



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

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<b>File Number</b>	PLVAC-2407-0004	<b>Contact</b>	Jason Mozol, <a href="mailto:jmozol@duluthmn.gov">jmozol@duluthmn.gov</a>	
<b>Type</b>	Vacation of Utility and Drainage Easement	<b>Planning Commission Date</b>	September 10, 2024	
<b>Deadline for Action</b>	<b>Application Date</b>	N/A	<b>60 Days</b>	N/A
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Kayak Bay Plat			
<b>Applicant</b>	Spirit Valley Land Co LLC	<b>Contact</b>	Brad Johnson	
<b>Agent</b>	LHB	<b>Contact</b>	Paul Vogel	
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	September 4, 2024	<b>Sign Notice Date</b>	August 26, 2024	
<b>Neighbor Letter Date</b>	August 19, 2024	<b>Number of Letters Sent</b>	25	

**Proposal**

The applicant is requesting to vacate a drainage and utility easement within Block 5 of the Kayak Bay Plat.

**Staff Recommendation**

Staff is recommending approval with conditions.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	MU-P	Proposed MU Development	Urban Residential
<b>North</b>	MU-P	Proposed MU Development	Urban Residential
<b>South</b>	MU-P	Proposed MU Development	Open Space/Urban Residential
<b>East</b>	MU-P	Proposed MU Development	Open Space/Urban Residential
<b>West</b>	MU-P	Proposed MU Development	Urban Residential

**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 #8 -Encourage mix of activities, uses, and densities

This vacation supports a development that incorporates a mixture of uses.

Future Land Use

Urban Residential: Greatest variety of residential building types, medium to high densities. Applicable to larger infill areas close to downtown, entertainment or activity centers, and waterfront residential areas. May include student housing areas, live/work units, and limited neighborhood retail. Connected or adjacent to parks and open space.

Recent History

The Kayak Bay Plat was recorded in 2020 and included a drainage and utility easement in Block 5.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate a drainage and utility easement located in Block 5 of the Kayak Bay Plat as described in the attached exhibit.
2. The proposed vacation will allow the overlying property owner to construct additional housing units.
3. The easement does not contain public utilities. It was initially dedicated with the intent for it to contain stormwater infrastructure. As plans have evolved, a preferred location for the required stormwater infrastructure was identified elsewhere on the site.
4. The easement will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
5. Vacating the easement will not impact or deny access to other property owners.
6. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the area for future utilities or drainage.
7. No other public, agency, or City comments have been received.
8. 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. City Council must approve the vacation with at least 6/9 vote.
2. The vacation and easements must be recorded within 90 days of final approval by City Council, or such approval will lapse.



PLVAC-2407-0004  
 Drainage Easement Vacation  
 Kayak Bay Plat



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Aerial photography flown 2019



Prepared by: City of Duluth Planning & Economic Development, October 23, 2023; Source: City of Duluth

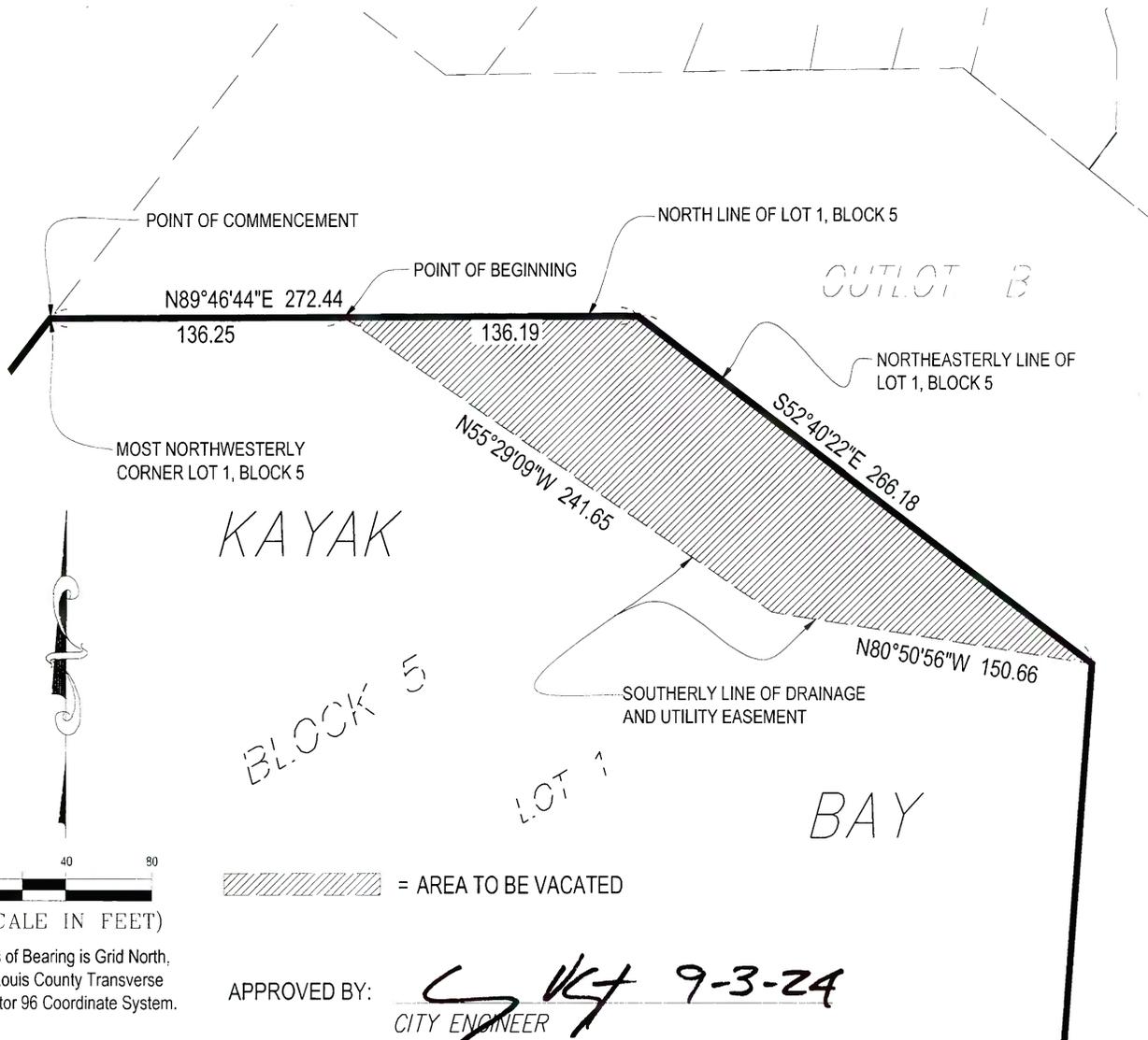
# EXHIBIT A

## Vacation Exhibit

### VACATION DESCRIPTION:

That part of a Drainage and Utility Easement per plat of KAYAK BAY, Saint Louis County, Minnesota, affecting Lot One (1), Block Five (5), said KAYAK BAY described as follows:

Commencing at the most northwesterly corner of Lot 1, Block 5, KAYAK BAY; thence North 89 degrees 46 minutes 44 seconds East along the north line of said Lot 1, a distance of 136.25 feet to the southwesterly line of an existing utility and drainage easement per plat of KAYAK BAY and being the Point of Beginning; thence continuing North 89 degrees 46 minutes 44 seconds East along said north line of said Lot 1, a distance of 136.19 feet to a corner of said Lot 1; thence South 52 degrees 40 minutes 22 seconds East along the northeasterly line of said Lot 1, a distance of 266.18 feet to a corner of said Lot 1 and being the southeasterly terminus of said existing drainage and utility easement; thence North 80 degrees 50 minutes 56 seconds West, a distance of 150.66 feet along the southerly line of said drainage and utility easement; thence North 55 degrees 29 minutes 09 seconds West, a distance of 241.65 feet to the Point of Beginning.



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: Date: 09/03/2024

DATE PREPARED: 09/03/24

PROJ NO: 230751

FILE: 230751\_Part1

SHEET 1 of 1 SHEETS



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