

Exhibit B



Planning & Development Division
Planning & Economic Development Department

Room 160
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 Duluth, Minnesota 55802

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File Number	PLVAC-2512-0012	Contact	Christian Huelsman, chuelsman@duluthmn.gov	
Type	Vacation of Slopes and Fills Easement	Planning Commission Date	January 13, 2025	
Deadline for Action	Application Date	December 9, 2025	60 Days	February 7, 2025
	Date Extension Letter Mailed	December 11, 2025	120 Days	April 8, 2026
Location of Subject	404 E 5 th St			
Applicant	St. Mary's Medical Center	Contact		
Agent	Hanft Fride PA	Contact	Terri Crossmon	
Legal Description	PIN: 010-1010-01710 and 010-1010-01760			
Site Visit Date	December 30, 2025	Sign Notice Date	December 29, 2025	
Neighbor Letter Date	December 19, 2025	Number of Letters Sent	48	

Proposal:

The applicant has requested to vacate a slopes and fill easement along the south side of E 5th St, between N 4th Ave E and N 5th Ave E in the East Hillside neighborhood.

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-2	Parking Lot	Traditional Neighborhood
North	R-2	Residential	Traditional Neighborhood
South	F-6	Office (vacant)	Institutional
East	R-2	Parking Lot	Traditional Neighborhood
West	R-2	Minor Utility	Traditional 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.

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

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.

History: The slopes and fill easement was platted as a part of Duluth Proper First Division West Third Street. Slopes and fill easements were common when properties were first being developed, especially in the Hillside neighborhoods. The land was previously a residential use. The properties had been used as accessory parking lots for St. Mary’s Medical Center until 2023.

Review and Discussion Items:

Staff finds that:

1. The applicant is requesting to vacate an entire platted slopes and fill easement along the platted and developed E 5th St, as described in the attached exhibit. All the vacated area is within the plat of Duluth Proper 1st Division.
2. A slopes and fill easement allows for activities like excavation and grading to accommodate public infrastructure. Such easements were common in early plats of Duluth to allow for infrastructure in places of steep slopes.
3. 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.
4. The proposed vacation will allow the owner to make property improvements – specifically exterior landscaping area for the proposed Brae View affordable senior housing development by One Roof Community Housing.
5. The easement is no longer needed for the E 5th St, 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.
6. A Petition to Vacate Street, Alley, or Easement was requested by the applicant, the sole adjacent owner.
7. Vacating the easement will not impact or deny access to other property owners.
8. No city, public or agency comments were received.
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 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.