City of Duluth
DEPARTMENT OF PUBLIC WORKS/UTILITIES
Engineering Division
211 City Hall • Duluth MN 55802
(218) 730-5200 Fax: (218) 730-5907

Reviewing and Recording Public Works & Utilities Easement Agreements or Vacations

April 2012 Guideline

The party requesting the easements shall employ their Attorney and Land Surveyor to prepare an Easement Agreement.

- Submit Easement Agreement to Bill Bergstrom, Public Works and Utilities Dept., Room 211, 411 W. 1st Street, Duluth, MN 55802.
- The Assistant City Attorney and Public Works project engineer or surveyor will review the Easement Agreement.
- The party requesting the easement will modify the Agreement as needed.
- The party requesting the easement will acquire the signatures, except for the City signatures.
- Public Works and Utilities will prepare a Resolution for the City Council to act on, accepting the easement.
- After the City provides their signatures, the party requesting the Easement shall file the Easement Agreement with the County Recorder and/or Registrar of Titles.
- If the City is filing the Agreement, Kathy Amborn in the City Attorneys office can identify the documents in Abstract of Torrens that the Agreement will be filed with.
- The party requesting the easement shall provide proof of filing with signers of the Agreement.

County requirements for filing:

- Legal Description
- Marital status of people signing, spouses if married.
- Acknowledged signature of grantor/grantors (notarized signatures)
- Names of all grantees
- Date
- Drafting statement (who created text of Agreement)
- Submit one original signed Agreement, County will return the original after filing
- Return information
- For Torrens (registered land), must be approved by Examiner of Titles (requested by Registrar)

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.

Sketch requirements:

- Sketch is to be 8.5" x 11", or multiple sheets of that size. If you submit a larger size, the City Clerk will reduce it for review by the council.
- 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 City Engineer approval 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 it's future maintenance area needs.

Street Vacation, follow Planning Department and UDC procedures:

- Pre-application
- Land use supervisor review
- Sign notice
- Mail notice
- Planning commission hearing
- Council decision
- Copy of recorded document to the City Clerk

Then follow recording process.

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

County Recorder filing fee is $48 per document. It can be charged to the City, if the City is filing the Agreement.

Note: Some Resolutions for vacations state the city clerk is authorized to record the Agreement with the County. The Engineering Division is responsible for filing Agreements for utility easements. This is done by providing the document to Bill Bergstrom.