



Planning & Development Division
Planning & Economic Development Department

Room 160
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 Duluth, Minnesota 55802

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✉️ planning@duluthmn.gov

File Number	PL 23-108	Contact	John Kelley, jkelly@duluthmn.gov	
Type	Vacation of utility easement	Planning Commission Date	July 13, 2023	
Deadline for Action	Application Date	June 5, 2023	60 Days	August 4, 2023
	Date Extension Letter Mailed	June 21, 2023	120 Days	October 3, 2023
Location of Subject	3523 Chambersburg Avenue.			
Applicant	James Wallner	Contact		
Agent		Contact		
Legal Description	See Attached			
Site Visit Date	June 30, 2023	Sign Notice Date	June 27, 2023	
Neighbor Letter Date	June 26, 2023	Number of Letters Sent	11	

Proposal

The applicant is requesting to vacate a portion of a 20-foot-wide platted utility easement traversing north and south across 3523 Chambersburg Avenue located in the Piedmont Heights neighborhood.

Staff is recommending approval 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	Residential	Traditional Neighborhood
East	R-1	Residential	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 #5 - Promote reinvestment in neighborhoods.

The vacation will allow for construction of a single-family dwelling.

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. Limited commercial, schools, churches, and home businesses.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a portion of a 20-foot wide platted utility easement traversing north to south across their property located at 3523 Chambersburg Avenue, as shown on the attached exhibit.
2. The proposed vacation will allow the applicant to construct a proposed single-family dwelling.
3. The utility easement was platted in the Levi Acres plat but never utilized for its intended purpose.
4. The utility easement will not be needed by the City for the safe and efficient circulation of automobiles, trucks, bicycles, or pedestrians or the efficient supply of utilities or public services in the city and City Engineering does not expect to need it in the future.
5. Minnesota Power has also indicated this utility easement is not needed for future power lines.
6. No other public or City comments have been received at the time of drafting this report.
7. 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:

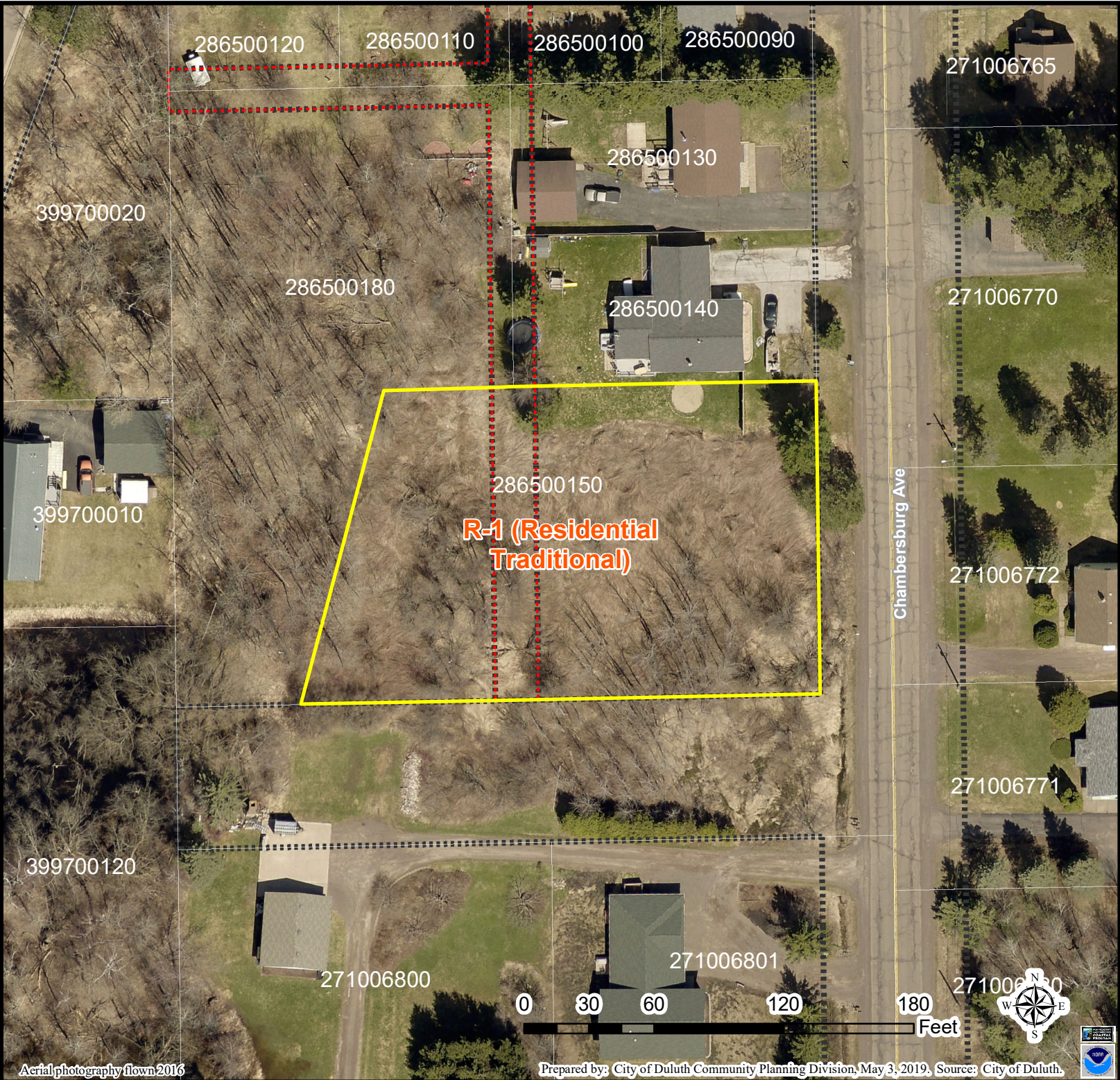
- 1.) The vacation must be recorded within 90 days of final approval by City Council or such approval will lapse.



PL 23-108
Vacation of Easement

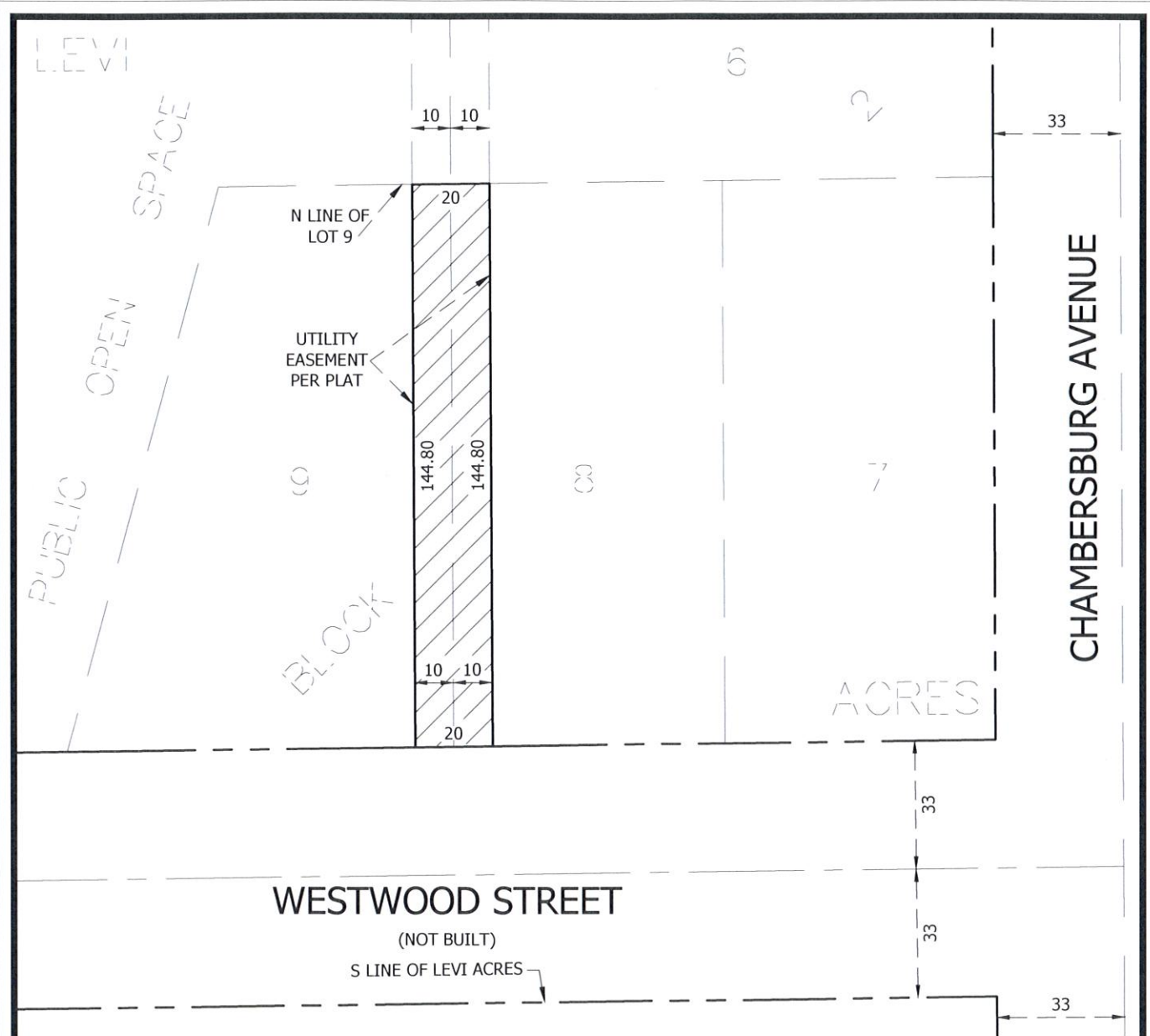
Legend

- ▬▬▬▬ Road or Alley ROW
- ☒ Vacated ROW
- Easement Type**
- ▬▬▬▬ Utility Easement
- ▬▬▬▬ Other Easement
- ▬▬▬▬ Zoning Boundaries








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.





LEGEND

-  UTILITY EASEMENT VACATION AREA
-  CENTER LINE
-  RIGHT OF WAY LINE
-  EXISTING PLAT LINE
-  EXISTING EASEMENT LINE


LEGAL DESCRIPTION OF UTILITY EASEMENT VACATION

All that part of the 20-foot-wide utility easement lying adjacent to and abutting Lot 8 and Lot 9, Block 2, LEVI ACRES, and South of the Easterly extension of the North line of said Lot 9, according to the recorded plat thereof, St. Louis County, Minnesota.

Said utility easement vacation contains 2,896 square feet or 0.06 acres.




Approved by the City Engineer of the City of Duluth, MN this 29 day of JUNE 2023

By 

- SURVEYOR'S NOTES**
- THIS IS NOT A BOUNDARY SURVEY.

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
 MN License #49505

DATE: 06-06-2023

VACATION EXHIBIT

CLIENT: JIM WALLNER
 ADDRESS: 3523 CHAMBERSBURG AVENUE
 DULUTH, MN 55811
 DATE: 06-06-2023

REVISIONS:
 JOB NO: 21-291
 SHEET 1 OF 1

ALTA
 LAND SURVEY COMPANY

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