



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

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planning@duluthmn.gov

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

	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 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



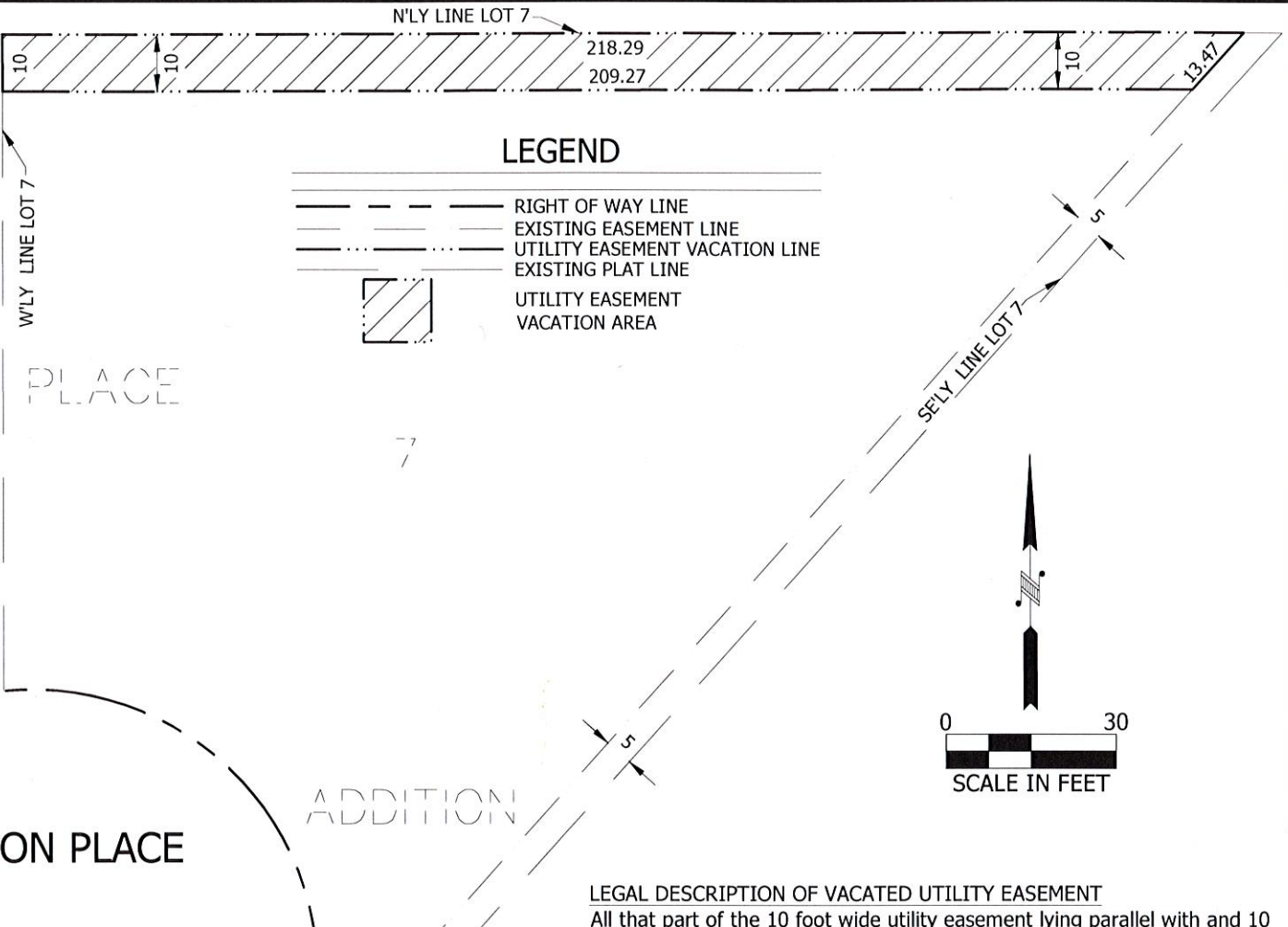
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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

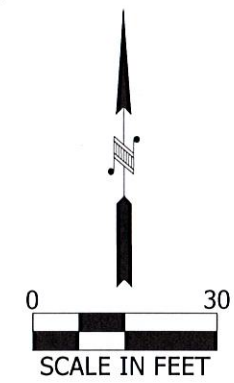


GREYSOLON



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 26TH 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

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