



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

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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, Pedestrian Way, and Recreational Trail Easement	<b>Planning Commission Date</b>	October 8, 2024	
<b>Deadline for Action</b>	<b>Application Date</b>	August 5, 2024	<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>	9439 Congdon Blvd			
<b>Applicant</b>	Outbound Lodges LLC	<b>Contact</b>	Joan Little	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See attached			
<b>Site Visit Date</b>	September 25, 2024	<b>Sign Notice Date</b>	September 24, 2024	
<b>Neighbor Letter Date</b>	August 19, 2024	<b>Number of Letters Sent</b>	12	

**Proposal**

The applicant is requesting to vacate a utility, pedestrian, and trail easement within the Bristol Beach 1<sup>st</sup> Division 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>	RR-2	Undeveloped Land	Rural Residential/ Open Space
<b>North</b>	RR-2	Undeveloped Land	Rural Residential/ Open Space
<b>South</b>	RR-2	Residential/ Undeveloped Land	Rural Residential/ Open Space
<b>East</b>	RR-2	Residential/ Undeveloped Land	Rural Residential/ Open Space
<b>West</b>	RR-2	Residential/ Undeveloped Land	Rural 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 #4 – Support Economic Growth Sectors

Emerging and growing economic sectors add economic, cultural, and social diversity. These include... commercial outdoor recreation... and visitor services. Encourage and foster locally owned and entrepreneurial ventures to enhance the economic base.

This vacation will remove restrictions on the applicant's property and support their development of the parcel into a cabin rental use.

Future Land Use

Rural Residential: Areas of single-family lots of at least five acres. Limits the extension of municipal utilities for new development. Includes existing rural density areas with lots as small as an acre now served by municipal utilities but not planned for further subdivision.

Open Space: High natural resource or scenic value, with substantial restrictions and development limitations. Primarily public lands but limited private use is anticipated subject to use and design controls.

Recent History

The existing easement was dedicated at the same time the platted roads in Bristol Beach 1<sup>st</sup> Division were vacated in 1981.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate a utility, pedestrian, and trail easement located in Blocks 6, 7, and 9 of the Bristol Beach 1<sup>st</sup> Division as described in the attached exhibit.
2. The proposed vacation will allow the applicant to construct a commercial cabin rental business and remove restrictions from adjacent parcels. A special use permit for the proposed business was approved in 2022.
3. The easement does not contain public utilities or infrastructure.
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-2408-0005  
 Pedestrian Easement Vacation  
 9439 Congdon Blvd

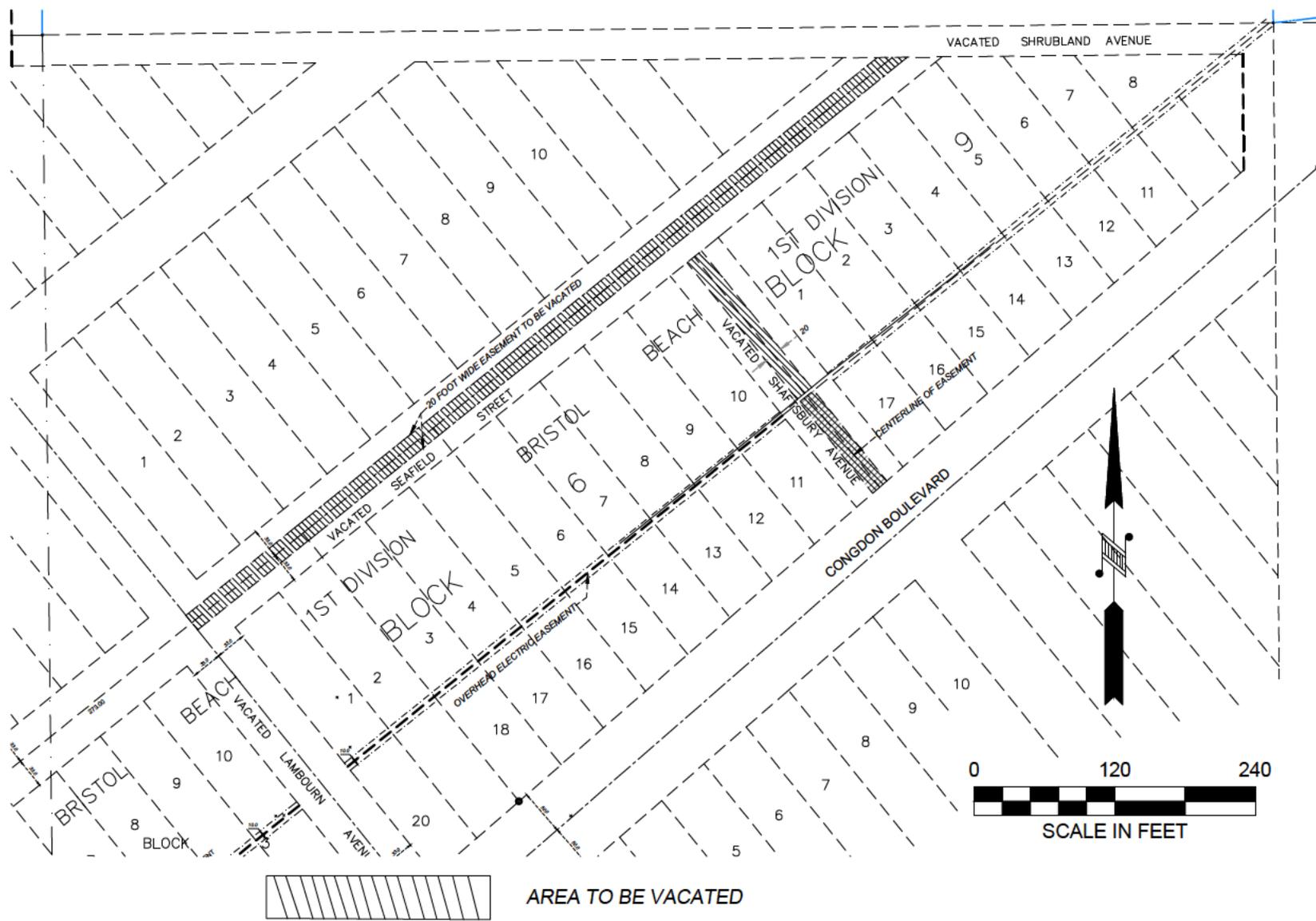


The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used 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.

Aerial photography flown 2019



20 FOOT EASEMENT FOR UTILITIES, PEDESTRIAN WAY, AND RECREATIONAL TRAIL PURPOSES VACATION EXHIBIT FOR CLINTION LITTLE AND JOAN ARBISI



20 FOOT EASEMENT FOR UTILITIES, PEDESTRIAL WAY, AND RECREATIONAL TRAIL PURPOSES VACATION EXHIBIT  
FOR CLINTION LITTLE AND JOAN ARBISI

LEGAL DESCRIPTION OF WALKWAY EASEMENTS TO BE VACATED

That portion of the 20 foot wide easement for utilities, pedestrian ways and recreation trail purposes retained by the City of Duluth in that certain Vacation Resolution No. 81-0586, which resolution was registered in the Office of the St. Louis County Registrar of Titles on September 11, 1981 as Document No. 440333 and recorded in the Office of the St. Louis County Recorder on September 11, 1981 as Document No. 335196 encumbering the following-described property.

- (1) That part of vacated Seafield Street lying between the South line of Schrubland Ave. and the centerline of vacated Lambourn Ave., which vacated street lies adjacent to the following Lots: Lots 1-10, Block 6; Lots 1-13, Block 7; and Lots 1-5, Block 9, all in Bristol Beach 1<sup>st</sup> Division, St Louis County, Minnesota; and
- ) (2) That part of vacated Shaftsbury Avenue. lying Southeasterly of the South line of vacated Seafield Street and northwesterly of the North line of Congdon Boulevard, which vacated street lies adjacent to the following lots: Lots 10 and 11, Block 6 and Lots 1 and 17, Block 9, all in Bristol Beach 1<sup>st</sup> Division, St. Louis County, Minnesota.

APPROVED BY CITY ENGINEER      DATE

*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.*

Date: 9-26-24



Ronald L. Krueger MN License No. 14374

DATE: 9/26/24  
SCALE: 1 IN = 120 FEET

RON KRUEGER  
Land Surveyor

# Petition to Vacate Street, Alley, or Utility Easement

Name: *Joan and Clinton Little*

**Description of street, alley, or easement to vacate:**

*"ROW near Outbound Lodges" Access, Active - currently in use.*

*20 foot easement for walkway purposes lying on either side of the centerline of vacate Seafield Street running from the Southerly right of way line of Shrubland Avenue to the centerline of Landborn Avenue. Also a 20 foot easement for walking purposes lying on either side of the centerline that part of vacated Shaftsbury Avenue lying Southerly of the centerline of vacated Seafield Street to the Northerly right of way of Congdon Boulevard.*

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

*To clear obstruction to our use of our property.*

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

*The City removed the streets but encumbered them with easements "for future use" that for almost 43 years has never been realized.*

**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) <sup>1</sup>:

*The requested easement removals are for streets that have been abandoned.*

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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. <sup>2</sup>

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):

*Joan Little*

*Clinton Little*

Date:

*8/5/2024*

**Notice: This is public data.**

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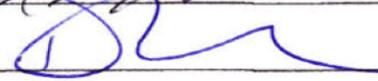
<sup>1</sup> In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

<sup>2</sup> 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.



Petition Signature Form

We, the undersigned, do hereby request that the City of Duluth consider vacating: easements + access on our property

Name (Print)	Signature	Property Address	Lot # (if known)
JOAN LITTLE	Joan Little	9439 CONGDON	010-0300-00650 010-0300-00700
Matt Mielke	Matt Mielke	9417 Congdon	010-0300-00640 010-0300-00840
↓	↓	↓	010-0300-00850 010-0300-00870
			010-0300-00880
RICHARD A. HAMILTON		9413 Congdon Blvd.	} 010-0300-00830 010-0300-00630
David D. Hamilton		9413 Congdon Blvd	
			010-0300-00760

\* Please return to Joan or Clinton Little at [redacted]  
 Congdon. Or call and we will pick it up, [redacted]  
 Thank you ☺

**Petition Signature Form**

We, the undersigned, do hereby request that the City of Duluth consider vacating: easements + access on our property

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JOAN LITTLE	<i>Joan Little</i>	9439 CONGDON	010-0300-00650 010-0300-00700
Matt Mielke	<i>Matt Mielke</i>	9417 Congdon	010-0300-00640 010-0300-00840
↓	↓	↓	010-0300-00850 010-0300-00870 010-0300-00880
JAMES P SPLAN	<i>J P Splan</i>	9409 CONGDON BLVD	010-0300-00620

Please return to Joan orz Clinton Little at 9436 Congdon.  
Thank you!