



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

File Number	PLVAC-2510-0010		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Vacation of Street		Planning Commission Date		November 12, 2025
Deadline for Action	Application Date		October 8, 2025	60 Days	December 7, 2025
	Date Extension Letter Mailed		November 3, 2025	120 Days	February 5, 2026
Location of Subject		2832 Jefferson St			
Applicant	Grace Shervey		Contact		
Agent			Contact		
Legal Description		See attached			
Site Visit Date		October 29, 2025	Sign Notice Date		October 28, 2025
Neighbor Letter Date		October 22, 2025	Number of Letters Sent		39

Proposal:

The applicant seeks to vacate a portion of 66-foot wide, unimproved, platted right-of-way of S 29th Ave E, between Jefferson St and the plat of Harrison's Division of Duluth in the Congdon neighborhood.

Recommended Action: Staff recommends that Planning Commission recommend approval to City Council with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Recreational (Trail)/Railroad	Traditional Neighborhood
East	R-1	Right-of-Way	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 #1 – Reuse previously developed lands.

Reuse of previously developed lands, including adaptive reuse of existing building stock and historic resources, directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services.

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. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas. Mix of housing types at corners.

History: The applicant's residence was built in 1923 in the Harrison's Division of Duluth, which was approved in 1887. To the south, the extension of the Lakewalk was completed in 2008. To the east, the bicycle and pedestrian connection to the Lakewalk was established between 2013 and 2016.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a 15-foot wide portion of S 29th Ave E from the intersection at Jefferson St and terminating at the Lakewalk – a total of 0.03 acres – as depicted in the attachments to this report. All the vacated area is within the plat of Harrison's Division of Duluth.
2. The portion of right-of-way is inactive and unimproved—incorrectly designated as an active roadway in City GIS and confirmed by the City Engineer—and the applicant owns all the land along the west side of the proposed vacation.
3. The proposed vacation will allow the applicant to make property improvements--specifically to build a residential addition with the proper setbacks.
4. The street proposed to be vacated was platted but never utilized for its intended purpose.
5. The 0.03-acre area of the proposed vacation is not served by utilities.
6. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signatures from the applicant and the neighbor to the west. The remaining, abutting land is right-of-way.
7. The portion of proposed street to be vacated will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth. The remaining width of the S 29th Ave E right-of-way will be retained for current access to the Lakewalk.
8. Based on consultation with the City Engineer, staff have also determined that this portion of the street is 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. Vacating the right-of-way will not impact or deny access to other property owners.
9. Two public comments were received seeking clarity on the action proposed and who submitted the application, and whether the action would impact their respective properties. Neither commenter owns property adjoining the proposed vacation area. MnDOT submitted comment expressing no immediate concerns regarding the proposed vacation area, requesting that coordination efforts be made such that "appropriate plats are updated to minimize future confusion for MnDOT surveys, right-of-way and private surveyors." No other City, public or agency comments were received at the time of drafting this report.
10. 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 and easements 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.



PLVAC-2510-0010

Vacation of Right-of-Way
Portion of S 29th Ave E

Legend

..... Road or Alley ROW

County Parcel Data

ROW

Railroad, Active -
currently in use

Road, Active - currently
in use

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 RIGHT OF WAY VACATION

All that part of Delaware Avenue, also known as 29th Avenue East abutting and lying adjacent to Lot 8, Block 42, HARRISON'S DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, said right of way to be vacated is described as follows:

Commencing at the North most corner of said Block 42; thence on an assumed bearing of South 48 degrees 23 minutes 09 seconds East, along the Northeasterly line of said Block 42 for a distance of 7.20 feet to the point of beginning of said right of way vacation; thence continue South 48 degrees 23 minutes 09 seconds East, along said Northeasterly line 87.32 feet to the East line of said HARRISON'S DIVISION OF DULUTH; thence North 00 degrees 30 minutes 21 seconds East, along said East line 19.91 feet to a line parallel with and distant 15 feet Northeasterly of the Northeasterly line of said Block 42; thence North 48 degrees 23 minutes 09 seconds West, along said parallel line 74.23 feet; thence South 41 degrees 36 minutes 51 seconds West 15.00 feet to the point of beginning. Said right of way vacation contains 1,212 square feet or 0.03 acres.

LEGEND



RIGHT OF WAY
VACATION AREA

POC-POINT OF COMMENCEMENT
POB-POINT OF BEGINNING

— — — — — CENTER LINE
— — — — — RIGHT OF WAY LINE
— ··· — ··· — RIGHT OF WAY VACATION LINE
— — — — — EXISTING PLAT LINE

REFER TO SURVEYOR'S NOTES

SURVEYOR'S NOTES

1. PART OF BLOCK 42, HARRISON'S DIVISION OF DULUTH TAKEN FOR JEFFERSON STREET RIGHT OF WAY CONDEMNED BY THE CITY OF DULUTH PER INSTRUMENT RECORDED IN THE OFFICE OF THE ST. LOUIS COUNTY RECORDER ON AUGUST 16, 1900 IN BOOK 1 OF CONDEMNATION PLATS, PAGE 177.
2. CENTERLINE OF JEFFERSON STREET AS SHOWN ON OLD CITY OF DULUTH ENGINEERING RECORDS.
3. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
4. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the City of
Duluth, MN this 3rd day of Nov 2025

By David R. Evanson

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. Evanson
David R. Evanson
MN License #49505
DATE: 10-07-2025

RIGHT OF WAY VACATION EXHIBIT

CLIENT: GRACE SHERVEY

REVISIONS:

ADDRESS: 2832 JEFFERSON STREET
DULUTH, MN 55804

DATE: 10-07-2025

JOB NO: 24-369A SHEET 1 OF 2

ALTA
LAND SURVEY COMPANY

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

RIGHT OF WAY VACATION EXHIBIT

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

Petition to Vacate Street, Alley, or Utility Easement

Name: GRACE SHERVEY

Description of street, alley, or easement to vacate: ROW AT 29TH AND JEFFERSON ST.

My request for this vacation is to (indicate purpose of vacation):

A PARTIAL VACATION TO OBTAIN MORE YARD FOR

The City of Duluth will not need this street, alley, or easement in the future because:

THERE IS A LAKEWALK ACCESS ROAD ALREADY ON THE ROW.

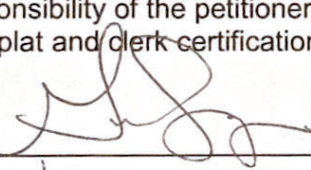
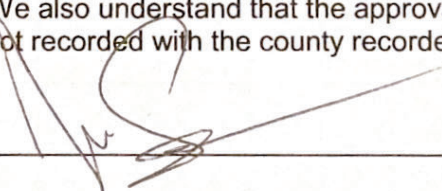
PLEASE TAKE NOTICE: Pursuant to Section 50-37.6 of the Duluth City Code, the above-identified applicant(s) petition the Duluth City Council to vacate the street, alley, or easement described in the attached legal description.

This petition is made upon the following facts and reasons (Identify the factual basis and reasons supporting the petition)¹:

TO GAIN MORE PROPERTY TO THE NE SO WE
CAN BUILD OUR ADDITION WITH THE PROPER
SETBACKS.

This petition is supported by a majority of the person(s) who own a majority of the lineal frontage of the land abutting upon the portion of the public easement proposed to be vacated. A copy of the signatures of these persons is attached hereto and made a part hereof.²

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.

Signature(s):  

Date: 10/08/25

Notice: This is public data.

¹ In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

² If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e. power of attorney, trustee, or court approved guardianship or conservatorship.

FW: Public Notice Letter: Vacation of 29TH AVE E South of Jefferson ST

From planning <planning@DuluthMN.gov>

Date Mon 11/3/2025 8:35 AM

To Christian Huelsman <chuelsman@DuluthMN.gov>

Public comment for PLVAC-2510-0010

-Sam

From: Gearn, Timothy (DOT) <timothy.gearn@state.mn.us>

Sent: Monday, November 3, 2025 7:35 AM

To: planning <planning@DuluthMN.gov>

Cc: Sutherland, Kevin (DOT) <kevin.sutherland@state.mn.us>

Subject: Public Notice Letter: Vacation of 29TH AVE E South of Jefferson ST

City of Duluth,

On behalf of MnDOT there are no immediate concerns regarding the vacation of a portion of 29TH AVE E, South of Jefferson ST, adjacent to 2382 Jefferson ST (PID: 010-2080-06190). Please ensure that coordination efforts are made, and documents filed such that the County GIS Land Explorer and appropriate plats are updated to minimize future confusion for MnDOT Surveys, Right of Way and private surveyors.

V/R

Gearn, Timothy (PE)

Assistant Right of Way Engineer

District 1, MN DOT

218-348-2477

Re: Notice RE Right-Of-Way at 29th Avenue East and Jefferson Street

From Christian Huelsman <chuelsman@DuluthMN.gov>

Date Tue 10/28/2025 4:51 PM

To duluthian@hotmail.com <duluthian@hotmail.com>

Good afternoon,

The action proposed a vacation of a portion of S 29th Ave E, as depicted in the zoning map attached to the letter. Only an adjacent property owner can apply for vacation of right-of-way. So, the applicant residing at 2832 Jefferson St as applied for the vacation in order to meet side yard setbacks for a home addition.

I hope you can excuse the typo regarding "W" needing to be "E" in the letter. The map image and map title also provide the location of the proposed vacation area.

Also, apologies for the broken link. I will correct the URL for future neighbor letters, but you will find the posted agenda next week here:

<https://duluthmn.gov/boards-commissions/planning-commission/>. The details you've requested regarding the proposed project would be standard findings of fact in the staff report, which will be included when the meeting agenda is posted. Public notice is required under MN Statute as you received it, while the staff reports are required to be included in time for the agenda posting on the Wednesday before Planning Commission.

Thanks,

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



From: Monte Gomke <duluthian@hotmail.com>

Sent: Tuesday, October 28, 2025 4:10 PM

To: planning <planning@DuluthMN.gov>

Subject: Notice RE Right-Of-Way at 29th Avenue East and Jefferson Street

Hello. I received a notice from the City of Duluth (Notice of Public Hearing for a Vacation of a Portion of Right-of-Way at S 29th Ave E - PLVAC-2510-0010).

First... After reading the notice a number of times, it is still not clear to me the action that has been proposed regarding the property in question. Who has submitted the application to "vacate a portion of the right-of-way"? What is the proposed future use of the property (i.e., what is "the project")? What does the city lose (and gain) by granting the "vacation"?

Second... When sending out a notice like this, it's important to correctly describe the location. The map/diagram is very useful. The written description in the body of the letter (S 29th Ave W, south of Jefferson St) does not exist. I believe you meant E (east - as in the subject line), not W (west).

Third... When listing a URL in a notice, having it "wrap" leaves a person to question, "Is it planning/land-use-zoning... or ...planning/landuse-zoning...?" I tried both in order to get more info and got "Page Not Found". And doesn't the City of Duluth host a means to abbreviated long URLs (like the University of Minnesota's Z links)?

While my time isn't all that valuable, I'm left a bit perplexed. Should I attend the meeting or not? Is the adjacent home owner simply putting in an addition, adding a garage, and/or wanting a bit for lawn to mow? Or are the feds putting in a nuclear dump site? Why not provide more info so that people have something to contemplate before participating in the meeting?

Just my two cents.

Monte Gomke
2914 Greysolon Road
218-343-4593

Re: PLVAC-2510-0010

From Christian Huelsman <chuelsman@DuluthMN.gov>

Date Wed 10/29/2025 10:17 AM

To Gloria Brush <gbrush@d.umn.edu>

Good morning,

The action proposed a vacation of a portion of S 29th Ave E, as depicted in the zoning map attached to the letter. Only an adjacent property owner can apply for vacation of right-of-way. So, the applicant residing at 2832 Jefferson St as applied for the vacation in order to meet side yard setbacks for a home addition. The proposed vacation will not affect access to your property at 2909 Jefferson, as it is not in an area currently served by a built street.

I hope you can excuse the typo regarding "W" needing to be "E" in the letter. The map image and map title also provide the location of the proposed vacation area. Also, apologies for the broken link. I will correct the URL for future neighbor letters, but you will find the posted agenda next week here: <https://duluthmn.gov/boards-commissions/planning-commission/>.

The details you've requested regarding the proposed project would be standard findings of fact in the staff report, which will be included when the meeting agenda is posted. Staff reports are required to be included in time for the agenda posting on the Wednesday before Planning Commission. However, Engineering is experiencing a backlog of required signoffs, so we are awaiting their signoff on the applicant's vacation exhibit before moving forward with its inclusion on the November 12th Planning Commission agenda.

I hope that helps to clear things up about the proposal. Please reach out with any questions.

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



From: Gloria Brush <gbrush@d.umn.edu>
Sent: Tuesday, October 28, 2025 9:44 AM
To: Christian Huelsman <chuelsman@DuluthMN.gov>
Subject: PLVAC-2510-0010

I received notice of this, but want to know if/how it would affect my property at 2909 Jefferson St. I cannot find any specifics about this online. Thank you.

Gloria Brush

--

Gloria DeFilipps Brush

Professor, Photography Area

University of Minnesota Duluth, Art + Design

Humanities 317, 1201 Ordean Ct., Duluth, MN 55812

she/her pronouns

Office Hours via ZOOM appointments – Tuesdays, 2 – 3pm and as arranged
via Zoom.

Email me at gbrush@d.umn.edu and I will send you a Zoom link.