



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 22-095	Contact	Jenn Moses, jmoses@duluthmn.gov
Type	Vacation of Easement	Planning Commission Date	June 14, 2022
Deadline for Action	Application Date	May 27, 2022	60 Days July 26, 2022
	Date Extension Letter Mailed	N/A	120 Days September 24, 2022
Location of Subject	Priley Circle		
Applicant	City of Duluth	Contact	Danielle Erjavec
Agent		Contact	
Legal Description	See Attached		
Site Visit Date	May 31, 2022	Sign Notice Date	May 31, 2022
Neighbor Letter Date	May 31, 2022	Number of Letters Sent	4

Proposal

The applicant is requesting to vacate a triangular shaped easement that has an incomplete legal description. There will be a new easement granted with legal descriptions covering all lots in both plats.

Staff is recommending approval with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	F-8	Public Plaza	Open Space
North	F-5	Public Plaza	Open Space
South	F-8	Public Plaza	Central Business Primary
East	F-8	Public Plaza	Open Space
West	F-8	Public Plaza	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. 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 #2 – Declare the necessity and secure the future of undeveloped places, including urban plazas. A legal description error in the original easement was discovered and is being fixed via this vacation and subsequent new easement dedication, to ensure the future of the Civic Center Plaza.

Future Land Use – Open space. High natural resource or scenic value, with substantial restrictions and development limitations.

History: Easement was originally granted by the U.S. Government in 1928 for park purposes.

Review and Discussion Items:

Staff finds that:

1. The applicant (City of Duluth) is requesting to vacate an easement over part of Priley Circle and the Civic Center plaza, granted by the U.S. Government in 1928 for park purposes.
2. The easement needs to be vacated because it contains an incomplete legal description ; it only includes the plat of Duluth Proper Third Division, but the lots are also a part of West First Street Duluth Proper First Division. It will be replaced by a new easement with a corrected legal description. The new easement will also include additional property so that the City has an interest in all of Priley Circle in the property owned by the US government.
3. The new easement will be granted by the U.S. Government and accepted by the City Council in a separate action; City Facilities Division will coordinate the recording of this vacation and the new easement dedication.
4. The City Facilities Division and City Engineering have collaborated on this vacation and new easement dedication. No other public, agency, or City comments have been received.
5. 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 U.S. Government shall grant a new easement by December 31, 2022.
2. The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.

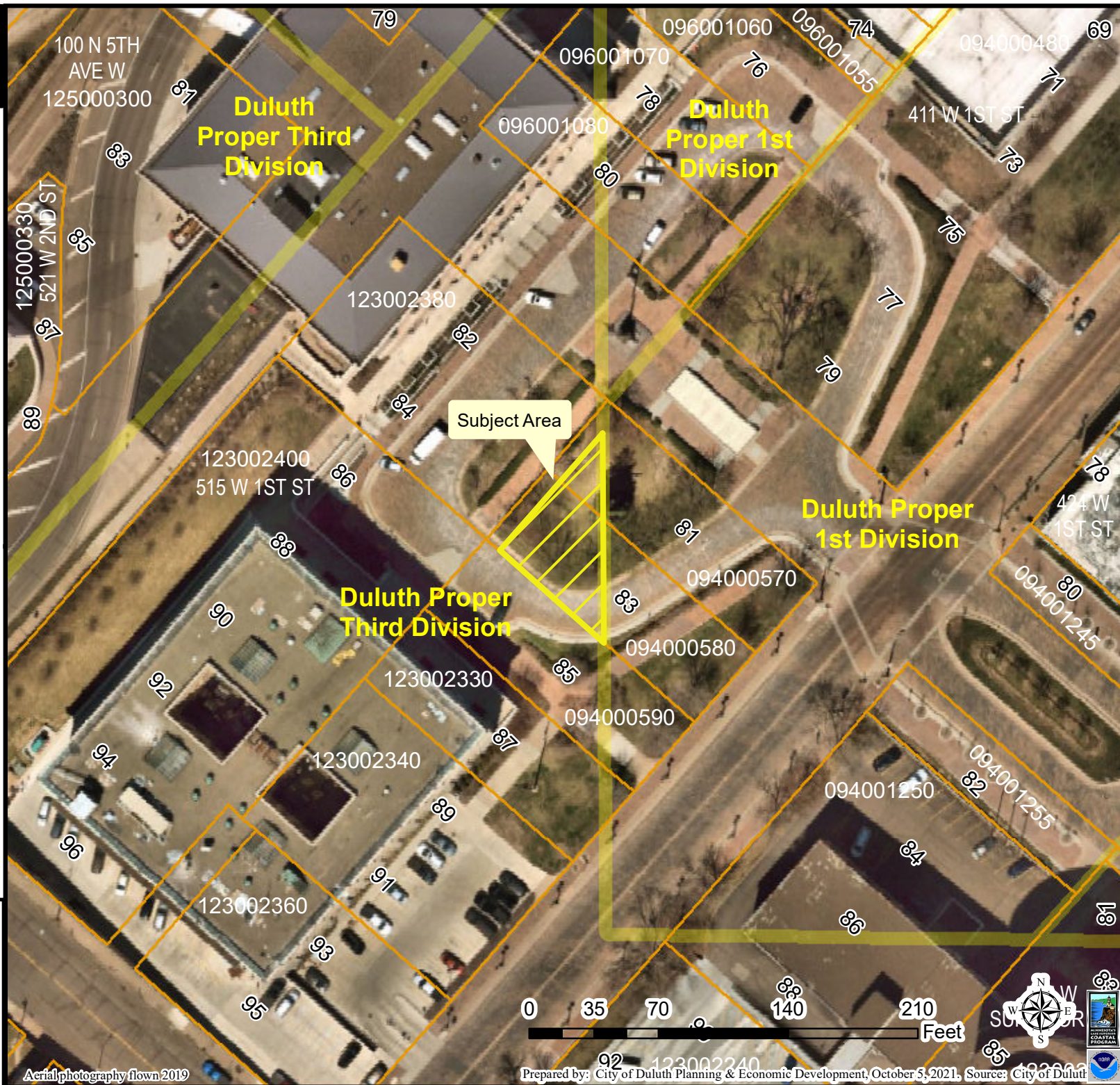


PL22-095
Vacation of Easement
Near 515 W 1st St

Legend

- Lots
- Parcels
- Subdivision Boundaries

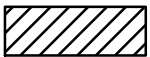
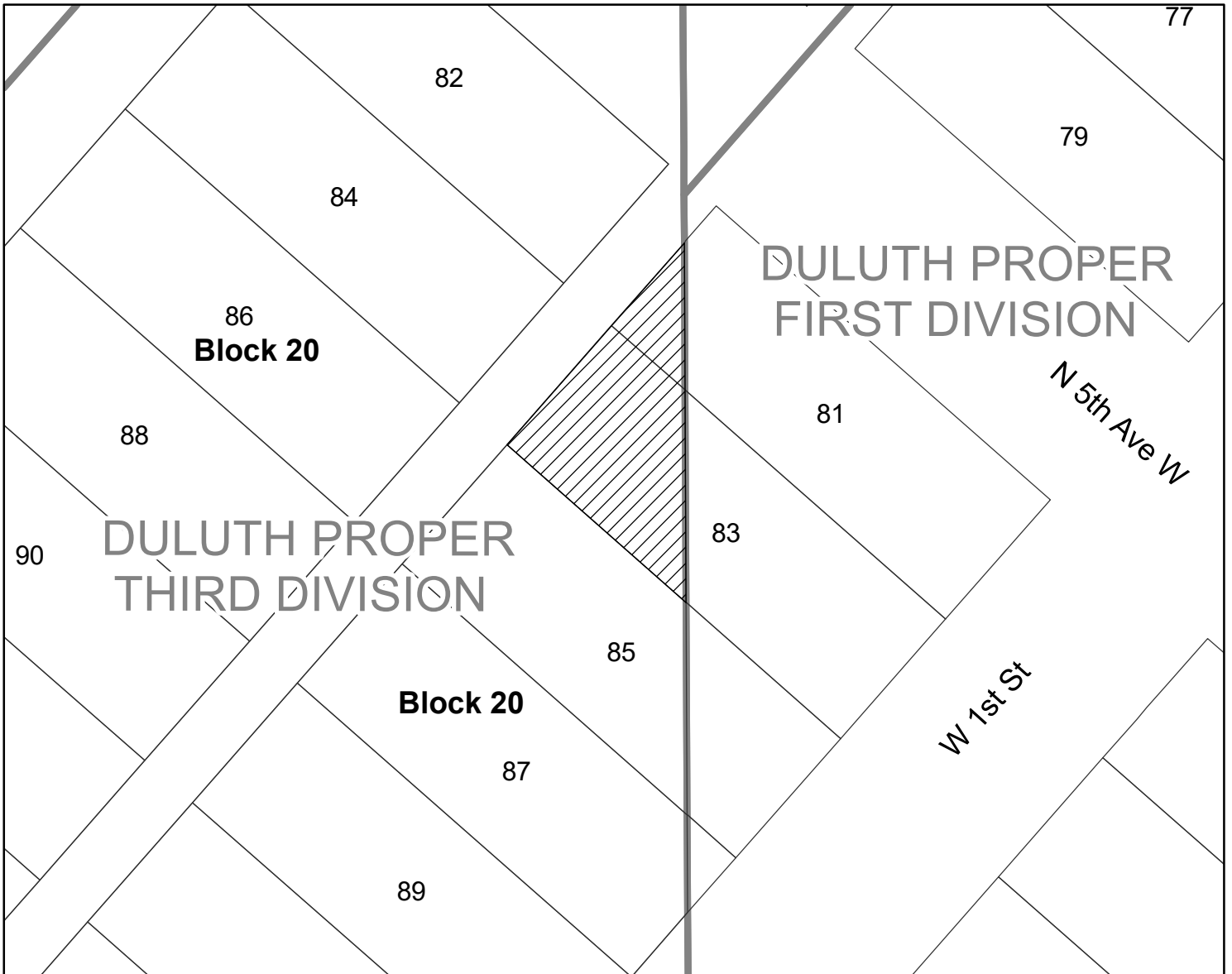
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Aerial photography flown 2019

Prepared by: City of Duluth Planning & Economic Development, October 5, 2021, Source: City of Duluth

Exhibit A



Vacation Area

0 50 Feet



Vacation of Easement over Lots 81 and 83, Block 20, Duluth Proper Third Division, according to the recorded plat thereof, in St Louis County, Minnesota.

APPROVED BY CITY ENGINEER

DATE