



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-2505-0004 | | Contact | Christian Huelsman, chuelsman@duluthmn.gov | |
| Type | Vacation of Utility Easement | | Planning Commission Date | | July 8, 2025 |
| Deadline for Action | Application Date | | May 25, 2025 | 60 Days | July 24, 2025 |
| | Date Extension Letter Mailed | | June 12, 2025 | 120 Days | September 22, 2025 |
| Location of Subject | | 3501 E 2nd St | | | |
| Applicant | Meghan Klasic | | Contact | | |
| Agent | | | Contact | | |
| Legal Description | | PIN: 010-1370-00055; 010-1370-00520 | | | |
| Site Visit Date | | June 23, 2025 | Sign Notice Date | | June 24, 2025 |
| Neighbor Letter Date | | June 13, 2025 | Number of Letters Sent | | 36 |

Proposal:

The applicant seeks to vacate a 46 ft x 140 ft portion of a utility easement that runs along the vacated 35th Ave E ROW, while retaining 20 ft x 140 ft portion along active sewer. The existing easement is wider than necessary to maintain sewer.

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 | 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 #1 – Reuse previously developed lands.

Doing so strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services. The vacation will allow for the property owner to make improvements to their property.

Future Land Use – Traditional Neighborhood: An area characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garage, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

History: The subject utility easement, along the 200 block of 35th Ave E, was established in 1925. The 35th Ave E right-of-way on this block was also vacated in 1925.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate 46 ft x 140 ft of utility easement along vacated 35th Ave E: a 23 ft x 140 ft portion on the west side of vacated 35th Avenue East affecting Lot 16 of Block 1; and a 23 ft x 140 ft portion on the east side of the east side of vacated 35th Avenue East, affecting Lot 2 of Block C. All of the vacated area is within the Plat of Rearrangement of Part of East Duluth and of First Addition to East Duluth.
2. A 20 ft x 140 ft portion of the vacated 35th Avenue East will have a utility easement retained for sewer.
3. The proposed vacation will allow the adjacent property owner to make property improvements.
4. The existing easement is wider than necessary to maintain the sewer line.
5. A Petition to Vacate Street, Alley, or Utility Easement was submitted by the applicant, with signatures from the adjoining property owners, demonstrating no objection to vacating a portion of the utility easement.
6. The utility easement proposed to be vacated was established at the full width of the vacated 35th Avenue East right-of-way but never utilized in full. The northernmost portion of the easement continues as a utility easement measuring a width of 20 ft at the applicant's rear property line.
7. The proposed easement 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. No City, public or agency comments were received at the time of drafting this report.
9. 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.



Legend

- ## Easement Type

Other Easement

Utility, Active

Utility, Vacated -


 Road, Vacated - vacated
 via recorded document

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 TO BE RETAINED |
|  | UTILITY EASEMENT TO BE VACATED |
|  | PLAT DIVISION LINE |
|  | CENTER LINE |
|  | RIGHT OF WAY LINE |
|  | EXISTING EASEMENT LINE |
|  | RETAINED EASEMENT LINE |
|  | EXISTING PLAT LINE |

LEGAL DESCRIPTION OF PORTION OF UTILITY EASEMENT TO BE VACATED
That part of Vacated 35th Avenue East lying adjacent to and abutting Lot 2 Block C and adjacent to and abutting Lot 16, Block 1, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, which lies Northwesterly of the Northwesterly right of way line of East Second Street and lying Southeasterly of the Southwesterly extension of the Northwesterly line of said Lot 2, Block C, and Southeasterly of the Northeastly extension of the Northwesterly line of said Lot 16, Block 1, EXCEPTING therefrom a 20.00 foot wide strip of land lying 10.00 feet on both sides of the centerline of said Vacated 35th Avenue East.
Said utility easement vacation contains 6,900 Sq. feet or 0.16 Acres.

SURVEYOR'S NOTES

- DIVISION LINE BETWEEN PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH AND CRESCENT VIEW PARK.
- THE NORTHWESTERLY LINE OF LOT 2, BLOCK C, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH AND ITS SOUTHWESTERLY EXTENSION.
- THE NORTHWESTERLY LINE OF LOT 16, BLOCK 1, PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH AND ITS NORTHEASTERLY EXTENSION.
- A 16 FOOT WIDE UTILITY EASEMENT RETAINED IN VACATED 35TH AVENUE EAST AS DESCRIBED IN TORRENS DOCUMENT NO. 507292 AND ABSTRACT DOCUMENT NO. 468020 FILED IN THE OFFICE OF THE REGISTRAR OF TITLES ST. LOUIS COUNTY, MINNESOTA ON DECEMBER 30, 1988.
- VACATION OF 66 FOOT WIDE RIGHT OF WAY OF 35TH AVENUE EAST WITH A UTILITY EASEMENT RETAINED OVER ALL 66 FEET OF VACATED RIGHT OF WAY OF 35TH AVENUE EAST PER TORRENS DOCUMENT NO. 93756 FILED IN THE OFFICE OF THE REGISTRAR OF TITLES ST. LOUIS COUNTY MINNESOTA ON FEBRUARY 14, 1938.
- THE NORTHWESTERLY RIGHT OF WAY LINE OF EAST SECOND STREET.
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
- BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
- THIS IS NOT A BOUNDARY SURVEY.

UTILITY EASEMENT VACATION EXHIBIT

| | |
|--|-----------------------------|
| CLIENT: ANDREW LEACH & MEGHAN KLASIC | REVISIONS: |
| ADDRESS: 3501 E 2ND STREET DULUTH, MN 55804 | |
| DATE: 02-18-2025 | JOB NO: 25-027 SHEET 1 OF 2 |

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
David R. Evanson
MN License #49505
DATE: 02-18-2025

Approved by the City Engineer of the City of Duluth, MN this 23 day of June 2025

By C. J. Jorg

ALTA
LAND SURVEY COMPANY
PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTLANDSURVEYDULUTH.COM



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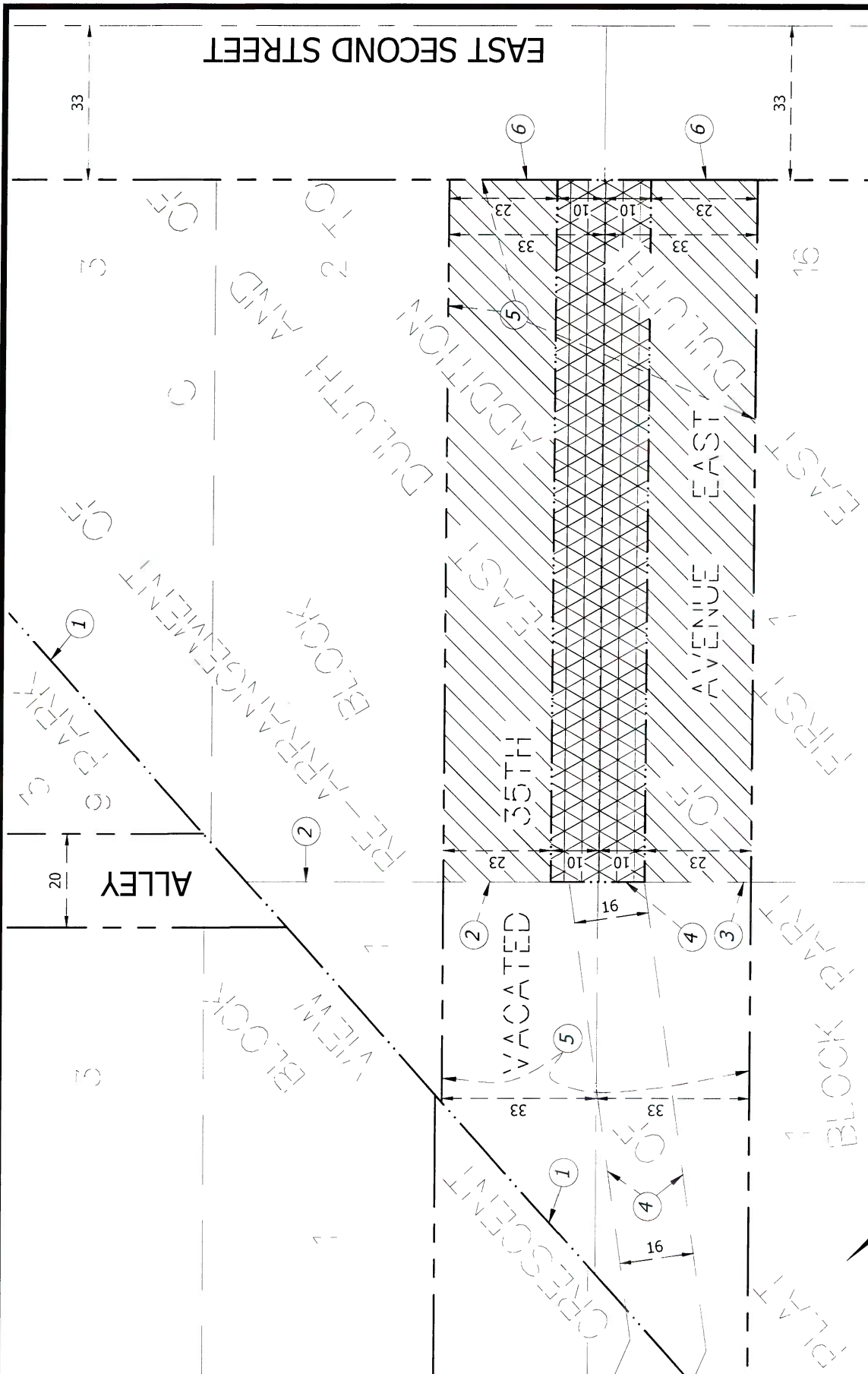
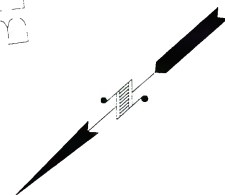
UTILITY EASEMENT VACATION EXHIBIT

CLIENT: ANDREW LEACH & MEGHAN
KLASIC

REVISIONS:

ADDRESS: 3501 E 2ND ST.
DULUTH, MN 55804

DATE: 02-18-2025 JOB NO: 25-027 SHEET 2 OF 2



Petition to Vacate Street, Alley, or Utility Easement

Name: MEGHAN KLASIC AND ANDREW LEACH

Description of street, alley, or easement to vacate: UTILITY EASEMENT ALONG WEST PROPERTY LINE OF 3501 E. 2ND ST ADJACENT TO 3431 E. 2ND ST.

My request for this vacation is to (indicate purpose of vacation):

REDUCE WIDTH OF EASEMENT TO 20 FEET (10 FT ON EACH SIDE OF PROPERTY LINE) TO ACCOMMODATE FENCE

The City of Duluth will not need this street, alley, or easement in the future because:

EXISTING EASEMENT IS WIDER THAN NECESSARY TO MAINTAIN SEWER LINE

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:

Per the utility easement vacation exhibit prepared by ALTA Land Survey Company and vacation easement pre-app meeting with the City of Duluth, the existing easement is wider than necessary to maintain the sewer line. Based on this evidence we are petitioning to vacate a portion of the existing easement.

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): Meghan Klasic Andrew Leach

Date: 5/20/25

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.

