



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

Room 160  
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 Duluth, Minnesota 55802

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<b>File Number</b>	PL 23-099	<b>Contact</b>	Jenn Moses, jmoses@duluthmn.gov	
<b>Type</b>	Vacation of Utility Easements	<b>Planning Commission Date</b>	June 13, 2023	
<b>Deadline for Action</b>	Application Date	N/A	<b>60 Days</b>	N/A
	Date Extension Letter Mailed	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	North of Airport Rd. west of Airport Approach Rd. (Airport)			
<b>Applicant</b>	Duluth Airport Authority	<b>Contact</b>	Mark Papko, Director of Operations	
<b>Agent</b>	SEH	<b>Contact</b>	Jarrod Nelson, Senior Airport Engineer	
<b>Legal Description</b>	Those portions of the 20 foot wide utility easements lying within Lot 4, Block 1, AIRPORT DIVISION, according to the plat thereof, on file and of record, at the Office of the St. Louis County Recorder, lying northerly of the north line of the public street and highway easement area within said Lot 4 as described in City of Duluth Ordinance No. 9574 Dedicating an Easement for Public Street and Highway Purposes dated December 2, 2002, recorded in the Office of the St. Louis County Recorder on January 27, 2003 as Document No. 884139.			
<b>Site Visit Date</b>	May 23, 2023	<b>Sign Notice Date</b>	May 30, 2023	
<b>Neighbor Letter Date</b>	No letter sent due to all property within 350 feet being owned by airport or City of Duluth	<b>Number of Letters Sent</b>	0	

**Proposal:** Vacation of two utility easements in preparation for site development.

**Staff Recommendation**

Approval of the vacation with conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
<b>Subject</b>	A-P	Airport	General Industrial
<b>North</b>	A-P	Airport	General Industrial
<b>South</b>	MU-B	Industrial	General Industrial
<b>East</b>	A-P	Airport	General Industrial
<b>West</b>	MU-B	Industrial	General Industrial

### **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. 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 Principles and Policies:

The following Imagine Duluth 2035 Governing Principles should be considered when reviewing the request:

- Governing Principle #4 – Support economic growth sectors. The aviation industry continues to grow and this vacation facilitates development of an aircraft hangar.
- Governing Principle #7 – Create and maintain connectivity. The proposed vacation will eliminate unneeded utility easements that were replaced by a relocated water main.
- Governing Principle #9 – Support private actions that contribute to the public realm. Vacation will facilitate development of a needed aircraft hangar.
- Governing Principle #12- Create efficiencies in delivery of public services. Vacation will eliminate an unneeded utility easement.

#### Future Land Use

- Airport (AP): Intended to protect and reserve lands dedicated for airport operations. Structures and development (e.g., parking, hangars) that are incidental to and supportive of airport operations may be permitted.

#### History:

- Airport development began in 1930 with the creation of a municipal airport with turf runways. Development continued in 1942 with the paving of runways, extending the east-west runway to roughly its present length in 1951. The MN Air National Guard and the U.S. Air Force base began construction in the late 1940s and continued into the 1950s. The Air Force base closed in 1982, but the Air National Guard base remains active. The utility easements to be vacated were likely for water infrastructure from the Air Force base era.

### **Review and Discussion Items**

1. The proposal is to vacate two existing utility easements in preparation for development of an aircraft hangar in keeping with the zoning of the area.
2. There are no utilities in the easements as they were removed when a replacement water main was installed in 2008 around the west side of the property.
3. The landowner is working with the City Engineering office on dedicating a utility easement for the relocated water main via a process separate from this vacation.
4. The City Engineering office has reviewed the easements proposed for vacation and has indicated they are not needed for existing or future utilities.
5. 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 to City Council approval of the petitioned utility easement vacation with the following conditions:

1. The Council approve the vacation with at least a 6/9's vote.
2. Applicant must present a vacation plat meeting the City Engineer's requirements within 90 days of Planning Commission's recommendation or the application will be denied.
3. The vacation must be recorded within 90 days of final approval by City Council, or such approval will lapse.





PL 23-099  
 Vacation of  
 Utility Easements  
 Duluth International Airport



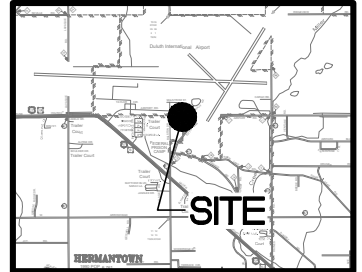
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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



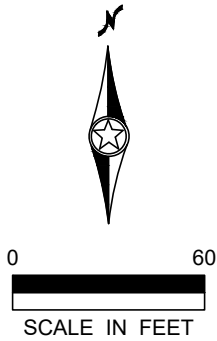
# EASEMENT VACATION EXHIBIT

LOT 4, BLOCK 1  
AIRPORT DIVISION  
ST. LOUIS COUNTY, MN

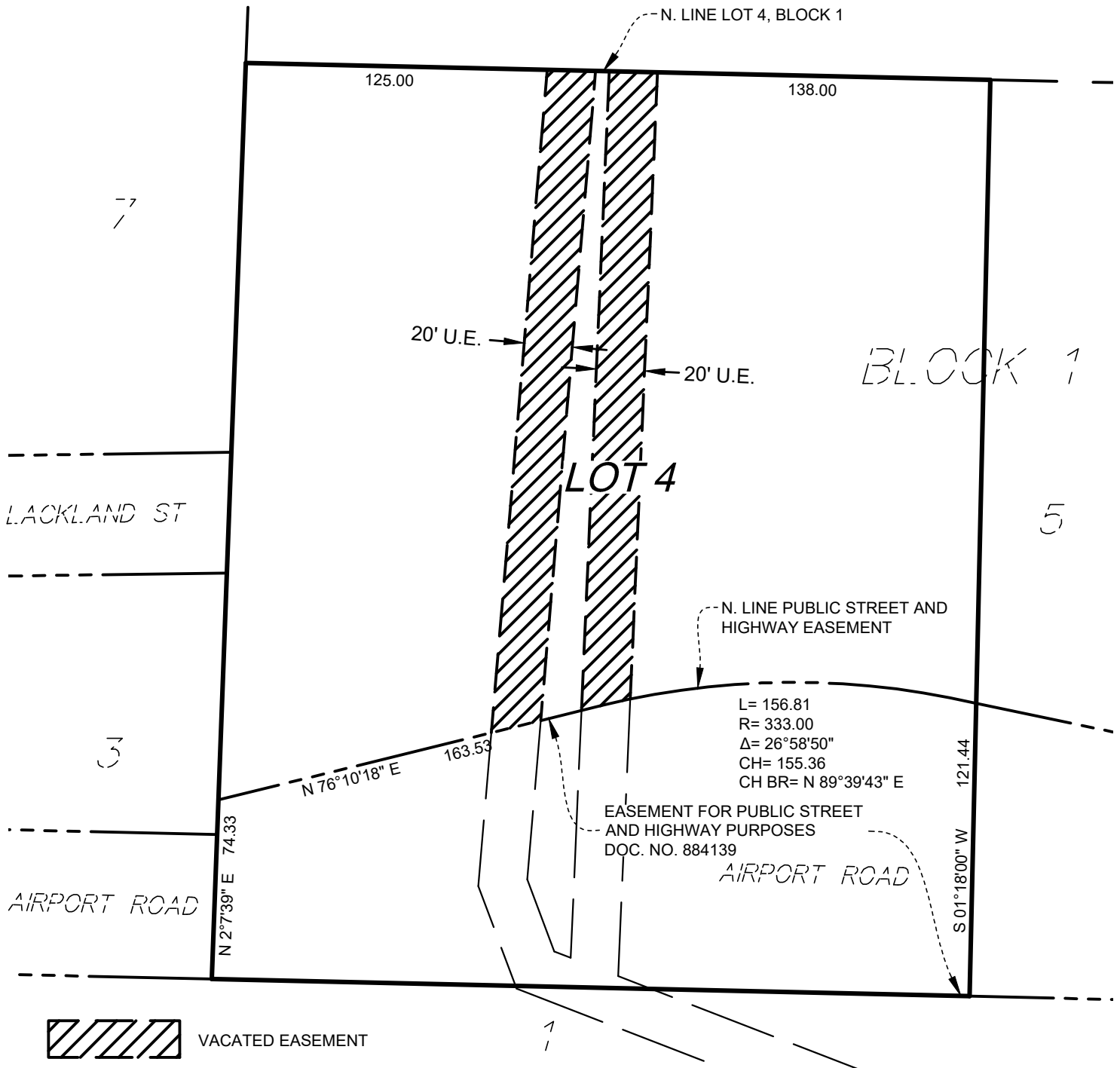
VICINITY MAP



DULUTH, MN



THE SOUTH LINE OF THE AIRPORT  
DIVISION IS ASSUMED TO HAVE A  
BEARING OF N 89°20'37" E.



### Easement Vacation Description

Those portions of the 20.00 foot wide utility easements lying within Lot 4, Block 1, AIRPORT DIVISION, according to the plat thereof, on file and of record, at the County Recorder's office, St. Louis County, Minnesota, lying northerly of the north line of the public street and highway easement area within said Lot 4 as described in the City of Duluth Ordinance No. 9574 Dedicating an Easement for Public Street and Highway Purposes dated December 2, 2002 and recorded as Document No. 884139 on January 27, 2003 in said County Recorder's office.

SURVEYED FOR: CITY OF DULUTH

SURVEYED BY: SEH DRAFTED BY: CDM CHECKED BY: CDM

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.

Signature: Christopher D. Munn Lic. No. 45818

Printed Name: CHRISTOPHER D. MUNN Date: 6/01/2023



NO.	BY	DATE	REVISIONS
1	CDM	6/1/23	REVISED DESCRIPTION

PART OF LOT 4, BLOCK 1  
AIRPORT DIVISION  
ST. LOUIS COUNTY, MN

FILE NO.  
DU 170373 EA1  
CLIENT CODE  
DULAI

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