



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

Room 160  
 411 West First Street  
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

<b>File Number</b>	PL 24-044	<b>Contact</b>	John Kelley, jkelley@duluthmn.gov	
<b>Type</b>	Vacation of utility easement	<b>Planning Commission Date</b>	May 14, 2024	
<b>Deadline for Action</b>	<b>Application Date</b>	April 2, 2024	<b>60 Days</b>	June 1, 2024
	<b>Date Extension Letter Mailed</b>	April 17, 2024	<b>120 Days</b>	July 31, 2024
<b>Location of Subject</b>	3800 Greysolon Place			
<b>Applicant</b>	Matt Schiller & Betsy Schwartz	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached			
<b>Site Visit Date</b>	April 26, 2024	<b>Sign Notice Date</b>	April 30, 2024	
<b>Neighbor Letter Date</b>	April 19, 2024	<b>Number of Letters Sent</b>	44	

**Proposal**

The applicant is requesting to vacate a portion of a 10-foot-wide platted utility easement traversing east and west across the central portion of the property located at 3800 Greysolon Place located in the Congdon neighborhood.

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>	R-1	Residential	Traditional Neighborhood
<b>North</b>	R-1	Residential	Traditional Neighborhood
<b>South</b>	R-1	Residential	Traditional Neighborhood
<b>East</b>	R-1	Residential	Traditional Neighborhood
<b>West</b>	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 additional area to add onto a garage and/or construct a detached garage.

**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.

History – The utility easement was platted in the Greysolon Place Addition plat in 1955

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate a portion of a 10-foot wide platted utility easement traversing east to west across the central portion of the property at 3800 Greysolon Place, as shown on the attached exhibit.
2. The proposed vacation will allow the applicant additional area to add onto a garage and/or construct a detached garage.
3. The utility easement was platted in the Greysolon Place Addition plat in 1955 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. The applicant spoke with Minnesota Power regarding the vacation of the easement and they have stated this utility easement is not needed for future power lines.
6. Two public comments were received via phone calls. One public comment was received regarding the location of the utility easement and a second comment was received from a neighboring property to the east regarding concerns with storm water runoff. 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 24-044  
Area Map

271003520  
3800 E  
SUPERIOR ST

271003525  
3800  
GREYSOLON PL

Easement vacation

3737  
GREYSOLON RD

**Legend**

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

3715  
GREYSOLON PL  
201500052

201500070

**R-1 (Residential  
Traditional)**

137002250  
3733  
GREYSOLON RD

137002240  
3729  
GREYSOLON RD

Greysolon Pl

137002634  
3725  
GREYSOLON RD

137002620  
3721  
GREYSOLON RD

3706  
GREYSOLON PL  
201500080



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.

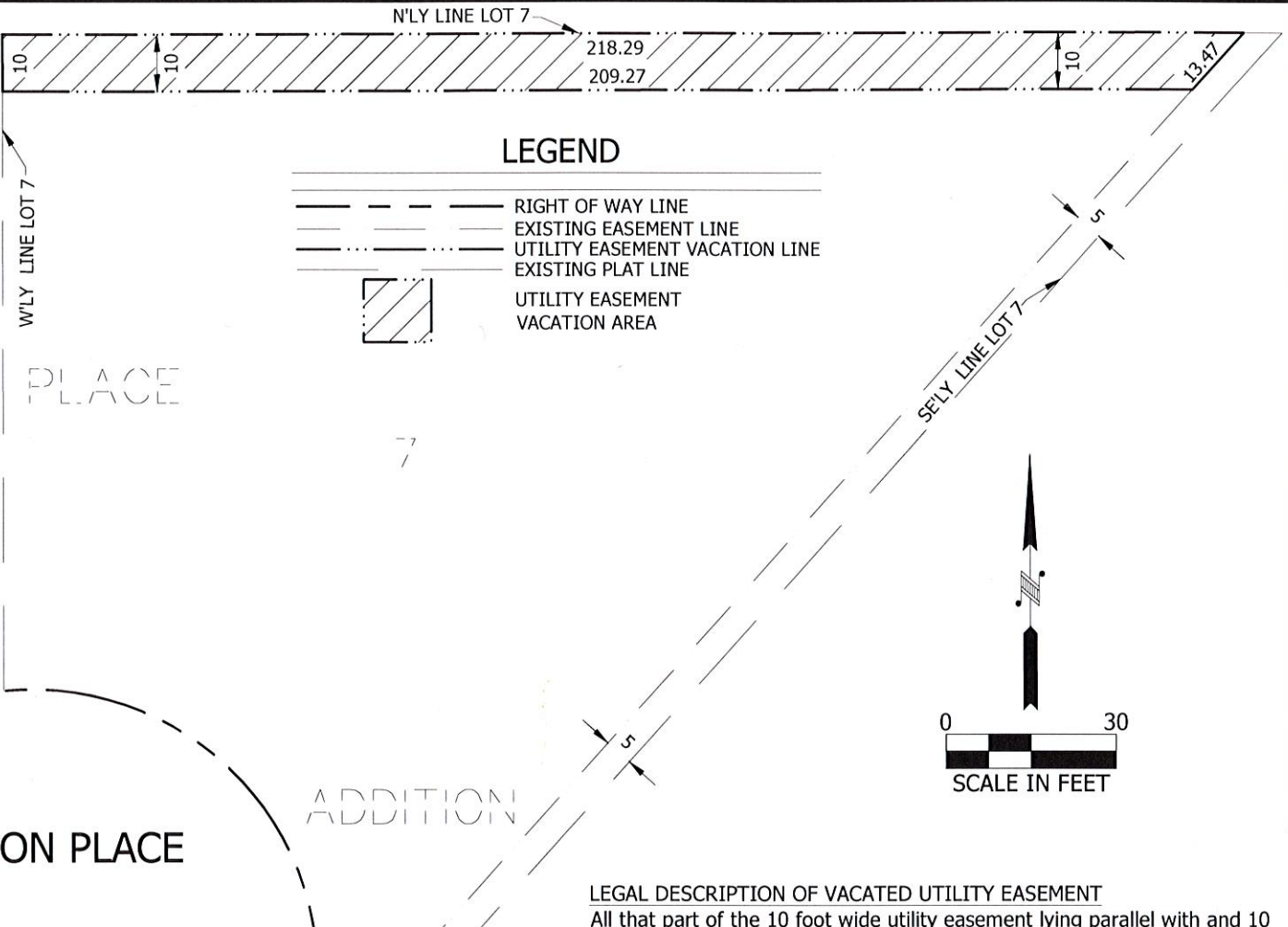
Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, May 3, 2019, Source: City of Duluth.





GREYSOLON



**LEGEND**

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

GREYSOLON PLACE

ADDITION

**LEGAL DESCRIPTION OF VACATED UTILITY EASEMENT**

All that part of the 10 foot wide utility easement lying parallel with and 10 feet Southerly of the Northerly line of Lot 7, GREYSOLON PLACE ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota and lying between the Westerly line of said Lot 7 and a line parallel with and distant 5 feet Northwesterly of the Southeasterly line of said Lot 7. Said utility easement vacation area contains 2,138 square feet or 0.05 acres.

**SURVEYOR'S NOTES**

1. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City  
 Engineer of the City of  
 Duluth, MN this 26<sup>TH</sup> day  
 of APRIL 2024

By *Howard Smith*  
 "FOR CINDY VOIGT"

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:01-09-2024

**UTILITY VACATION EXHIBIT**

CLIENT:MATT SCHILLER

REVISIONS:

ADDRESS:3800 GREYSOLON PLACE  
 DULUTH, MN 55804

DATE:01-09-2024

JOB NO:23-160A SHEET 1 OF 1

**ALTA**  
 LAND SURVEY COMPANY

PHONE: 218-727-5211  
 LICENSED IN MN & WI  
 WWW.ALTLANDSURVEYDULUTH.COM