent property owner to consolidate a collection of individual parcels.

On July 14, 2026, the Duluth city planning commission held a public hearing on the proposal, as shown in the staff report in Exhibit B, and voted 8 yeas, 0 nays, and 1 abstention to recommend the city council approve the vacation petition.

The motion to approve the vacation by the city council must prevail with at least six affirmative votes.

PLVAC-2605-0003