



Staff Report for PLVAC-2611-0011

Application Information:

Application Type: Vacation of Rights-of-Way

Location of Subject: S 40th Ave W at Oneota Street

Legal Description: See attached

Applicant: Industrial Welders & Machinists, Inc.

Applicant Contact: Randall S. Abernethy

Agent: Hanft Fride PA

Agent Contact: Terri Crossmon

Staff Contact: Christian Huelsman,

chuelsman@duluthmn.gov

Deadline for Action:

Application Date: July 15, 2026

Date Extension Letter Mailed: July 15, 2026

60 Days: N/A

120 Days: N/A

Site Visit Date: July 29, 2026

Sign Notice Date: July 28, 2026

Neighbor Letter Date: July 23, 2026

Number of Letters Sent: 8

Proposal:

Applicant is requesting to vacate unused avenues, alleys, and piers adjacent to their properties.

Recommended Action:

Staff recommends Planning Commission recommend approval.

Zoning and Land Use:

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	I-G	Industrial	General Industrial/ Open Space
North	MU-B	Interstate 35	Transportation & Utilities
South	I-W	Railroad	General Industrial/Industrial Waterfront/Open Space
East	I-G	Industrial	General Industrial
West	MU-B	Undeveloped	General Industrial/ Open Space

Summary of Code Requirements:

General: 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):

Principle #1 – Reuse previously developed lands – Strengthens neighborhoods and is preferred to alteration of natural landscapes and extensions of public services. Costs are offset by savings in existing public infrastructure. The vacations will allow the property owner to make improvements to the property.

Future Land Use: General Industrial/Open Space – Areas for manufacturing, processing and other activities that may have off-site impacts and are generally isolated from other uses or buffered from them. Direct access to major regional transportation facilities and other infrastructure.

Open space lands possess substantial restrictions, holding high natural resource or scenic value, or severe development limitations. Low density uses such as trails predominate with viewshed protection and access to such lands.

History: The rights-of-way and abutting land were originally platted as part of the Oneota Duluth Division in 1856, at which time most of the parcels and rights-of-way were located beyond the recorded shoreline of Saint Louis Bay. The rights-of-way are now located entirely inland and no longer terminate at the waterfront or shoreline due to infill and the shift of the shoreline. The areas proposed for vacation were never improved for public use.

Review and Discussion Items:

Staff finds:

1. The applicant is requesting to vacate an unused and unimproved street, alley, and pier rights-of-way, as described in the attached exhibit. The vacation includes 510 lineal feet of South 40th Avenue West and 510 lineal feet of New York Pier, lying between Oneota Alley and an unnamed cross pier; 84 lineal feet of Boston Pier, lying between Oneota Alley and Oneota Street; and 200 lineal feet of Oneota Alley lying between South 39th Avenue West and South 40th Avenue West.
2. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the area for future roadway, utilities, or drainage.
3. The proposed vacation will allow the property owner to consolidate all their property into a single parcel.
4. The street, piers, and cross piers to be vacated are not and will not be needed to provide pedestrian or recreational access to the water because the rights-of-way no longer terminate at a waterfront or shoreline due to infill of the adjacent property since platting. They will not be need by the City for the promotion of public health, safety, or welfare of the citizens of Duluth, nor are they needed for the efficient supply of utilities or public services in the city.
5. A Petition to Vacate Street, Alley, or Easement was requested by the applicant and received consent from the adjacent owner.
6. Vacating the easement will not impact or deny access to other property owners.
7. One agency comment was received from St. Louis County Public Works Department, as information only, to notify the extension of ownership of 40th Avenue West (CSAH 91) south to its intersection with Oneota Street. Roadway and bridge reconstruction will impact 40th Avenue West, in addition to connection to the Cross City Trail. No other city, public or agency comments were received.
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 vacation 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.
3. Utility easements will be retained along Oneota Alley, lying between 39th Avenue West and 40th Avenue West, and along Boston Pier between Oneota Street and Oneota Alley.

Map for PLVAC-2511-0011:

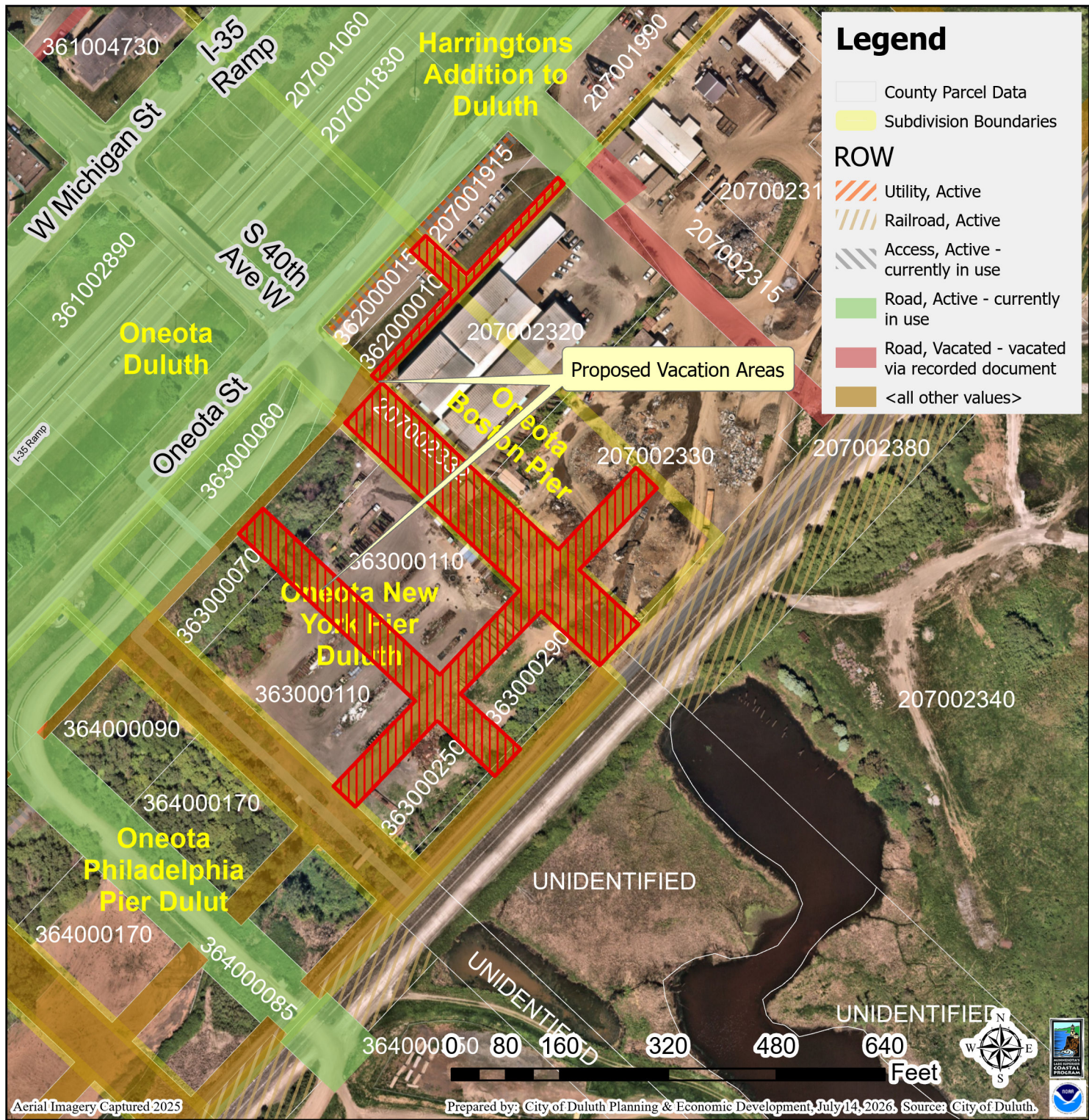


Figure 1. Aerial imagery captured in 2025, showing the proposed vacation area of avenues, alleys and piers south of Oneota St, between 39th Ave W and 41st Ave W.

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.

LEGAL DESCRIPTION OF NEW YORK PIER RIGHT OF WAY VACATION

All that part of the New York Pier abutting Lots 9 thru 26 and Lots 30 and 31, ONEOTA, NEW YORK PIER, according to the record plat thereof, St. Louis County, Minnesota and lying Southeast of the Southwesterly extension of the Northwest line of Lot 10, said ONEOTA, NEW YORK PIER and lying Southeast of the Northeasterly extension of the Northwest line of Lot 9, said ONEOTA, NEW YORK PIER and lying Northwest of the Northeasterly extension of a line lying 10 feet Northwesterly of and parallel with the Southeast line of Lot 30, said ONEOTA, NEW YORK PIER and lying Northwest of the Southwesterly extension of a line lying 10 feet Northwesterly of and parallel with the Southeast line of Lot 31, said ONEOTA, NEW YORK PIER.

AND

All that part of the cross piers abutting Lots 31 thru 34 and Lot 26, ONEOTA, NEW YORK PIER, according to the record plat thereof, St. Louis County, Minnesota.

AND

All that part of the cross piers abutting Lots 27 thru 30 and Lot 25, ONEOTA, NEW YORK PIER, according to the record plat thereof, St. Louis County, Minnesota.

Said right of way vacation area contains 39,200 square feet or 0.90 acres.

LEGAL DESCRIPTION OF 40TH AVENUE WEST RIGHT OF WAY VACATION

All that part of 40TH Avenue West, also known as Collingwood Avenue abutting Lots 10, 12, 14, 16, 18, 20, 22, 24, 26 and 34, ONEOTA, NEW YORK PIER, according to the record plat thereof, St. Louis County, Minnesota and abutting Lots 9, 11, 13, 15, 17, 19, 21, 23, 25 and 27, ONEOTA, BOSTON PIER, according to the record plat thereof, St. Louis County, Minnesota and lying Southeast of the Northeasterly extension of Lot 10, said ONEOTA, NEW YORK PIER and lying Southeast of the Southwesterly extension of the Northwest line of Lot 9, said ONEOTA, BOSTON PIER and lying Northwesterly of the Northeasterly extension of a line lying 10 feet Northwesterly of and parallel with the Southeast line of said Lot 34, ONEOTA, NEW YORK PIER and lying Northwesterly of the Southwesterly extension of a line lying 10 feet Northwesterly of and parallel with the Southeast line of Lot 27, said ONEOTA, BOSTON PIER. Said right of way vacation area contains 40,800 square feet or 0.94 acres.

LEGAL DESCRIPTION OF BOSTON PIER RIGHT OF WAY VACATION WITH A RETAINED UTILITY EASEMENT OVER A PORTION THEREOF

All that part of the cross pier abutting Lots 4 and Lot 9, ONEOTA, BOSTON PIER, according to the record plat thereof, St. Louis County, Minnesota lying Southeasterly of the Southeasterly right of way line of Oneota Street, also known as First Street, said ONEOTA and lying Northwesterly of the Northeasterly extension of the Northwest line of Lot 9, said ONEOTA, BOSTON PIER across said Boston Pier and all that part of the cross pier abutting Lots 25, 27, 28, 29 and 30, ONEOTA, BOSTON PIER, according to the record plat thereof, St. Louis County, Minnesota, EXCEPT that part of said pier lying within 20 feet Southeasterly of the Southeasterly line of said Oneota Street, also known as First Street; retaining a utility easement over the cross pier abutting said Lots 4 and 9 lying Northwesterly of the Northeasterly extension of the Northwest line of said Lot 9 across said cross pier and lying Southeasterly of the Northeasterly extension of the Southeasterly line of said Lot 4 across said cross pier.

Said right of way vacation contains 9,500 square feet or 0.22 acres. Said retained utility easement contains 500 square feet.

LEGAL DESCRIPTION OF ALLEY RIGHT OF WAY VACATION WITH RETAINED UTILITY EASEMENT

All that part of the Alley lying Southeasterly of and abutting Lots 1 thru 4 and lying Northwesterly of Lot 9, ONEOTA, BOSTON PIER, according to the record plat thereof, St. Louis County, Minnesota Said right of way vacation area contains 2,800 square feet or 0.06 acres.

LEGAL DESCRIPTION OF ALLEY RIGHT OF WAY VACATION WITH RETAINED UTILITY EASEMENT

All that part of the Alley lying Southeasterly of and abutting Lots 1 thru 8, Block 15, HARRINGTON'S ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota. Said right of way vacation area contains 3,200 square feet or 0.08 acres.

SURVEYOR'S NOTES

1. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the City of
Duluth, MN this 15 day of July 20 26

By [Signature]

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.

[Signature]
David R. Evanson
DATE:10-31-2025 MN License #49505

RIGHT OF WAY VACATION EXHIBIT

CLIENT:HANFT FRIDE
C/O TERRI CROSSMON
ADDRESS:3902 ONEOTA STREET
DULUTH MN 55807

DATE:10-31-2025

REVISIONS:

JOB NO:25-345 SHEET 1 OF 2

ALTA
LAND SURVEY COMPANY

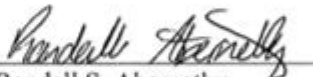
PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTAANDSURVEYDULUTH.COM

**CONSENT TO
ZONING PERMIT APPLICATION**

I, Randall S. Abernethy, hereby state the following:

1. I am the President of Industrial Welders & Machinists, Inc.;
2. I am also the Managing Member of R & D Development, LLC;
3. I executed that certain Petition to Vacate Street Alley or Utility Easement on behalf of each of Industrial Welders & Machinists, Inc. and R & D Development, LLC, dated November 3, 2025;
4. On behalf of each of Industrial Welders & Machinists, Inc. and R & D Development, LLC, I hereby consent to each of William M. Burns and Terri E. Crossmon of Hanft Fride, a Professional Association, making specific Zoning Permit Application to apply for the said Vacations under the aforesaid Petition.

Dated: November 3, 2025


Randall S. Abernethy

RE: August Pending Items Notice

From Victor Lund <LundV@StLouisCountyMN.gov>

Date Wed 7/15/2026 11:22 AM

To Christian Huelsman <chuelsman@DuluthMN.gov>

Cc Jim Foldesi <foldesij@StLouisCountyMN.gov>

 1 attachment (1 MB)

Blaze Credit Union Layout_SLC Rev.pdf;

Good Morning, Christian,

St. Louis County Public Works Department has the following comments/changes...

PLCPA-2607-0001 Comprehensive Plan Amendment to Future Land Use for the Lester Park Golf Course Land Use Study Area [JM]

St. Louis County (Vic) was part of a recent planning meeting for the Lester Park Golf Course land use study. At that meeting, Vic suggested rerouting Lester River Rd (CSAH 12) north of the old golf course and intersect MNTH 61 at/near Eastridge Blvd or 72nd Ave East. This would create an opportunity for a new intersection on MNTH 61 that “cleans up the access” and improves safety. For example, Eastridge Blvd could be realigned to intersect with the new Lester River Rd. Because Lester River Rd is a county state aid highway, the current constraints created by Lester Park and Lester River prevent St. Louis County from reconstructing to county state aid highway standards without significant disruption to the adjacent land. Additionally, reconstructing to county state aid highway standards may not contextually fit the preferred land use for Lester Park and the old golf course. By rerouting Lester River Rd (CSAH 12), the old Lester River Rd could be kept in its minimalistic design which may be more complementary to the new land use of the old golf course and Lester Park. Additionally, this may reduce traffic volumes on old Lester River Rd and open more pedestrian/bicycle opportunities along old Lester River Rd. Vic asked at the last planning meeting that this reroute of Lester River Rd (CSAH 12) be included in the concepts presented to the public. St. Louis County would like to continue to explore this relocation concept with the City.

PLPR-2607-0002 MU-C Planning Review for a Bank at 4088 Haines Rd by HTG Architects [CL]

I have attached the recommended changes to the credit union access layout. The first change is to widen the driveway on Maple Grove Rd to accommodate two-way traffic which allows right-turns into the credit union. The second change is to push the driveway on Haines Rd south. If the driveway on Maple Grove Rd serves outbound traffic only, all traffic entering the credit union must access via the driveway on Haines Rd. The traffic signal operation regularly results in northbound traffic queues extending to or beyond the planned driveway on Haines Rd which means southbound vehicles on Haines Rd intending to complete a left-turn into the credit union must wait until the northbound traffic queues clear. Southbound vehicles waiting to turn into the credit union will occasionally back up other southbound traffic on Haines Rd, potentially to the intersection of Maple Grove. The two-way driveway on Maple Grove Rd will provide relief for access to the credit union. Moving the driveway south on Haines Rd will minimize the frequency that the northbound traffic queue at the traffic signal extends to or south of this driveway. And

finally, a St. Louis County driveway permit is required for the new driveways on Maple Grove Rd and Haines Rd. **We would ask for a response from the developer. The driveway permits are conditional on the County and the developer agreeing on the final access layout.**

PLSUP-2607-0008 Special Use Permit for a Coffee Shop Drive-Through at 1 Calvary Rd [JM]
Calvary Rd (CSAH 121) and Woodland Ave (CSAH 9) are both county roads. St. Louis County recently took ownership of Woodland Ave north of Calvary Rd. Ensure that patio space does not encroach into the pedestrian access routes. Also ensure no modifications are completed to the concrete walk area.

PLVAC-2511-0011 Vacation of Streets, Avenues, Alleys, and Piers near 40th Ave W & Oneota St by Hanft Fride PA [CH]

As information only, St. Louis County recently took ownership of 40th Ave West (CSAH 91) to its intersection with Oneota St. St. Louis County is planning a reconstruction project on 40th Ave West in ~2031 beginning at the intersection with Oneota St and ending at Grand Ave. MnDOT is planning to replace the bridge serving 40th Ave West over I-35 in ~2030. The roadway reconstruction and new bridge will incorporate a 10-ft shared-use path on the east side of 40th Ave West to connect to the Cross City Trail.

Let me know if you have any questions.

Thanks.

Vic

Victor Lund, PE, PTOE | Traffic Engineer
St. Louis County Public Works Department
Office: 218-625-3873 | **Main:** 218-625-3830
[4787 Midway Rd | Duluth, MN 55811](#)
lundv@stlouiscountymn.gov
www.stlouiscountymn.gov
[St. Louis County Traffic Engineering](#)



From: Christian Huelsman <chuelsman@DuluthMN.gov>
Sent: Tuesday, July 14, 2026 3:37 PM
Subject: August Pending Items Notice

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Hello,

The Duluth City Planning Commission has received **4** new application(s) for review. The proposals can be found at the following link:
[August Pending Items Notice](#). Please review the technical aspects and desirability of the proposals and provide comments at your earliest convenience. Note that City of Duluth

reviewers with access to EPL can view the applications there as well; by searching the project number under "Manage Plans".

**If you have any questions, comments or need additional background information, please contact the assigned planner. Initials are provided at the end of each application item. Contact information here:

Christian Huelsman - chuelsman@duluthmn.gov

Jason Mozol - jmozol@duluthmn.gov

Chris Lee - clee@duluthmn.gov

Reina Owecke - rowecke@duluthmn.gov

PLCPA-2607-0001 Comprehensive Plan Amendment to Future Land Use for the Lester Park Golf Course Land Use Study Area [JM]

PLPR-2607-0002 MU-C Planning Review for a Bank at 4088 Haines Rd by HTG Architects [CL]

PLSUP-2607-0008 Special Use Permit for a Coffee Shop Drive-Through at 1 Calvary Rd [JM]

PLVAC-2511-0011 Vacation of Streets, Avenues, Alleys, and Piers near 40th Ave W & Oneota St by Hanft Fride PA [CH]

We appreciate your time and input. If you have any questions, comments or need additional background information, please reach out.

Thank you,

Christian Huelsman

Planner II | *Planning and Development Division*

City of Duluth – Planning and Economic Development

411 West First Street

Duluth, MN 55802

218-730-5011

chuelsman@duluthmn.gov

