



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-2509-0008		Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Vacation of Street		Planning Commission Date		December 9, 2025
Deadline for Action	Application Date		September 9, 2025	60 Days	n/a
	Date Extension Letter Mailed		November 17, 2025	120 Days	n/a
Location of Subject		10 94 th Ave W			
Applicant	Sumair Sheikh		Contact		
Agent			Contact		
Legal Description		See attached			
Site Visit Date		November 25, 2025	Sign Notice Date		November 24, 2025
Neighbor Letter Date		November 12, 2025	Number of Letters Sent		14

Proposal:

The applicant seeks to vacate a portion of 66-foot wide, unimproved, platted right-of-way of 94th Ave W, between the DWP Trail (abandoned Duluth, Winnipeg and Pacific Railway) corridor and Lanigan Blvd in the Riverside 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	RR-1	Residential	Rural Residential
North	RR-1	Undeveloped	Rural Residential
South	RR-1	Recreational (Trail)	Rural Residential
East	RR-1	Recreational (Trail)/Residential	Rural Residential
West	RR-1	Undeveloped	Rural Residential

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 #5 – Duluth is strongly defined by its neighborhoods. This system should be supported through land use and transportation that fosters neighborhood reinvestment. New development or redevelopment should maximize public. The vacation will allow for the property owner to make improvements to their property.

Future Land Use – Rural residential: Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Conservation development encouraged or required.

History: The applicant's residence was built in 1918, which preceded the plat approval in 1919. Parcels adjoining the proposed vacation area have seen no other physical development. To the south, the DWP Trail was first envisioned in 2011 and completed in 2017.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate 0.21 acres of right-of-way running south along 94th Ave W from the intersection at Lanigan Blvd and terminating at the DWP Trail, as depicted in the attachments to this report. The easterly 33 feet of the 66-foot right-of-way is proposed to be vacated. All the vacated area is within the plat of River Side Park 2nd Addition.
2. The right-of-way is inactive and unimproved, and the applicant owns all the land along the east side of the proposed vacation.
3. The proposed vacation will allow the applicant to make property improvements, specifically to build a well in replacement of the current well. The applicant has maintained the land adjacent to his property abutting 94th Ave W for five years.
4. The street proposed to be vacated was platted but never utilized for its intended purpose.
5. The 0.21-acre area of the proposed vacation area is not served by utilities.
6. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signature from the property owner. The remaining, abutting land is tax forfeit.
7. The 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.
8. The City has determined that this portion of the street is not needed for utility or pedestrian use. Vacating the right-of-way will not impact or deny access to other property owners.
9. St. Louis County Land and Minerals Department has provided a Letter of No Objection, in lieu of signing the vacation petition. No City or public 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-2509-0008

Vacation of Right-of-Way
10 94th Ave W

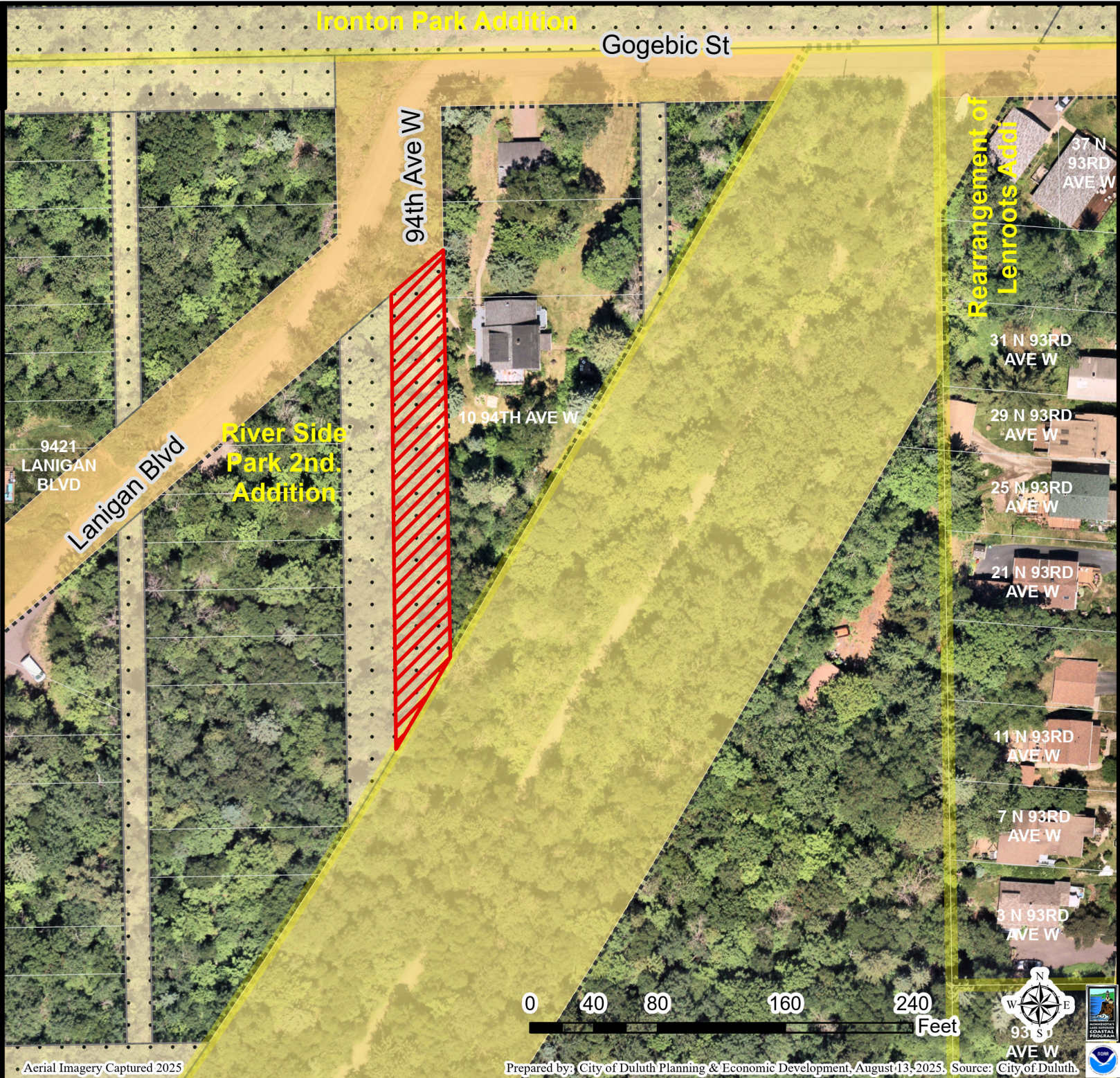
Legend

- Road or Alley ROW
- County Parcel Data
- Vacation Area

ROW

- Railroad, Abandoned - Road and Railroad - not used, not vacated, released to adjacent owners
- Road, Active - currently in use
- Road, Inactive - Dedicated, but not built

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.



VACATION DESCRIPTION:

That part of 94th Avenue West, as platted and dedicated in RIVER SIDE PARK SECOND ADDITION TO DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, adjacent to lots 1, 2, 3, 4, 5, 6, 7 & 8, Block 21 in said RIVER SIDE PARK SECOND ADDITION TO DULUTH, described as follows:

Commencing at the northwest corner of Lot 1, Block 21, said RIVER SIDE PARK SECOND ADDITION TO DULUTH; thence South 0 degrees 33 minutes 40 seconds East, assumed bearing along the west line of Lots 1, 2, 3 and 4, said Block 21, a distance of 90.49 feet to the point of beginning of the tract to be described; thence continue South 0 degrees 33 minutes 40 seconds East, along the west line of Lots 4, 5, 6, 7 and 8, said Block 21, a distance of 259.73 feet to the most southerly corner of said Lot 8; thence South 30 degrees 43 minutes 20 seconds West, along the southwesterly extension of the southeasterly line of said Lot 8, a distance of 7.69 feet; thence southwesterly 54.97 feet, along the northeasterly extension of the southeasterly line of Lot 10, Block 19, said RIVER SIDE PARK SECOND ADDITION TO DULUTH, being a tangential curve, concave to the northwest, having a radius of 2789.90 feet and a central angle of 1 degree 07 minutes 44 seconds to the centerline of said 94th Avenue West; thence North 0 degrees 33 minutes 40 seconds West, along said centerline 284.92 feet to the northeasterly extension of the northwesterly line of Lot 1, said Block 19; thence North 49 degrees 02 minutes 50 seconds East, along the northeasterly extension of the northwesterly line of said Lot 1, a distance of 43.33 feet to the point of beginning.

SURVEYOR NOTES:

Orientation of the bearing system is based on the northwesterly line of Lot 1, Block 19, RIVER SIDE PARK SECOND ADDITION TO DULUTH to have a bearing of N 49°02'50" E.

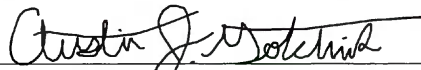
JPJ Engineering has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

Area of vacation is 8,994 square feet or 0.2065 acres ±.

CERTIFICATION:

I hereby certify that 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.

Signed this 8th day of September, 2025 for JPJ Engineering, Inc.



Austin J. Gotchnik, RLS License Number 62293

Revised October 2, 2025
Revised October 27, 2025
Revised November 17, 2025



425 Grant Street
PO Box 656
Hibbing, MN 55746
(218) 262-5528
www.jpjeng.com

VACATION EXHIBIT:

For: Sumair Sheikh

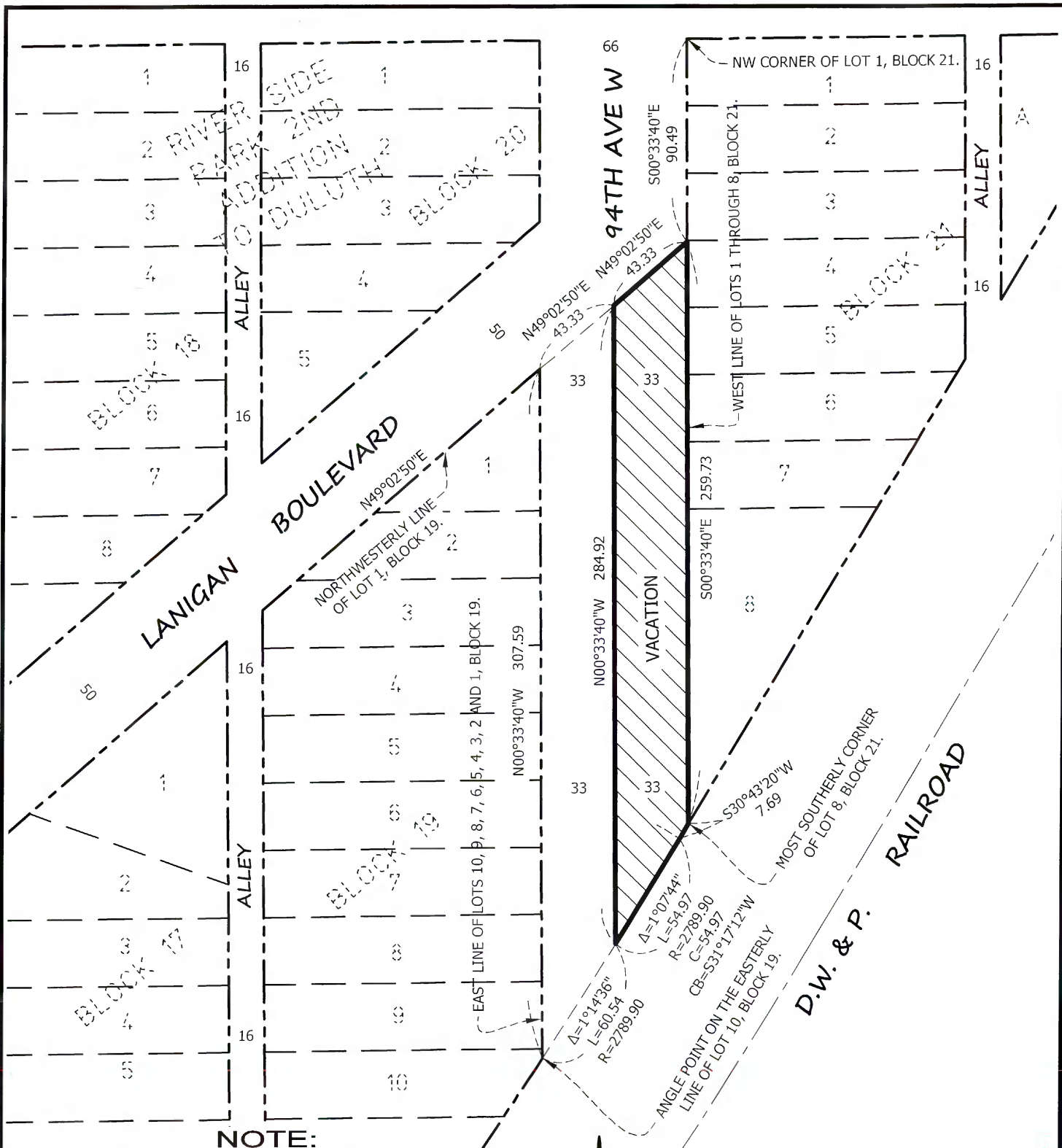
PROJECT NUMBER

25-522

SHEET NUMBER

1 of 2 Sheets

T:\Sheikh Sumair\25-522 Vacation Duluth\3 dwg\20025-522 Sheikh Vacation.dwg 11/17/2025 9:38 AM



NOTE:

Orientation of the bearing system is based on the northwesterly line of Block 19, RIVER SIDE PARK SECOND ADDITION TO DULUTH have a bearing of N 49°02'50" E.

Area of vacation is 8,994 square feet or 0.2065 acres ±.



Denotes right of way to be vacated.

SCALE: 1 INCH = 60 FEET



Approved by:

[Signature]
City Engineer

11/17/25
Date

Revised October 2, 2025
Revised October 27, 2025
Revised November 17, 2025



425 Grant Street
PO Box 656
Hibbing, MN 55746
(218) 262-5528
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VACATION EXHIBIT:

For: Sumair Sheikh

PROJECT NUMBER

25-522

SHEET NUMBER

2 of 2 Sheets

Petition to Vacate Street, Alley, or Utility Easement

Name: Sumair Sheikh

Description of street, alley, or easement to vacate: Platted as 94th Ave W. South of Gogebic St. Adjacent (West) to property located at 10 94th Ave W

My request for this vacation is to (indicate purpose of vacation):
The property has limited area to drill a deep well (current need), the vacation would allow more area for this purpose. This also would add to area to the property conforming it closer its current RR-1 zoning.

The City of Duluth will not need this street, alley, or easement in the future because:
The city engineer, Bill Bergstrom, stated that the city has no reason to retain since there are no utilities and available to serve the adjacent property, and the other parcels west of this are not desirable for development given lack of utility access and terrain issues.

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:

Upon review of the area by and conversation with City Engineer, Bill Bergstrom, the requested area is not desirable for development. For the reason to provide more possible land to drill a deep well and supply reliable and sustainable water for the adjacent property.

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: 9.9.2025

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.

Petition Signature Form

We, the undersigned, do hereby request that the City of Duluth consider vacating: 94th Ave W south of Lanigan Blvd.

[illegible]



Saint Louis County

Land and Minerals Dept. • www.stlouiscountymn.gov • landdept@stlouiscountymn.gov

Jason Meyer
Land Commissioner

October 8, 2025

City of Duluth – Planning and Economic Development
411 West First Street
Duluth, MN 55802
(via email)

RE: Vacation petition from Sumair Sheikh (25-522)

To whom it may concern:

The St. Louis County Land and Minerals Department has no objection to this vacation.

Sincerely,

Stacy M. Caldwell Melcher
Resource Management Supervisor

☒ Duluth Government Services Center
320 West 2nd Street, Ste 302
Duluth, MN 55802
(218) 726-2606
Fax: (218) 726-2600

☐ Pike Lake Area Office
5713 Old Miller Trunk Hwy
Duluth, MN 55811
(218) 625-3700
Fax: (218) 625-3733

☐ Virginia Area Office
7820 Highway 135
Virginia, MN 55792
(218) 742-9898
Fax: (218) 742-9870

"Trust Lands, Managed For The People Of This County"