



Council Agenda Item 26-0117R

MEETING DATE: February 23, 2026

SUBJECT/TITLE: RESOLUTION TO APPROVE VACATION OF A SLOPE AND FILL EASEMENT, AFFECTING LOTS 70, 72, AND 74, DULUTH PROPER FIRST DIVISION, EAST FIFTH STREET.

SUBMITTED BY: Jenn Moses, Land Use Supervisor

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: Planning Commission

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND:

The resolution is to vacate a slope and fill easement as part of Duluth Proper First Division East Fifth Street. Slopes and fill easements were common when properties were first being developed, especially in the Hillside neighborhood. The applicant is requesting to vacate an entire slope and fill easement along the platted and developed East 5th Street, as described in the attached exhibit. The City Engineering office has reviewed the proposed vacation and has indicated it does not expect to need the area for future utilities or drainage, or for the safe and efficient circulation of automobiles and pedestrians. The easement is no longer needed for the East 5th Street, 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. Vacating the easement will not impact or deny access to other property owners. The property owner requests this vacation for redevelopment purposes, including a mixed-use condominium consisting of affordable housing and daycare.

At its regular meeting on January 13, 2026, the planning commission held a public hearing on the proposed vacation (Exhibit A), reviewed staff report findings and conclusions associated with the vacation request (Exhibit B), Staff Report (File No. PLVAC-2512-0012), and discussed and deliberated the matter as a commission. The planning commission considered a motion to recommend to city council to approve the vacation request with the motion passing on a vote of 7 yeas, 0 nays and 0 abstentions.

Having reviewed and considered the Application and conducted a public hearing, the planning commission recommends that the city council approve the vacation of right-of-way with the conditions stated for the following reasons:

- 1) This proposal is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;



- 2) This proposal is required by public necessity, convenience, or general welfare, or good zoning practice; and;
- 3) Material adverse impacts on nearby properties are not anticipated or will be mitigated.

BUDGET/FISCAL IMPACT: Development has the potential to increase the tax revenue produced by a property.

OPTIONS: Approve or deny the vacation application

NECESSARY ACTION: Not Applicable

ATTACHMENTS:

- Exhibit A – Exhibit/Legal Description
- Exhibit B – Staff Report and Conclusions