




## Engineering

Room 240  
411 West First Street  
Duluth, Minnesota 55802

 218-730-5200

## Preparing and Recording Easements or Vacations

### February 2022 Guideline

The party requesting or requiring an easement shall employ their Attorney and Land Surveyor to prepare a property description and the Exhibit.

- Submit Legal Description with Exhibit to Peggy Billings, Public Works and Utilities Dept., Room 240, 411 W. 1<sup>st</sup> Street, Duluth, MN 55802. The city will review the legal description and exhibit, and will draft an easement agreement.
- If the Recorder requires additional documents, please provide these original documents concurrently with the Easement Description and Exhibit in order to file. An example of additional documents that may be required is if the property is under a Trust. If so provide a copy of the Certificate of Trust and the Affidavit of Trustee.
- The Assistant City Attorney, the Public Works project engineer, surveyor and GIS Staff will review the Easement Agreement and Exhibits.
- The party requesting the easement will modify the Agreement and Exhibit as needed.
- The party requesting the easement will acquire the signatures, except for the City signatures, and convey the original document with the signatures to the City Engineer.
- Public Works and Utilities will then prepare a Resolution for the City Council to consider accepting the easement.
- After the City Council adopts the easement, the City shall file the Easement Agreement with the County Recorder and/or Registrar of Titles. The recording fees charged to the city by the Recorder will be deducted from the Developer Deposit. The process to get a document approved by council and recorded takes approximately 1 month after the city approves the final documents.


#### Requirements for filing:

- Legal Description of the easement and underlying property.
- Marital status of people signing, spouses if married.
- If the property is under a trust, a copy of the Certificate of Trust and the Affidavit of Trustee.
- Acknowledged signature of grantor/grantors (notarized signatures)
- Names of all grantees
- Date
- Drafting statement (who created text of Agreement)
- Submit one original signed Agreement. City will send a copy of the recorded document to the Owner upon our receipt of the document. Provide address or e-mail where you want the document sent.
- For Torrens (registered land) property, the easement must be approved by Examiner of Titles and additional filing fees apply.



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County forms for filing: Abstract Filing Request and Torrens Filing Request. The carboned filing forms have tracking numbers in the Abstract and Torrens Offices. The Abstract ones are known as AFR's and the Torrens ones are known as TFR's. These numbers are totally trackable on the County's system.

The Agreement requires an exhibit with a legal description and a sketch, to make it clear to the reviewer and signers of the Agreement what the subject is. This may not be necessary if the easement is bounded solely by a lot created in a recorded subdivision plat.

### Easement/Vacation Sketch requirements:

- Sketch is to be 8.5" x 11", or multiple sheets of that size.
- Do not rely on colored text or lines, as black and white copies will be circulated.
- The minimum size of the lettering font is L80 (0.08 inches).
- Label dimensions referred to in legal description.
- For Metes and Bounds description, label the Point of Beginning.
- North arrow and scale bar.
- Signature line for the Registered Land Surveyor and City Engineer and date.
- If the sketch is on engineering plans, the proposed easement and its dimensioning and references have to be clear and not obstructed with engineering details.
- Engineering plans may be submitted along with the proposed Easement Agreement, to aid the City reviewer in seeing that the proposed easement covers the location of the utility or other improvement, and its future maintenance area needs.
- Include a legend that clearly matches any areas to be vacated with a utility easement retained.
- Do not use shading to show the easement area or other area subject to the legal document as shaded areas do not always show up once recorded. Hatching should be used in place of shading.

### Street Vacation, follow Planning Department and UDC procedures:

- Pre-application
- Land Use Supervisor, City Engineer and GIS review
- Sign notice
- Mail notice
- Planning commission hearing
- Council decision
- Original signed vacation Exhibit document to the Land Use Supervisor.

The Planning Division will arrange to have the vacation recorded.


Developer's requirements for easements are described in City of Duluth – Engineering Guidelines, II.B.1.i.

County Recorder filing fee is \$46 per document as of 1/1/19.



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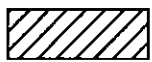
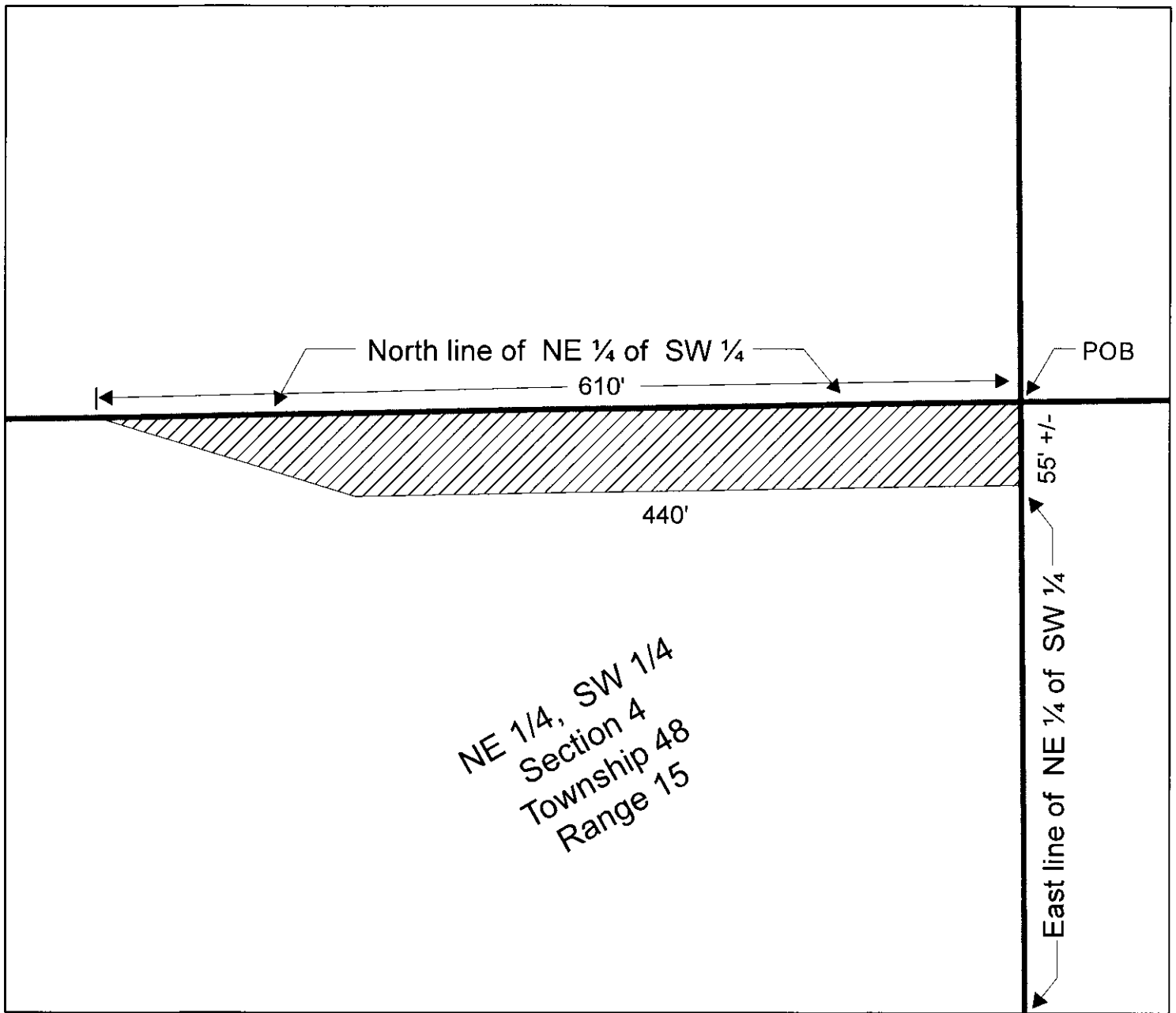
The Engineering Division is responsible for filing Agreements for utility easements. The Planning Division is responsible for filing vacations. In both cases, the recording of the documents is completed by Danielle Erjavec.

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[www.duluthmn.gov](http://www.duluthmn.gov)

The City of Duluth is an Equal Opportunity Employer.

# Exhibit A



Easement Area



**Easement Area:**

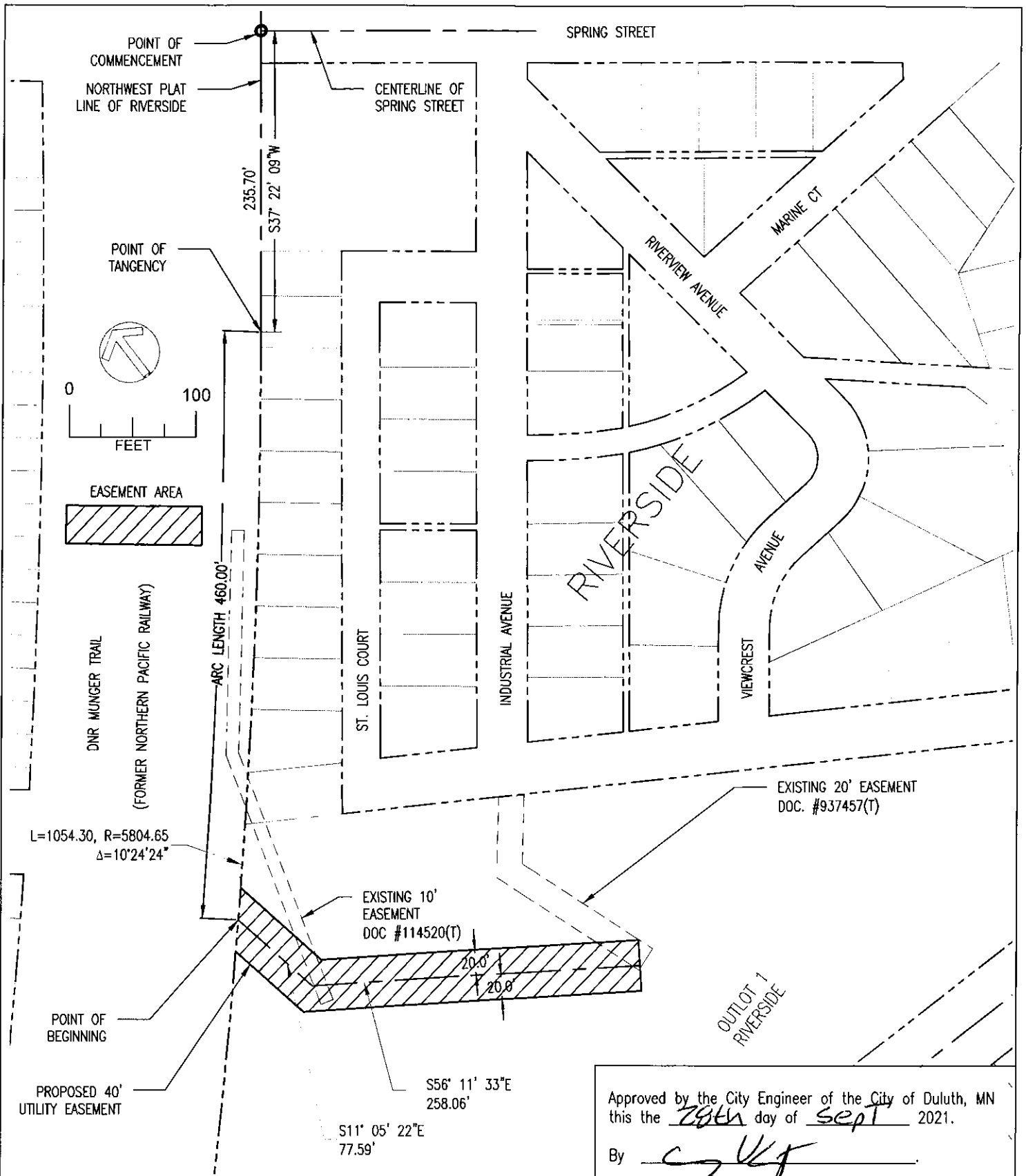
Beginning at the Northeast corner of the Northeast 1/4 of the Southwest 1/4 of Section 4, Township 48, Range 15, St Louis County, Minnesota, thence southerly along the East line of said Northeast 1/4 of the Southwest 1/4 a distance of 55.00 feet more or less to a line that is parallel with and distant 55.00 feet southerly of the North line of said Northeast 1/4 of the Southwest 1/4; thence westerly along said parallel line a distance of 440.00 feet; thence northwesterly to a point on the North line of said Northeast 1/4 of the Southwest 1/4 that is 610.00 feet west of the Point of Beginning; thence easterly along said North line of said Northeast 1/4 of the Southwest 1/4 a distance of 610.00 feet to the Point of Beginning.

APPROVED BY CITY ENGINEER

8-4-21

DATE

# EXHIBIT A



Approved by the City Engineer of the City of Duluth, MN  
 this the 28th day of sept 2021.

By [Signature]

GOGEBIC CREEK STORM SEWER EASEMENT

PROJECT #1769

PAGE 1 OF 2

I hereby certify that this plan, specification, 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]  
 Greg Stoewer

21774  
 License #

Sept. 28, 2021  
 Date

# EXHIBIT A

A 40.0 foot wide utility easement across that part of Outlot 1, Riverside, according to the plat of record in St. Louis County, Minnesota, center line of said easement is described as follows:

Commencing at the intersection with the northwest plat line of said Riverside, also being the southeast right of way of former Northern Pacific Railway, with the centerline of Spring Street as dedicated in said plat of Riverside; thence southwesterly along said northwest plat line 235.70 feet South 37 degrees 22 minutes 9 seconds West to a tangential curve that has arc length 1054.30 feet, curve radius 5804.65 feet and central angle of 10 degrees 24 minutes 24 seconds; thence southwesterly 460.00 feet along said curve of said northwest plat line, curve radius 5804.65 feet, concave to the northeast, to the point of beginning of said center line of easement; thence South 11 degrees 5 minutes 22 seconds East 77.59 feet; thence South 56 degrees 11 minutes 33 seconds East 258.06 feet and there said centerline terminating. Side lines of said 40.0 foot easement are prolonged or shortened to end on said northwest plat line. Basis of bearing is SLCTM 96.

Approved by the City Engineer of the City of Duluth, MN  
this the 20th day of Sept 2021.

By [Signature]

GOGEBIC CREEK STORM SEWER EASEMENT

PROJECT #1769

PAGE 2 OF 2

I hereby certify that this plan, specification, 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]

Greg Stoewer

21774

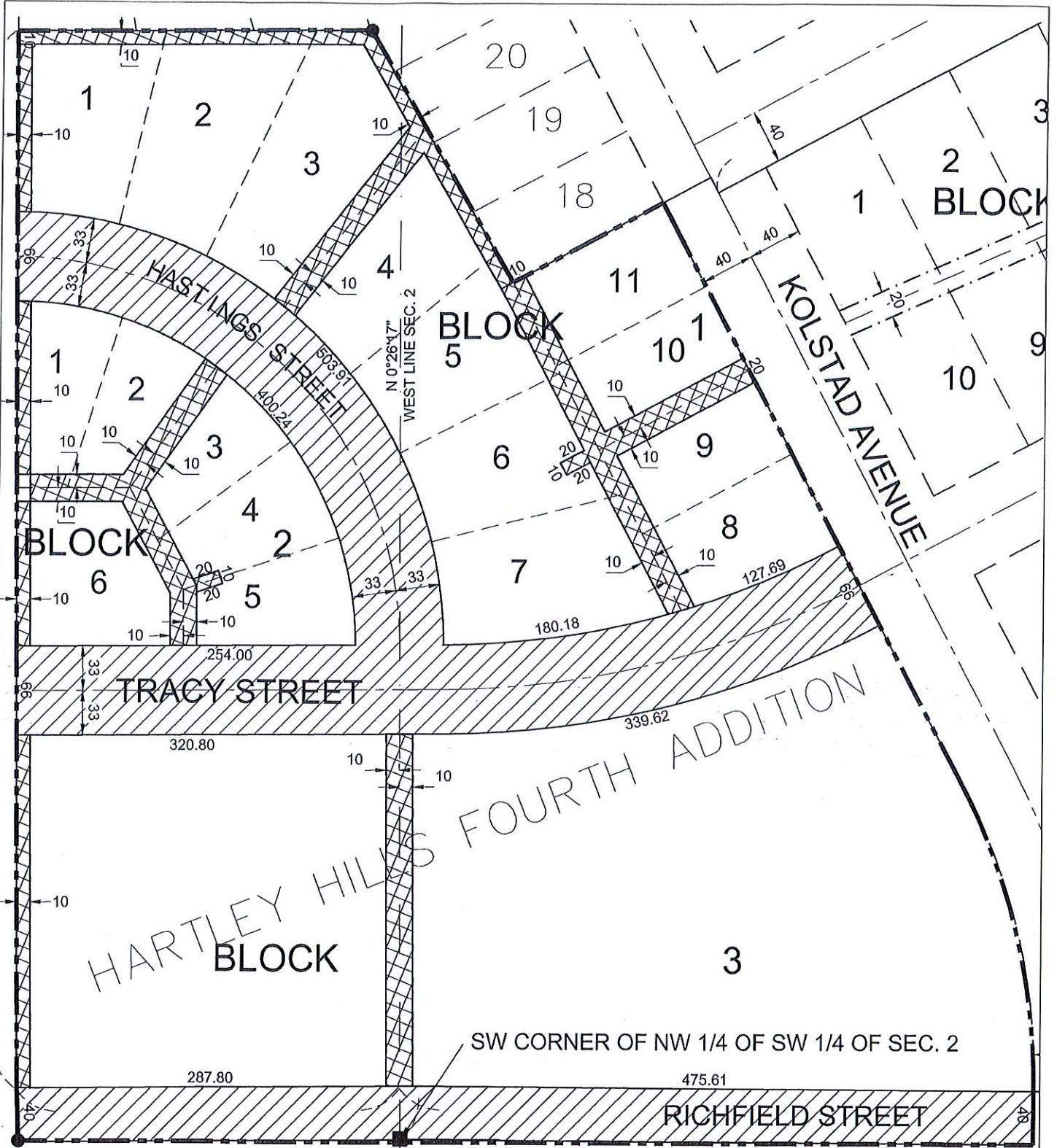
License #

Sept. 28, 2021

Date



**EXHIBIT A**



LEGEND	
	PROPOSED RIGHT OF WAY VACATION
	PROPOSED UTILITY EASEMENT VACATION

0 100'  
ONE INCH

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]*  
Date: 2/17/20 MN Lic. No: 49505

Approved by the City Engineer of the City of Duluth, MN this 17 day of Feb 2020

By *[Signature]*

## **VACATION OF UTILITY EASEMENT AND RIGHT OF WAY**

### **HARTLEY HILLS FOURTH ADDITION**

#### LEGAL DESCRIPTION OF PROPOSED UTILITY EASEMENT VACATION

All that part of the platted utility easements lying within the following described property:

Blocks 1, 2 AND 3, HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

Said proposed utility easement area to be vacated containing 33,693 square feet or 0.77 acres.

#### LEGAL DESCRIPTION OF PROPOSED RIGHT OF WAY VACATION

All of Hastings St. as dedicated on the plat of HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota.

AND

That part of Tracy Street contained within Blocks 1,2 AND 3 as dedicated on the plat of HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota, bounded on the West by the west line of said HARTLEY HILLS FOURTH ADDITION and bounded on the east by the southerly extension of the east line of Lot 8, Block 1 in said plat.

AND

That part of Richfield Street lying adjacent to Block 3 as dedicated on the plat of HARTLEY HILLS FOURTH ADDITION, according to the recorded plat thereof, St. Louis County, Minnesota, bounded on the West by the west line of said HARTLEY HILLS FOURTH ADDITION and bounded on the east by the southerly extension of the east line of Block 3 in said plat.

Said proposed right of way area to be vacated containing 102,959 square feet or 2.36 acres.