

Council Agenda Item 26-0678R



MEETING DATE:

SUBJECT/TITLE: RESOLUTION VACATING A PORTION OF RIGHT-OF-WAY ALONG 26TH AVENUE WEST BETWEEN WEST 10TH STREET AND ITS ALLEY, IN THE PLAT OF SPALDING'S ADDITION TO DULUTH, LYING NORTHWESTERLY OF THE NORTHEASTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF SAID BLOCK 17 AND LYING SOUTHEASTERLY OF THE NORTHEASTERLY EXTENSION OF THE NORTHWESTERLY LINE OF SAID LOT 1, BLOCK 17.

SUBMITTED BY: Jenn Moses, Land Use Supervisor

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: Planning Commission

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND: The resolution is to vacate 33' x 140' of platted 26th Avenue West between West 10th Street and its Alley. The applicant and property owner wishes to vacate to increase the buildable area of their parcel.

At its regular meeting on August 12, 2025, the planning commission held a public hearing on the proposed vacation (Exhibit A), reviewed staff report findings and conclusions associated with the vacation request (Exhibit B), Staff Report (File No. PLVAC-2506-0005), and discussed and deliberated the matter as a commission. The planning commission considered a motion to recommend to city council to approve the vacation request with the motion passing on a vote of 7 yeas, 0 nays and 0 abstentions.

Having reviewed and considered the Application and conducted a public hearing, the planning commission recommends that the city council approve the vacation of right-of-way with the conditions stated for the following reasons:

- 1) This proposal is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
- 2) This proposal is required by public necessity, convenience, or general welfare, or good zoning practice; and;
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.

BUDGET/FISCAL IMPACT: Development has the potential to increase the tax revenue produced by a property.

OPTIONS: Approve or deny the vacation application

NECESSARY ACTION: Not Applicable

ATTACHMENTS:

- Exhibit A – Exhibit/Legal Description
- Exhibit B – Staff Report and Conclusions
- Exhibit C – Planning Commission Meeting Minutes