



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PLVAC-2409-0006	Contact	Chris Lee, clee@duluthmn.gov	
Type	Vacation of Utility Easement	Planning Commission Date	October 8, 2024	
Deadline for Action	Application Date	September 2, 2024	60 Days	November 1, 2024
	Date Extension Letter Mailed	September 20, 2024	120 Days	December 31, 2024
Location of Subject	2836 London Rd			
Applicant	Arola Architecture Studio LLC	Contact	Jed Lahti	
Agent	Scott Skorupa	Contact		
Legal Description	PIN: 010-1370-07740			
Site Visit Date	September 23, 2024	Sign Notice Date	September 23, 2024	
Neighbor Letter Date	September 20, 2024	Number of Letters Sent	12	

Proposal: The applicant is requesting to vacate 40' on the lake side of the 60' utility easement. The utility easement was dedicated when the right of way was vacated in 1932. No utilities are present at this easement.

Recommended Action: Staff recommends that Planning Commission recommend approval to City Council with conditions.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Low-density Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	Lake Superior	Lake Superior	Lake Superior
East	R-1	Residential	Low-density 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.

West	R-1	Residential	Low-density Neighborhood
-------------	-----	-------------	--------------------------

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Governing Principle #1 – Reuse previously developed lands- Reuse of previously developed lands... strengthens neighborhoods and is preferred to a dispersed development pattern with associated alteration of natural landscapes and extensions of public services. Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services. The vacation will allow for the property owner to make improvements to their property.

Future Land Use - Low Density Neighborhood: Single-family housing with urban services. Typified by curvilinear streets, houses with longer dimension parallel to street, and attached garages. Includes a range of house sizes and lot sizes.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate a 40' x 166' of the 60' wide utility easement affecting Lot 9, Block 69, and Lots 1 and 2, Block 68 of the PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH. The vacation will terminate at the Northeasterly line of Lot 9, Block 68 and the Southwesterly line of Lot 2, Block 69.
2. A 20' wide portion is not part of this easement vacation as there are existing utilities in that portion. This was a request from City Engineering.
3. The proposed vacation will allow the adjacent property owner to build a detached garage.
4. The alley was platted but never utilized for its intended purpose.
5. The alley will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth since the alley is currently unimproved.
6. The City has determined that this portion of the easement is not needed for utility or pedestrian use. Vacating the easement will not impact or deny access to other property owners.
7. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the easement for future utilities.
8. No other public or City comments have been received at the time of drafting this report.
9. 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 and easements must be recorded within 90 days of final approval by City Council or such approval will lapse
2. The vacation must be approved with a 6/9 vote from City Council.



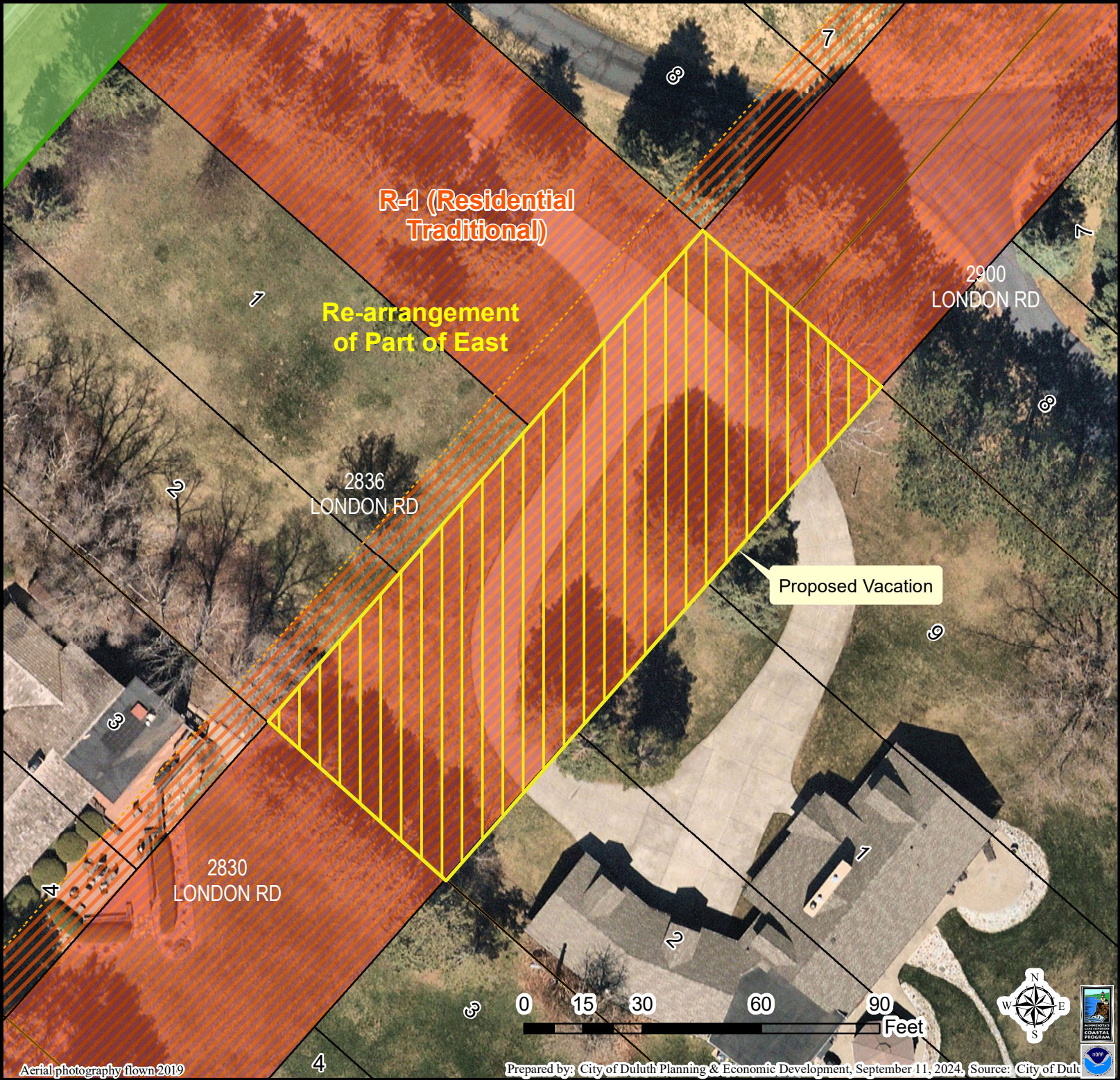
PLVAC-2409-0006
 Vacation of Right of Way
 2836 London Rd

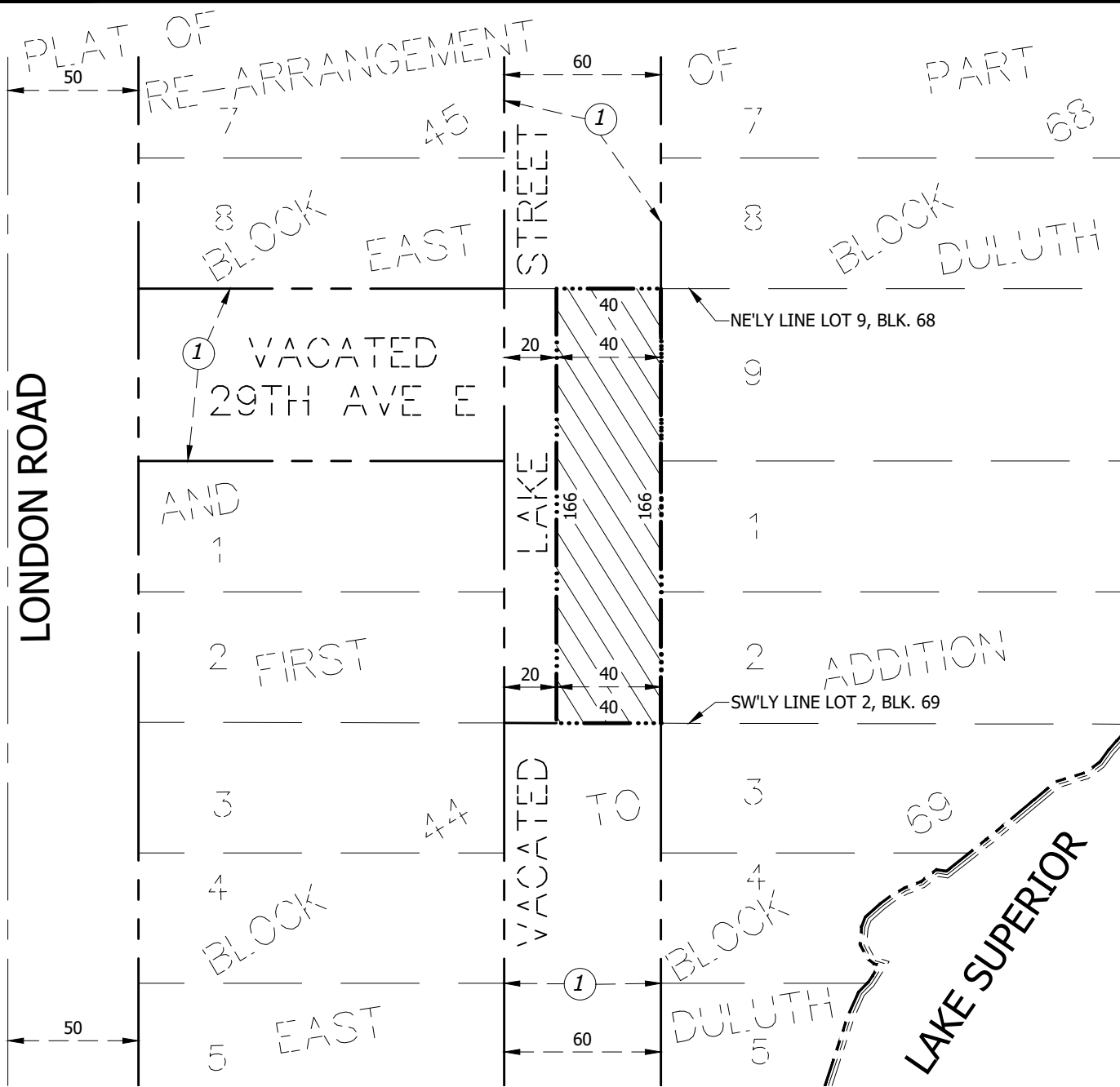
Legend



Zoning Boundaries

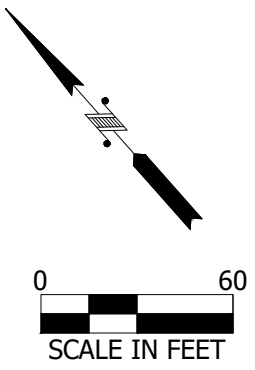
The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used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





LEGEND

- CENTER LINE
- RIGHT OF WAY LINE
- EASEMENT VACATION LINE
- EXISTING PLAT LINE
- SHORELINE
- EASEMENT VACATION AREA
- REFER TO SURVEYOR'S NOTES



EASEMENT VACATION EXHIBIT	
CLIENT: SCOTT SKORUPA	REVISIONS:
ADDRESS: 2836 LONDON ROAD DULUTH, MN 55804	
DATE: 08-29-2024	JOB NO: 24-219 SHEET 2 OF 2

ALTA
 LAND SURVEY COMPANY
PHONE: 218-727-5211
 LICENSED IN MN & WI
 WWW.ALTLANDSURVEYDULUTH.COM

LEGAL DESCRIPTION OF EASEMENT VACATION

That part of the retained utility easement lying over the Southeasterly 40 feet of Vacated Lake Street, as dedicated on the PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, said utility easement vacation lying Southwesterly of the Northwesterly extension of the Northeasterly line of Lot 9, Block 68, said PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH and lying Northeasterly of the Northwesterly extension of the Southwesterly line of Lot 2, Block 69, said PLAT OF RE-ARRANGEMENT OF PART OF EAST DULUTH AND OF FIRST ADDITION TO EAST DULUTH. Said easement vacation contains 6,640 square feet or .015 acres.


Approved by the City
Engineer of the City of
Duluth, MN this _____ day
of _____ 20__

By _____

SURVEYOR'S NOTES

1. VACATION OF LAKE STREET AND 29TH AVE. E. EXCEPTING AND RESERVING TO THE PUBLIC AN EASEMENT FOR WATER, SEWER, GAS, CONDUITS FOR WIRES AND ALL OTHER PUBLIC UTILITY PURPOSES PER CITY OF DULUTH VACATION PLAT ADOPTED JUNE 6, 1932 AND APPROVED JUNE 8, 1932.
2. THIS IS NOT A BOUNDARY SURVEY.

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
MN License #49505
DATE:08-29-2024

EASEMENT VACATION EXHIBIT

CLIENT:SCOTT SKORUPA

REVISIONS:

ADDRESS:2836 LONDON ROAD
DULUTH, MN 55804

DATE:08-29-2024

JOB NO:24-219

SHEET 1 OF 2


ALTA
LAND SURVEY COMPANY

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