



Staff Report for PLVAC-2603-0002

Application Information:

Application Type: Vacation of Easement

Location of Subject: Near E 4th St & Lakeview Ave

Legal Description: 010-2121-00020

Applicant: Sean and Morgan Morgan

Applicant Contact: n/a

Agent: n/a

Agent Contact: n/a

Staff Contact: Chris Lee, clee@duluthmn.gov

Deadline for Action:

Application Date: March 10, 2026

Date Extension Letter Mailed: March 12, 2026

60 Days: May 9, 2026

120 Days: July 8, 2026

Site Visit Date: March 26, 2026

Sign Notice Date: March 31, 2026

Neighbor Letter Date: March 18, 2026

Number of Letters Sent: 21

Proposal:

Applicant is requesting to vacate an unused utility easement on the property.

Recommended Action:

Staff recommends Planning Commission recommend approval.

Zoning and Land Use:

	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:

General: 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):

Principle #1 – Reuse previously developed lands – This subdivision provides the opportunity for infill residential development within an existing neighborhood on land that has been impacted by surrounding residential development.

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. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth 's older neighborhoods, infill projects, neighborhood extensions, and new traditional neighborhood areas.

History: The existing parcel has never been developed upon and has remained vacant. A minor subdivision to divide the parcel into 2 was approved in February 2026.

Review and Discussion Items:

Staff finds:

1. The applicant is requesting to vacate an unused utility easement, as described in the attached exhibit. The vacation includes all that part of the sewer right of way lying across the Hawthorne Division.
2. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the area for future roadway, utilities, or drainage.
3. The proposed vacation will allow the owner to have more buildable area within the lot.
4. The easement is no longer needed for the purposes of utilities, and the City has determined it will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth and is not needed for the efficient supply of utilities or public services in the city.
5. A Petition to Vacate Street, Alley, or Easement was requested by the applicant and an adjacent owner.
6. Vacating the easement will not impact or deny access to other property owners.
7. No city, public or agency comments were received.
8. 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 approve the Planning Review with the following conditions:

1. Appropriate deeds be filed with St. Louis County within 180 days. Prior to recording the deed that results from this adjustment, the Planning Division will need to stamp the deed, indicating compliance with the local zoning code.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

Staff Report Map for PLVAC-2603-0002:

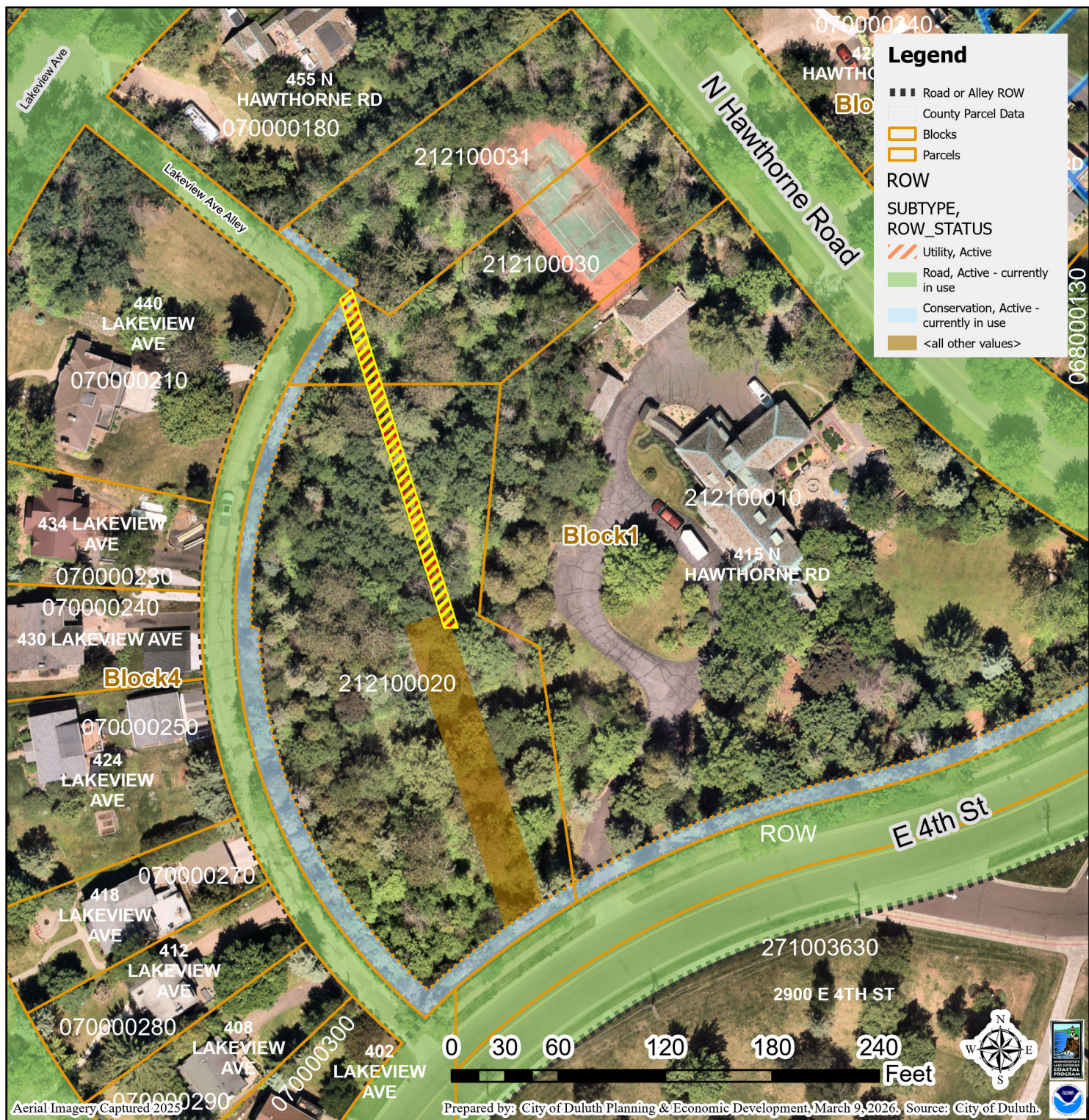


Figure 1. Aerial imagery captured in 2025, showing Parcels #010-2121-00030 and #010-2121-00020 outlined north of East 4th Street and south of North Hawthorne Road with a yellow outline marking the area to be vacated starting at the north end of parcel #010-2121-00020 and running in a north south orientation to the midpoint of said parcel.

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.

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LEGAL DESCRIPTION OF VACATION

All that part of the sewer right of way lying across the Southwesterly 5 feet of Lot 20, Block 4, CONGDON PARK DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

AND

All that part of the sewer easement lying across the Northeasterly 5 feet of Lot 14, Block 4, SECOND RE-ARRANGEMENT IN CONGDON PARK DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota.

AND

All that part of the platted sewer easement lying across the Northeasterly 5 feet of Lot 14, Block 4, SECOND RE-ARRANGEMENT IN CONGDON PARK DIVISION, now a part of Lot 2, Block 1, HAWTHORNE DIVISION, according to the recorded plats thereof, St. Louis County, Minnesota.

Said vacation area contains 1,920 square feet or 0.04 acres.

LEGEND

	RIGHT OF WAY LINE
	VACATION LINE
	UNDERLYING PLAT LINE
	HAWTHORNE DIVISION PLAT LINE
	VACATION AREA-PUBLIC RIGHTS
	VACATION AREA-PROPRIETOR'S RIGHTS
	REFER TO SURVEYOR'S NOTES

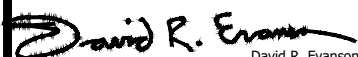
Approved by the City Engineer of the
City of Duluth, MN this _____ day
of _____ 20__

By _____

SURVEYOR'S NOTES

1. SEWER RIGHT OF WAY PER PLAT OF CONGDON PARK DIVISION OF DULUTH.
2. SEWER EASEMENT PER PLAT OF SECOND RE-ARRANGEMENT OF CONGDON PARK DIVISION.
3. 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:03-09-2026

VACATION EXHIBIT

CLIENT:MORGAN MORGAN

REVISIONS:

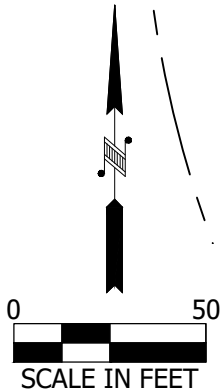
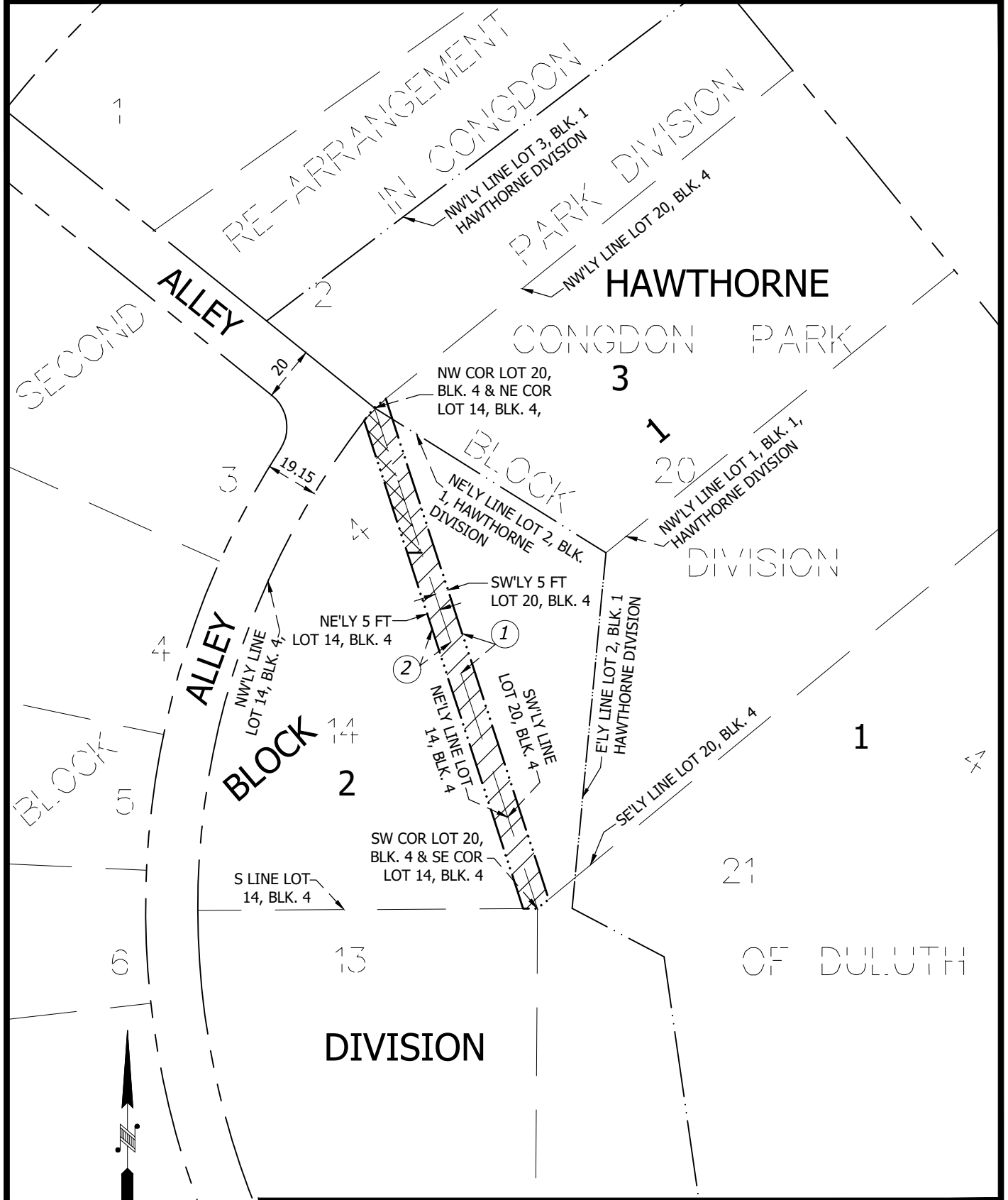
ADDRESS:XXXX EAST 4TH STREET
DULUTH, MN 55812

DATE:03-09-2026

JOB NO:25-379

SHEET 1 OF 2


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



VACATION EXHIBIT			 ALTA LAND SURVEY COMPANY PHONE: 218-727-5211 LICENSED IN MN & WI WWW. ALTALANDSURVEYDULUTH.COM
CLIENT:MORGAN MORGAN		REVISIONS:	
ADDRESS:XXXX EAST 4TH STREET DULUTH, MN 55812			
DATE:03-09-2026	JOB NO:25-379		

PHONE: 218-727-5211
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 WWW.ALTALANDSURVEYDULUTH.COM