

# Exhibit 3



**Planning & Development Division**  
 Planning & Economic Development Department

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 21-164		<b>Contact</b>	Jenn Moses	
<b>Type</b>	Vacation of Public Easement		<b>Planning Commission Date</b>		October 12, 2021
<b>Deadline for Action</b>	<b>Application Date</b>		Sept 10, 2021	<b>60 Days</b>	November 9, 2021
	<b>Date Extension Letter Mailed</b>		N/A	<b>120 Days</b>	January 8, 2022
<b>Location of Subject</b>		1 Viewcrest Avenue			
<b>Applicant</b>	City of Duluth		<b>Contact</b>	Cindy Voigt	
<b>Agent</b>	N/A		<b>Contact</b>	N/A	
<b>Legal Description</b>		Outlot 1, Plat of Riverside (see attached)			
<b>Site Visit Date</b>	October 1, 2021		<b>Sign Notice Date</b>		September 28, 2021
<b>Neighbor Letter Date</b>	September 27, 2021		<b>Number of Letters Sent</b>		43

**Proposal:**

The City of Duluth proposes to vacate an unimproved storm sewer easement. As part of the vacation, a new easement will also be dedicated as a replacement easement.

Recommendation: Staff recommends approval of the vacation, subject to conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-1	Residential/Undeveloped	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential/Undeveloped	Traditional Neighborhood, Preservation
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	R-1	Undeveloped	Traditional Neighborhood, Preservation

**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 storm sewer 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:** Riverside was platted in 1930. The storm sewer easement was dedicated in the plat over portions of Outlot 1, but the easement was never used for a storm sewer or other conveyance.

**Review and Discussion Items:**

- 1) This easement was platted as part of Riverside in 1930, and has never been developed with storm sewer or other utility infrastructure.
- 2) A replacement to the existing infrastructure in this location, to include improved conveyance for portions of the existing stormwater conveyance, is currently proposed. The existing waterway provides conveyance to the St. Louis River at the western side of the Riverside neighborhood.
- 3) City Engineering states that an easement for the nearby existing storm sewer infrastructure will be brought to the City Council at the same time as this vacation.
- 4) Staff finds that the existing easement is not needed for the supply of utilities nor to promote the public health, safety, or welfare.
- 5) One inquiry was received from the property owner with questions about the vacation. No other public or City comments have been received at the time of drafting this report.
- 6) 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.
- 2) The Council resolution considering the vacation shall include appropriate replacement easements to provide for conveyance of applicable surface water runoff from this area of the city.



PL21-164  
Vacation of Easement  
1 Viewcrest Ave

# Legend

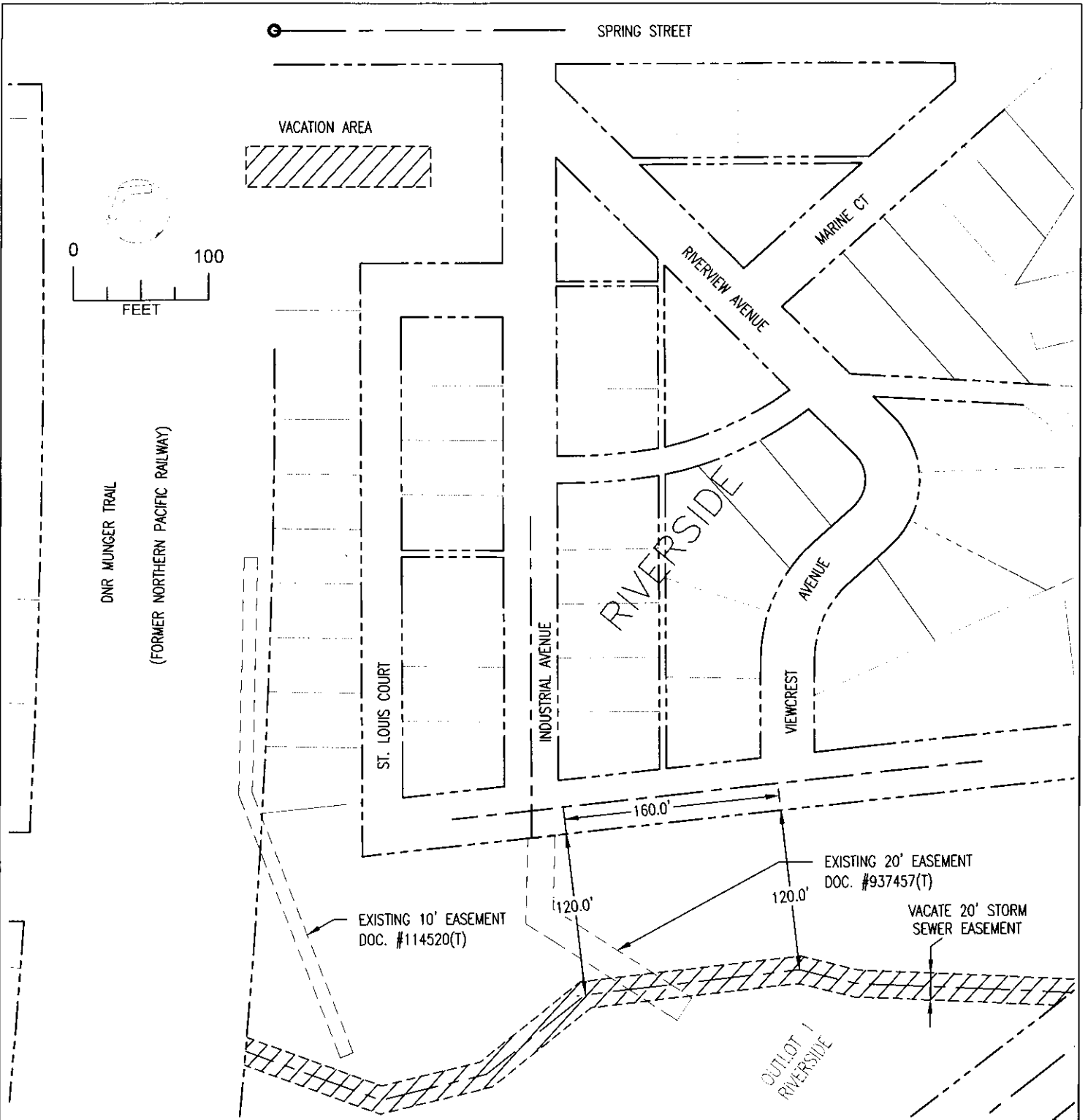
## Boundary Lines

- <all other values>
- Subtype, ROW\_TYPE**
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary



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.

# EXHIBIT A



That platted 20.0 foot wide sewer easement located in Outlot 1 of Riverside and dedicated in the plat of Riverside, St. Louis County, Minnesota.

Approved by the City Engineer of the City of Duluth, MN this the 15 day of Sept 2021.

By [Signature]

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.

VACATE 20' SEWER EASEMENT

PROJECT #1769

PAGE 1 OF 1

Greg Stoeber  
Greg Stoeber

21774  
License #

Sept. 15, 2021  
Date

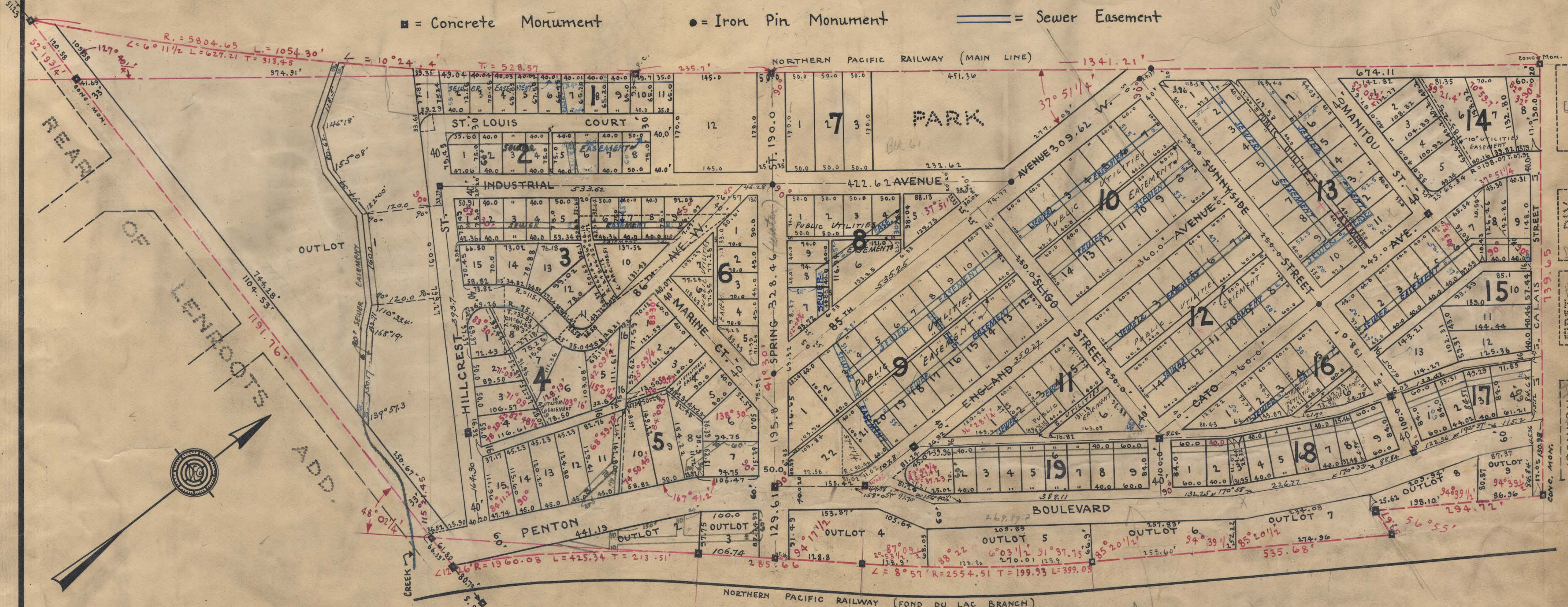
# RIVERSIDE

## DULUTH, MINN.

Scale: 1" = 100'

The Duluth Engineering Co.

■ = Concrete Monument    ● = Iron Pin Monument    — = Sewer Easement



**Know All Men By These Presents,** That McDougall-Duluth Shipbuilding Company, a Minnesota Corporation, being the owner of the following described property lying and being in the County of St. Louis, State of Minnesota, to-wit:

All that part of Ironton, First Division, and Ironton, Second Division, which lies between the southerly boundary line of the right-of-way of the main line of the Northern Pacific Railroad, formerly St. Paul and Duluth Railroad, the center line of Gogebic Street, the easterly boundary line of Outlot 1, in Ironton, First Division, and the northerly boundary line of the right-of-way of the Northern Pacific Railroad, formerly the right-of-way of the St. Paul and Duluth Railroad, called its Fond du Lac Branch, all according to the respective recorded plats thereof on file and of record in the office of the Register of Deeds in and for St. Louis County, Minnesota.

And being desirous of plating the same into Lots, Blocks, Streets, Avenues, Alleys, Courts, Boulevard and Park, has caused the same to be surveyed and the annexed plat thereof to be made in accordance with the statutes in such case made and provided.

Now Therefore, the said McDougall-Duluth Shipbuilding Company, does ratify and confirm in all respects said survey and the plat thereof, and does hereby dedicate an easement for sewers and public utilities as shown on said plat, does hereby dedicate an easement for slopes on all Streets, Avenues, Alleys, Courts and Boulevard and does hereby dedicate to public use the Streets, Avenues, Alleys, Courts, Boulevard and Park therein designated.

In Witness Whereof, McDougall-Duluth Shipbuilding Company has caused these presents to be signed by its Vice President and Secretary and its corporate seal to be attached this 27th day of November, A. D. 1930.

At the presence of  
 McDougall-Duluth Shipbuilding Company,  
 By *W. C. Johnson* Its Vice President,  
 By *H. K. Pratt* Its Secretary.

State of Minnesota, }  
 COUNTY OF ST. LOUIS, }  
 On this 27th day of November, A. D. 1930, before me, a Notary Public, within and for said County, personally appeared Ward Ames, Jr. and H. K. Pratt, to me personally known, who being by me duly sworn, did say that they are the Vice President and Secretary, respectively, of McDougall-Duluth Shipbuilding Company, the Corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that said instrument was signed and sealed in behalf of said Corporation, by authority of its By-Laws, and said Ward Ames, Jr. and H. K. Pratt, each acknowledged said instrument to be the free act and deed of said Corporation.

*J. B. Johnson*  
 Notary Public, St. Louis County, Minn.  
 My Commission expires *Sept. 13, 1931.*

I, *Lyond Ayres*, do hereby certify that I am a surveyor, and that I have at the request of the proprietor thereof, made a careful survey of the property described in the foregoing certificate of the proprietor, and have platted the same into Lots, Blocks, Streets, Avenues, Alleys, Courts, Boulevard and Park as more fully appears on the annexed plat entitled RIVERSIDE, which plat is a correct representation of the survey; that all distances and lot dimensions are correctly designated on said plat; that monuments for the guidance of future surveys have been correctly placed on the ground as shown; that the outside boundary lines are correctly designated on said plat by red dotted lines and figures; that there are no rivers, streams, creeks, lakes, ponds or swamps, or public highways opened or traveled, existing before the plating, other than shown on the plat.

I hereby certify the above instrument is true and correct.  
*Lyond Ayres*  
 Surveyor.  
 Subscribed and sworn to before me this 27th day of November, A. D. 1930.  
*J. B. Johnson*  
 Notary Public, St. Louis County, Minn.  
 My Commission expires *Sept. 13, 1931.*

I hereby certify that the annexed plat of RIVERSIDE was approved by the Council of the City of Duluth on the 31st day of *December*, A. D. 1930.

Approved by City Planning Commission, Dec. 26<sup>th</sup> 30  
*A. A. Novak* Sec'y & Eng.

Approved by The City Plat Commission Dec. 26-1930  
*John McMillan* Chairman Plat Commission

Approved as to form, correctness and validity.  
*W. C. Johnson* CITY ATTORNEY  
 Dec. 29, 1930.

11018  
 DIVISION OF REGISTRAR OF TITLES  
 STATE OF MINNESOTA,  
 County of St. Louis,  
 I hereby certify that the within instrument was filed in this office on the 31st day of *Nov* 1930.  
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Taxes for the year 1929 on lands described herein, PAID  
 SUBJECT TO PROPERTY TAXES