



**CITY OF DULUTH**  
Community Planning Division

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<b>File Number</b>	PL18-105	<b>Contact</b>	Kyle Deming, kdeming@duluthmn.gov	
<b>Type</b>	Vacation of Utility Easement	<b>Planning Commission Date</b>	August 14, 2018	
<b>Deadline for Action</b>	<b>Application Date</b>	July 31, 2018	<b>60 Days</b>	September 29, 2018
	<b>Date Extension Letter Mailed</b>	August 1, 2018	<b>120 Days</b>	November 27, 2018
<b>Location of Subject</b>	Outlot D near Idaho St. and 93 <sup>rd</sup> Ave. W. (Morgan Park)			
<b>Applicant</b>	City of Duluth, Community Planning	<b>Contact</b>	Adam Fulton	
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	Utility easement in Outlot D, Morgan Park			
<b>Site Visit Date</b>	July 31, 2018	<b>Sign Notice Date</b>	July 31, 2018	
<b>Neighbor Letter Date</b>	July 31, 2018	<b>Number of Letters Sent</b>	22	

**Proposal**

Vacation of a utility easement around an abandoned sanitary sewer pipe to facilitate construction of a group residential facility.

	<b>Current Zoning</b>	<b>Existing Land Use</b>	<b>Future Land Use Map Designation</b>
<b>Subject</b>	R-2	Forested	General Mixed Use
<b>North</b>	R-2	Single Family Residential	Traditional Residential
<b>South</b>	R-2	Forested/stream	General Mixed Use
<b>East</b>	R-2	Single Family Residential	General Mixed Use/Industrial
<b>West</b>	MU-B	Former RR grade	General Mixed Use

**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.

UDC Section 50-37.6C. The Planning Commission shall review the proposed vacation, and the City 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):**

Future Land Use – General Mixed Use - The broadest mix of uses, including light industrial, office, commercial, and residential use, with performance standards to ensure compatibility. Includes areas that are in transition from industrial uses and large redevelopments that require master plans and phased development. General or heavy industrial can be included when a large site is master planned to allow appropriate separation of uses.

Principle #7 – Create and maintain connectivity

Principle #9 – Support private actions that contribute to the public realm

Principle #12 – Create efficiencies in delivery of public services

Principle #14 – Integrate fairness into the fabric of the community

### **Review and Discussion Items**

Staff finds that:

- 1) The proposal is to vacate a utility easement that is no longer needed. The sanitary sewer pipe that is located in the easement has been abandoned by the City and the City does not need the easement for any other utility purposes.
- 2) The easement was transferred to the City in 1933 when the Morgan Park Company (U.S. Steel) divested itself from ownership of property and facilities in Morgan Park.
- 3) City comments: Email from Eric Shaffer, Chief Engineer for Utilities stating that the easement is not needed for any City purposes and that the sanitary sewer has been abandoned. No other public or agency comments were received.
- 4) Vacations of streets 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**

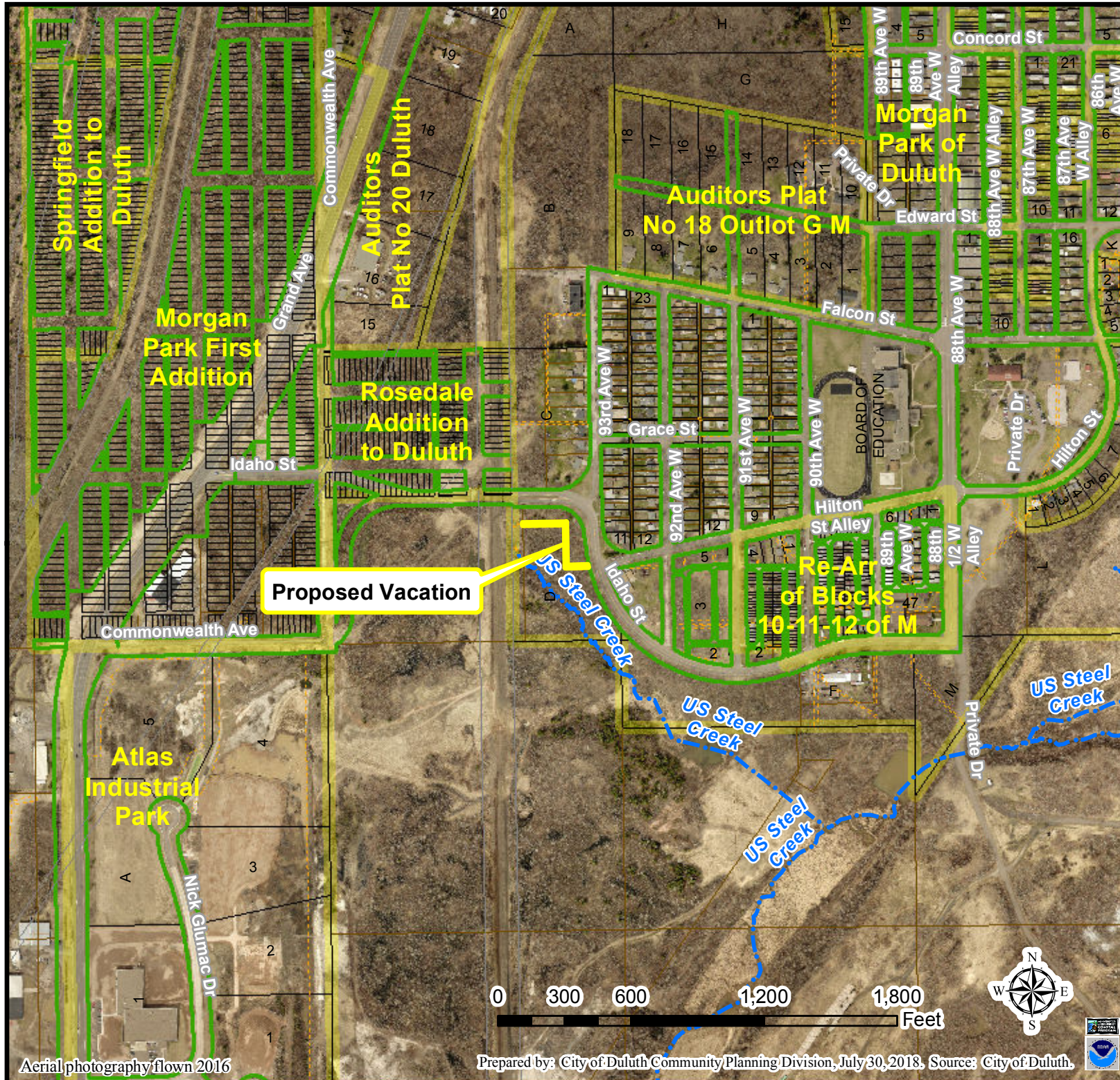
Based on the above findings, Staff recommends that the Planning Commission recommend approval of the vacation of the utility easement.





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Utility Easement Vacation  
Outlot D, Morgan Park



### Legend

- Lots
- Subdivision Boundaries
- Boundary Lines**
- <all other values>
- Subtype, ROW\_TYPE**
- Lot Line
- Parcel Line
- ROW (Road)
- ROW (Not Road)
- Subdivision Line
- Water Line
- Survey Line
- Municipal Boundary
- Trout Stream (GPS)
- Other Stream (GPS)

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Aerial photography flown 2016

Prepared by: City of Duluth Community Planning Division, July 30, 2018. Source: City of Duluth.







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Utility Easement Vacation  
Outlot D, Morgan Park

### Legend

- Gas Main
- Water Main
- Hydrant
- Sanitary Sewer Mains
- CITY OF DULUTH
- WLSSD; PRIVATE
- Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Storm Sewer Pipe
- Storm Sewer Catch Basin
- Lots
- Parcels
- 1 Ft contour
- 10 Ft contour
- Subdivision Boundaries

#### Boundary Lines

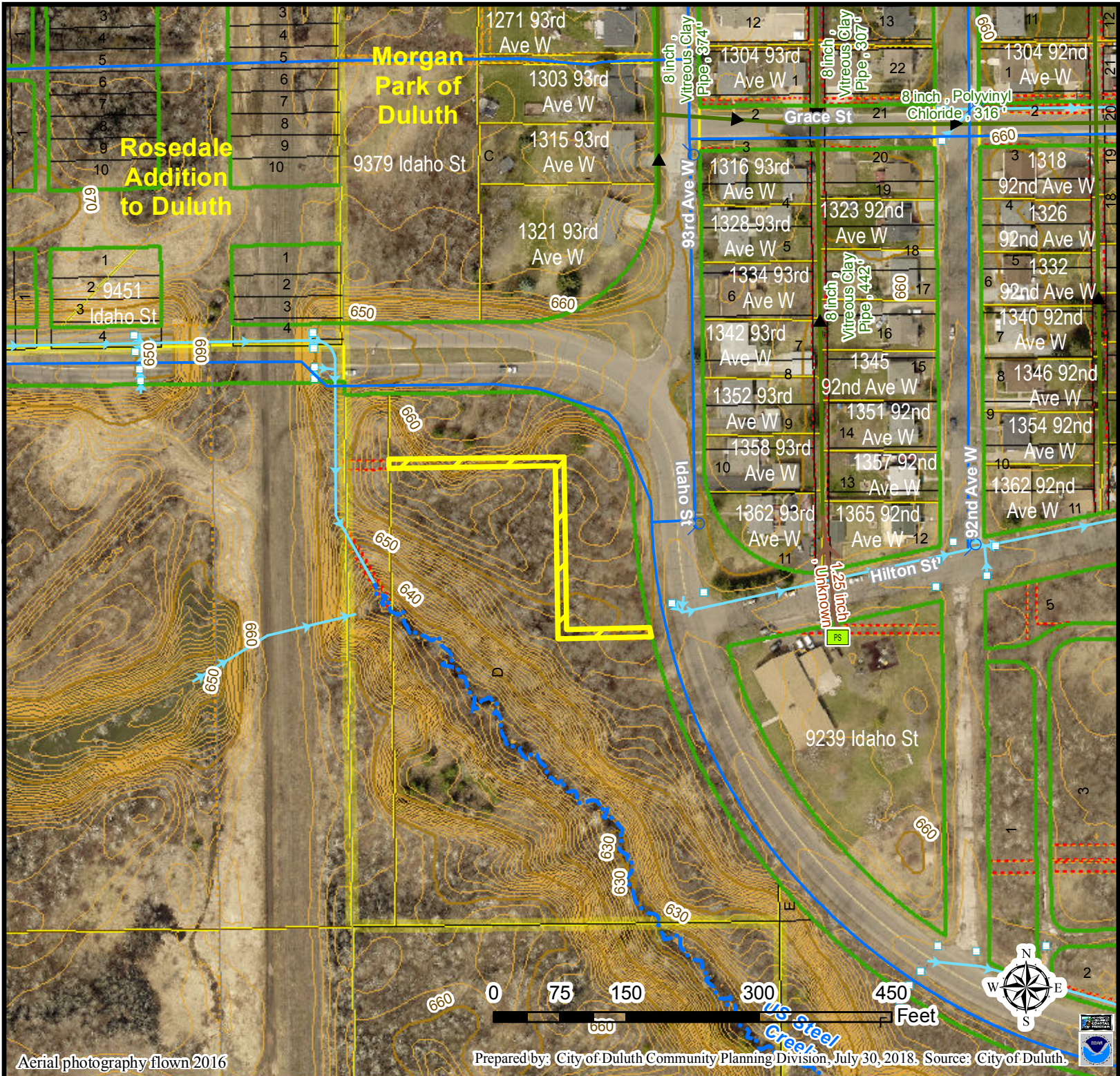
- <all other values>

#### Subtype, ROW\_TYPE

- Lot Line
- Parcel Line
- ROW (Road)
- - - ROW (Not Road)
- Subdivision Line
- Water Line
- - - Survey Line
- - - Municipal Boundary

#### Easement Type

- Utility Easement
- Other Easement
- Trout Stream (GPS)
- Other Stream (GPS)



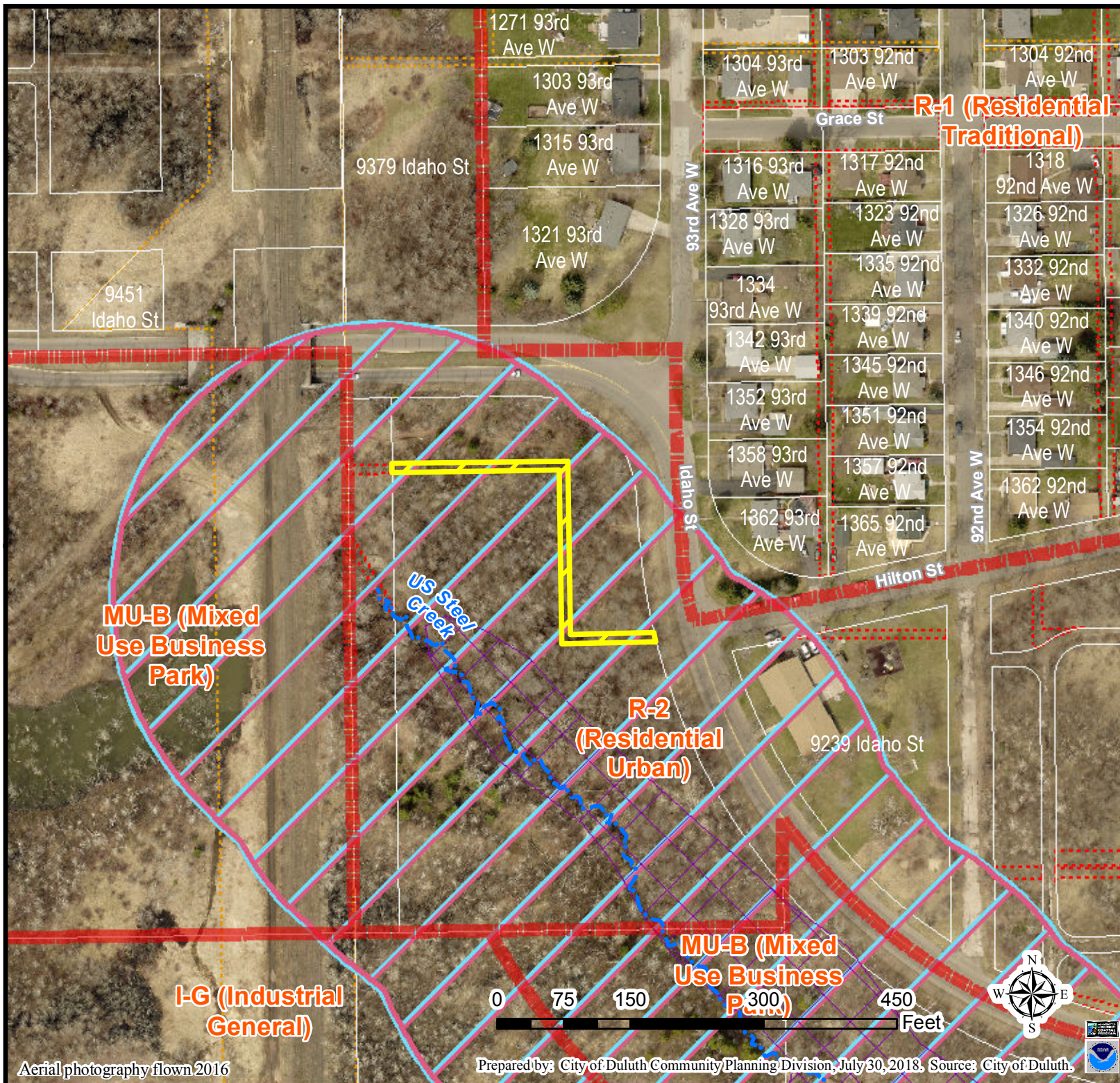
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Utility Easement Vacation  
Outlot D, Morgan Park



**Legend**

**Easement Type**

- Utility Easement
- Other Easement
- Zoning Boundaries

**Floodplain (UDC)**

- General Flood Plain
- Flood Way
- Flood Fringe

**Shoreland (UDC)**

- Cold Water
- Natural Environment
- General Development
- Trout Stream (GPS)
- Other Stream (GPS)

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### Legend

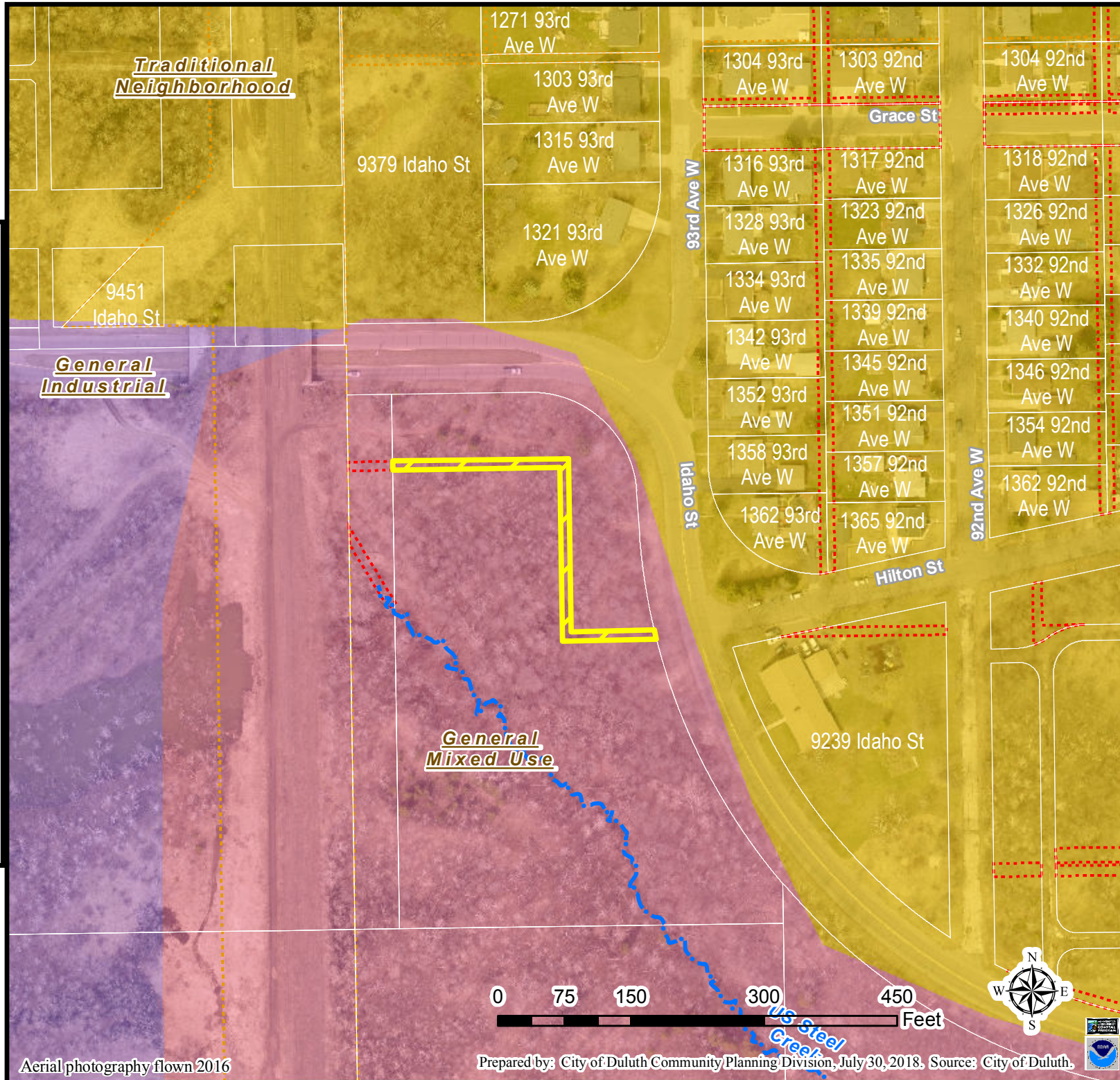
#### Easement Type

- Utility Easement
- Other Easement
- Trout Stream (GPS)
- Other Stream (GPS)

#### Future Land Use - Plus

- Preservation
- Recreation
- Rural Residential
- Low-density Neighborhood
- Traditional Neighborhood
- Urban Residential
- Neighborhood Commercial
- Neighborhood Mixed Use
- General Mixed Use
- Central Business Secondary
- Central Business Primary
- Auto Oriented Commercial
- Large-scale Commercial
- Business Park
- Tourism/Entertainment District
- Medical District
- Institutional
- Commercial Waterfront
- Industrial Waterfront
- Light Industrial
- General Industrial
- Transportation and Utilities

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