



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

| | | | |
|-----------------------------|-------------------------------------|---------------------------------|--------------------------------------|
| File Number | PL 21-166 | Contact | Jenn Moses |
| Type | Vacation of Utility Easement | Planning Commission Date | November 9, 2021 |
| Deadline for Action | Application Date | October 25, 2021 | 60 Days December 24, 2021 |
| | Date Extension Letter Mailed | October 20, 2021 | 120 Days February 22, 2022 |
| Location of Subject | 2825 Exhibition Drive | | |
| Applicant | Ben Setterland and Jennifer Hofland | Contact | On file at City Hall |
| Agent | N/A | Contact | N/A |
| Legal Description | See attached | | |
| Site Visit Date | October 29, 2021 | Sign Notice Date | October 26, 2021 |
| Neighbor Letter Date | October 20, 2021 | Number of Letters Sent | 19 |

Proposal

The applicant proposes to vacate an unimproved utility easement located on the rear of Lots 1 through 3, Block 1, MONT DU VUE FIRST ADDITION.

Recommendation: Staff recommends approval of the vacation, subject to 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 | Utility, Residential | Traditional Neighborhood |
| East | R-1 | Residential | Traditional Neighborhood |
| West | RR-1 | Recreation | Open Space |

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. 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 #12 – Create efficiencies in delivery of public service. As this utility easement is not needed, it can be vacated.

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, neighborhood extensions, and new traditional neighborhood areas

History: Mont du Vue First Addition was platted in 1980, but this easement was never used for its intended purpose.

Review and Discussion Items:

- 1) This easement was platted as part of Mont du Vue First Addition, and has never been developed with utility infrastructure.
- 2) Staff finds that this easement is not needed for the supply of utilities nor to promote the public health, safety, or welfare.
- 3) No public or City comments have been received at the time of drafting this report.
- 4) 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.

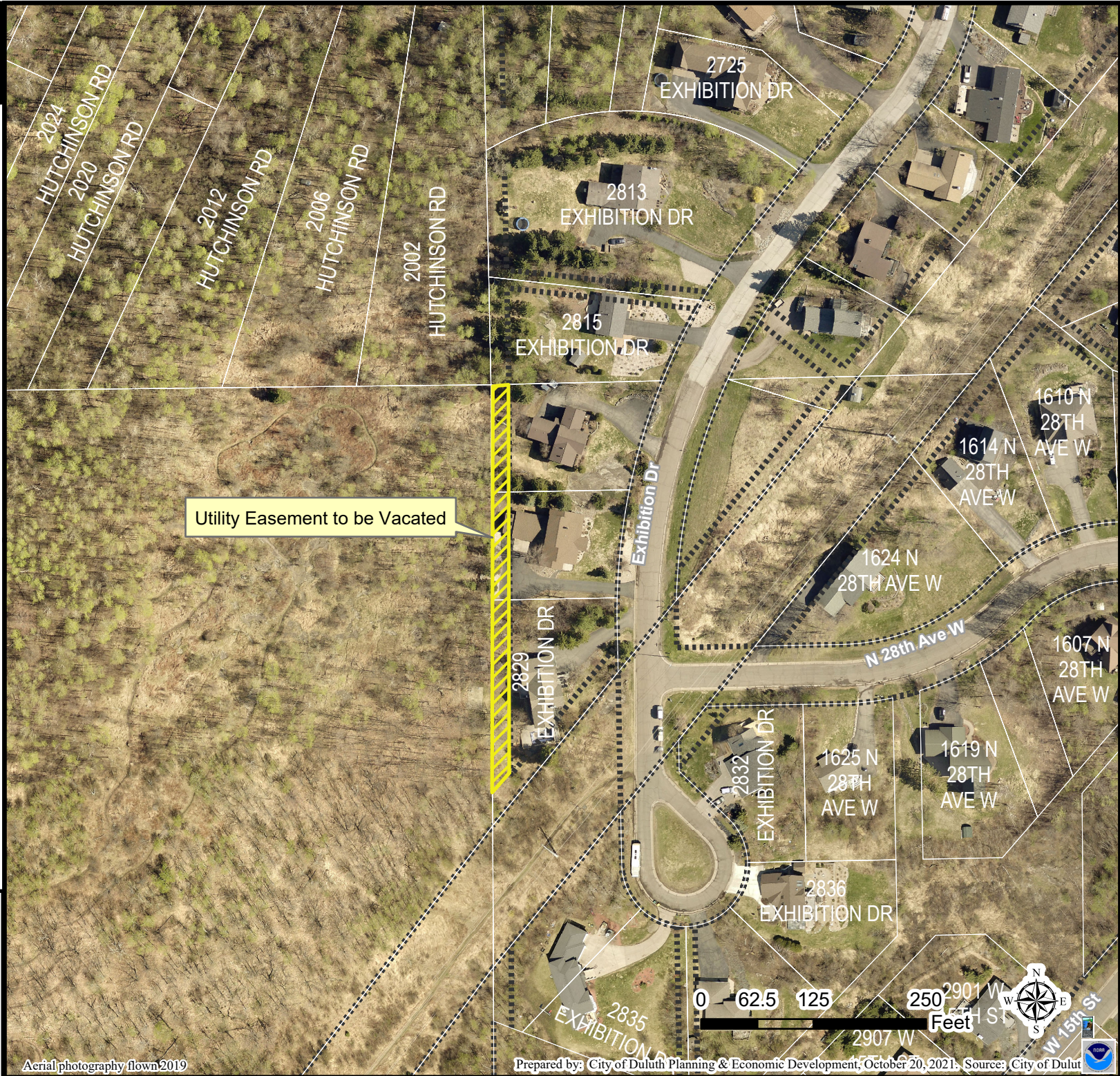
Staff Recommendation:

Based on the above findings, staff recommends that Planning Commission recommend to City Council approval of the petitioned alley vacation with the following condition:

- 1) The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.



2825 Exhibition Dr
Utility Easement Vacation



Utility Easement to be Vacated

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.

Aerial photography flown 2019


Prepared by: City of Duluth Planning & Economic Development, October 20, 2021. Source: City of Duluth

EXHIBIT A

VACATION EXHIBIT

VACATION DESCRIPTION:

The west 20.00 feet of Lots 1 thru 3, inclusive, Block 1, MONT DU VUE FIRST ADDITION, City of Duluth, St. Louis County, Minnesota except the southeasterly 20.00 feet of said Lot 3.

 = AREA TO BE VACATED

APPROVED BY:

[Signature] 10-20-21
CITY ENGINEER



(SCALE IN FEET)
Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.

I hereby certify that this plan, specification, 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.

Print Name: Paul A. Vogel License # 44075

Signature: *[Signature]* Date: 10/11/2021

DATE PREPARED: 10/11/21
PROJ NO: 210144
FILE: 210144 Vacat
SHEET 1 of 1 SHEETS



21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

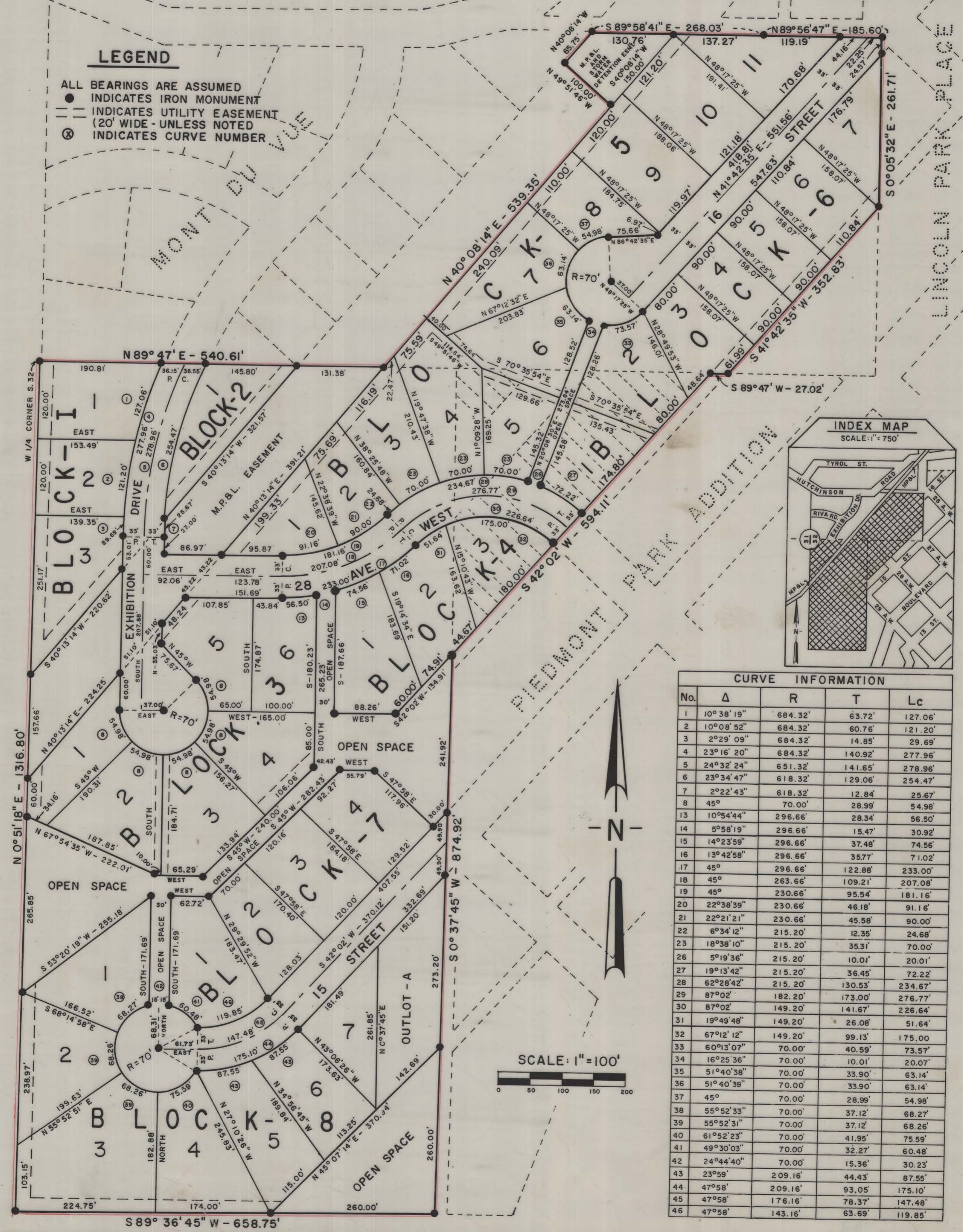
HOMEBUILDERS PARK

MONT DU VUE FIRST ADDITION

IN THE S 1/2 OF THE SW 1/4 OF THE NW 1/4 AND THE W 1/2 OF THE NW 1/4 OF THE SW 1/4 OF SECTION 32, TOWNSHIP 50 NORTH, RANGE 14 WEST AND A REARRANGEMENT OF LOTS 28 THRU 32, BLOCK 1, LOTS 8 THRU 16, BLOCK 2, AND LOTS 1 THRU 13, BLOCK 3, PIEDMONT PARK ADDITION TO DULUTH, ALL IN THE CITY OF DULUTH, ST. LOUIS COUNTY, MINNESOTA.

LEGEND

- ALL BEARINGS ARE ASSUMED
- INDICATES IRON MONUMENT
- INDICATES UTILITY EASEMENT (20' WIDE - UNLESS NOTED)
- ⊙ INDICATES CURVE NUMBER



CURVE INFORMATION

| No. | Δ | R | T | Lc |
|-----|-------------|---------|---------|---------|
| 1 | 10° 38' 19" | 684.32' | 63.72' | 127.06' |
| 2 | 10° 08' 52" | 684.32' | 60.76' | 121.20' |
| 3 | 2° 29' 09" | 684.32' | 14.85' | 29.69' |
| 4 | 23° 16' 20" | 684.32' | 140.92' | 277.96' |
| 5 | 24° 32' 24" | 651.32' | 141.65' | 278.96' |
| 6 | 23° 34' 47" | 618.32' | 129.06' | 254.47' |
| 7 | 2° 22' 43" | 618.32' | 12.84' | 25.67' |
| 8 | 45° | 70.00' | 28.99' | 54.98' |
| 13 | 10° 54' 44" | 296.66' | 28.34' | 56.50' |
| 14 | 5° 58' 19" | 296.66' | 15.47' | 30.92' |
| 15 | 14° 23' 59" | 296.66' | 37.48' | 74.56' |
| 16 | 13° 42' 58" | 296.66' | 35.77' | 71.02' |
| 17 | 45° | 296.66' | 122.98' | 233.00' |
| 18 | 45° | 263.66' | 109.21' | 207.08' |
| 19 | 45° | 230.66' | 95.54' | 181.16' |
| 20 | 22° 38' 39" | 230.66' | 46.18' | 91.16' |
| 21 | 22° 21' 21" | 230.66' | 45.58' | 90.00' |
| 22 | 6° 34' 12" | 215.20' | 12.35' | 24.68' |
| 23 | 18° 38' 10" | 215.20' | 35.31' | 70.00' |
| 26 | 5° 19' 36" | 215.20' | 10.01' | 20.01' |
| 27 | 19° 13' 42" | 215.20' | 36.45' | 72.22' |
| 28 | 62° 28' 42" | 215.20' | 130.53' | 234.67' |
| 29 | 87° 02' | 182.20' | 173.00' | 276.77' |
| 30 | 87° 02' | 149.20' | 141.67' | 226.64' |
| 31 | 19° 49' 48" | 149.20' | 26.08' | 51.64' |
| 32 | 67° 12' 12" | 149.20' | 99.13' | 175.00' |
| 33 | 60° 13' 07" | 70.00' | 40.59' | 73.57' |
| 34 | 16° 25' 36" | 70.00' | 10.01' | 20.07' |
| 35 | 51° 40' 38" | 70.00' | 33.90' | 63.14' |
| 36 | 51° 40' 39" | 70.00' | 33.90' | 63.14' |
| 37 | 45° | 70.00' | 28.99' | 54.98' |
| 38 | 55° 52' 33" | 70.00' | 37.12' | 68.27' |
| 39 | 59° 52' 31" | 70.00' | 37.12' | 68.26' |
| 40 | 61° 52' 23" | 70.00' | 41.95' | 75.59' |
| 41 | 49° 30' 03" | 70.00' | 32.27' | 60.48' |
| 42 | 24° 44' 40" | 70.00' | 15.36' | 30.23' |
| 43 | 23° 59' | 209.16' | 44.43' | 87.55' |
| 44 | 47° 58' | 209.16' | 93.05' | 175.10' |
| 45 | 47° 58' | 176.16' | 78.37' | 147.48' |
| 46 | 47° 58' | 143.16' | 63.69' | 119.85' |

KNOW ALL MEN BY THESE PRESENTS: That Rudolph W. Monson, Jr. and Marilyn P. Monson, his wife, being the owners of the following described property lying and being in the City of Duluth, County of St. Louis, State of Minnesota to-wit: All that part of the West One-half of the Northwest One-Quarter (1/2 of NW 1/4), Section Thirty-two (32), Township Fifty (50) North of Range Fourteen (14), West of the Fourth Principal Meridian, according to the United States Government Survey thereof, lying south of Homebuilders Park, according to the recorded plat thereof, EXCEPTING that part of the Southeast One-Quarter of Southwest One-Quarter of the Northwest One-Quarter (SE 1/4 of SW 1/4 of NW 1/4) lying southerly of a line 140 feet northerly of and parallel with the Northerly line of West Fifteenth Street, and the Northerly line of West Fifteenth Street produced, Section Thirty-two (32), Township Fifty (50) Range Fourteen (14) and FURTHER EXCEPTING that part platted as Mont Du Vue Addition to Duluth, EXCEPT MINERALS. Subject to easements as indicated in Document No. 197024 in the office of the Register of Deeds, St. Louis County, Minnesota. The West One-half of Northwest One-Quarter of Southwest One-Quarter (1/2 of NW 1/4 of SW 1/4 of NW 1/4) Section Thirty-two (32), Township Fifty (50) North of Range Fourteen (14) West, according to the United States Government Survey thereof, EXCEPTING MINERALS. Subject to easements as indicated in Document No. 197024 in the office of the Register of Deeds, St. Louis County, Minnesota. Lots 28 thru 32, Block 1; Lots 8 thru 16, Block 2; and Lots 1 thru 13, Block 3; Piedmont Park Addition to Duluth, as filed in the office of the Register of Deeds, St. Louis County, Minnesota.

Being desirous of platting and rearranging a portion of the above described property more particularly described as follows: Beginning at the West Quarter corner of Section Thirty-two (32), Township Fifty (50) North, Range Fourteen (14) West, thence North 89° 47' East along the South line of the NW 1/4 of said section for a distance of 540.61 feet; thence North 40° 08' 14" East for a distance of 539.35 feet; thence North 49° 51' 46" West for a distance of 100.00 feet; thence North 40° 08' 14" East for a distance of 65.75 feet; thence South 89° 58' 41" East for a distance of 268.03 feet; thence North 89° 56' 47" East for a distance of 185.60 feet; thence South 0° 05' 32" East for a distance of 261.71 feet; thence South 42° 02' West for a distance of 594.11 feet to the West line of the 1/2 of the NW 1/4 of the SW 1/4 of said section; thence South 0° 37' 45" West along said West line for a distance of 874.92 feet to the South line of said NW 1/4 of SW 1/4; thence North 0° 36' 45" West along said South line for a distance of 658.75 feet to the West line of said NW 1/4 of SW 1/4; thence North 0° 51' 18" East along said West line for a distance of 1316.80 feet to the point of beginning, containing 27.91 acres of land more or less.

And, being desirous of platting and rearranging the same into lots, outlots, blocks, street, open space and utility easements have caused the same to be surveyed and the annexed plat thereof to be made in accordance with the statutes in such cases made and provided. Now therefore, we hereby do ratify and confirm in all respects said survey and plat thereof as "MONT DU VUE FIRST ADDITION" and sign, seal and execute said plat and hereby dedicate to the public the use of streets, utility easements and open space herein delineated.

IN WITNESS WHEREOF: We hereunto set our hands and seals this 31 day of February, A. D. 1980.

Rudolph W. Monson, Jr.
Marilyn P. Monson Owners

STATE OF MINNESOTA)
) SS
COUNTY OF ST. LOUIS)

On this 31 day of February, A. D. 1980 personally appeared before me Rudolph W. Monson, Jr. and Marilyn P. Monson, his wife, to me well known to be the persons described in and who executed the foregoing certificate and acknowledged the same as their free act and deed.

Carolyn Lassila
Notary Public, St. Louis County, Minnesota
My Commission expires July 19, 1981

I, Rudolph W. Monson, being first duly sworn on oath says: That I am a Registered Professional Engineer and Land Surveyor and that I have, at the request of the proprietors thereof, made a careful survey of the property described in the foregoing certificate of the proprietors, and have platted the same into lots, outlots, blocks, streets, open space, and utility easements as more fully appears on the annexed plat entitled MONT DU VUE FIRST ADDITION. The plat is a correct representation of the survey, all distances are correctly shown on the plat, and monuments for the guidance of future surveys have been correctly placed in the ground, and the outside boundary lines of the plat are correctly shown by a solid red line. There are no wet lands, rivers, streams, creeks, lakes, ponds, swamps, or public highways and thoroughfares laid out, opened or traveled existing before the platting other than shown on this plat.

Rudolph W. Monson
Surveyor Minn. Reg. No. 7286

STATE OF MINNESOTA)
) SS
COUNTY OF ST. LOUIS)

Subscribed and sworn to before me this 31 day of February, A. D. 1980.

Marilyn P. Monson
Notary Public, St. Louis County, Minnesota
My Commission expires 10/27/83

We hereby certify that the annexed plat entitled plat entitled MONT DU VUE FIRST ADDITION was approved by the Duluth City Planning Commission on the 11th day of December, A. D. 1979.

Paul Wittgen
President, City Planning Commission
[Signature]
Director, Department of Planning and Development
OFFICE OF REGISTER OF TITLES
ST. LOUIS COUNTY, MINN.
COURT OF ST. LOUIS
My Commission expires May 6, 1980
430198

No delinquent taxes and transfer ordered
this 29 day of May, 1980
RUSSELL FRIEDMAN, Deputy Auditor

OFFICIAL PLAT
576/267