

EXHIBIT 3



Planning & Development Division
Planning & Economic Development Department

Room 160
 411 West First Street
 Duluth, Minnesota 55802

218-730-5580

planning@duluthmn.gov

File Number	PL 23-116	Contact	Kyle Deming	
Type	Vacation of part of a Drainage and Utility Easement	Planning Commission Date		July 11, 2023
Deadline for Action	Application Date	N/A	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	North end of Atlas Industrial Park			
Applicant	Duluth Economic Development Authority	Contact	Emily Nygren	
Agent		Contact		
Legal Description	Part of Lots 4 and 5, Block 2, Atlas Industrial Park			
Site Visit Date	July 6, 2023	Sign Notice Date		
Neighbor Letter Date		Number of Letters Sent		

Proposal: Vacation of part of a drainage and utility easement to assist with proposed future development.

Staff Recommendation

Approval of the vacation, with conditions.

	<i>Current Zoning</i>	<i>Existing Land Use</i>	<i>Future Land Use Map Designation</i>
Subject	I-G	Vacant	General Industrial
North	MU-B	Industrial	General Industrial
South	I-G	Vacant	General Industrial
East	I-G	Vacant (former US Steel site)	General Industrial
West	MU-B	Industrial	imagine

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. 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):

Governing Principle #1 – Reuse previously developed lands.

Governing Principle #3 – Support existing economic base.

Governing Principle #7 – Create and maintain connectivity.

Zoning – Industrial-General (I-G) - The I-G district is intended to provide for general- to heavy- impact industrial, processing, assembly, fabrication and manufacturing uses. Office uses are allowed provided they are clearly incidental to and supportive of on-site industrial uses, as shown in Table 50-19.8. The district is intended primarily for locations close to major transportation corridors and active commercial centers. This district should be located away from residential development;

Future Land Use – General Industrial - Areas for manufacturing, processing, and other activities that may have off-site impacts and are generally isolated or buffered from other uses. Sites should have direct access to major regional transportation facilities and other infrastructure.

History:

12/20/2012 – Drainage and Utility Easement recorded (Doc. # 924480).

12/31-2015 – Atlas Industrial Park Plat recorded.

Review and Discussion Items

Staff finds:

1. The proposal is to vacate three portions of a drainage and utility easement in Lots 4 and 5 of Block 2, Atlas Industrial Park. One portion is approximately 12 feet wide by 151 feet long located on the west portion of Lot 5. The second portion is triangular and approximately 30 feet wide by 60 feet long located on Lot 5 near Lot 4. The third portion is approximately 75 feet wide by 280 feet long located along the Lot 4/Lot 5 boundary line.
2. The proposed vacation is within an area of the former Atlas Cement Plant site, a facility constructed in 1916 for the manufacturing of cement from slag coming from the adjacent U.S. Steel Plant. The plant closed in 1976 and was demolished in 1978.
3. Subsequent to the demolition, Duluth Economic Development Authority (DEDA) purchased the site and has been preparing the site for redevelopment, including platting it into lots in 2015.
4. In 2012, the DEDA dedicated to the public the drainage and utility easement that is the subject of the requested vacation. In 2013 the City authorized the installation of a sanitary sewer main and storm water mains and a storm water treatment basin within the easement area.
5. The sanitary and storm water pipes and treatment basin that are currently within the vacation area are proposed to be relocated to an area immediately west of the existing easement at which point the easement will be useless.
6. The plan the relocation of utilities and the replacement drainage and utility easement will need to be approved by the City Engineer. The City Engineer has reviewed draft plans and is in support of the relocation and rededication of the easement.
7. No other comments have been received on the proposed vacation.
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 recommend to City Council approval of the easement vacation, as petitioned, with the following conditions:

1. The Council approve the vacation with at least a 6/9's vote.
2. The utility infrastructure be relocated according to plans approved by the City Engineer.
3. The replacement drainage and utility easement be approved by the City Council and recorded in the office of the St. Louis County Recorder.



PL 23-116

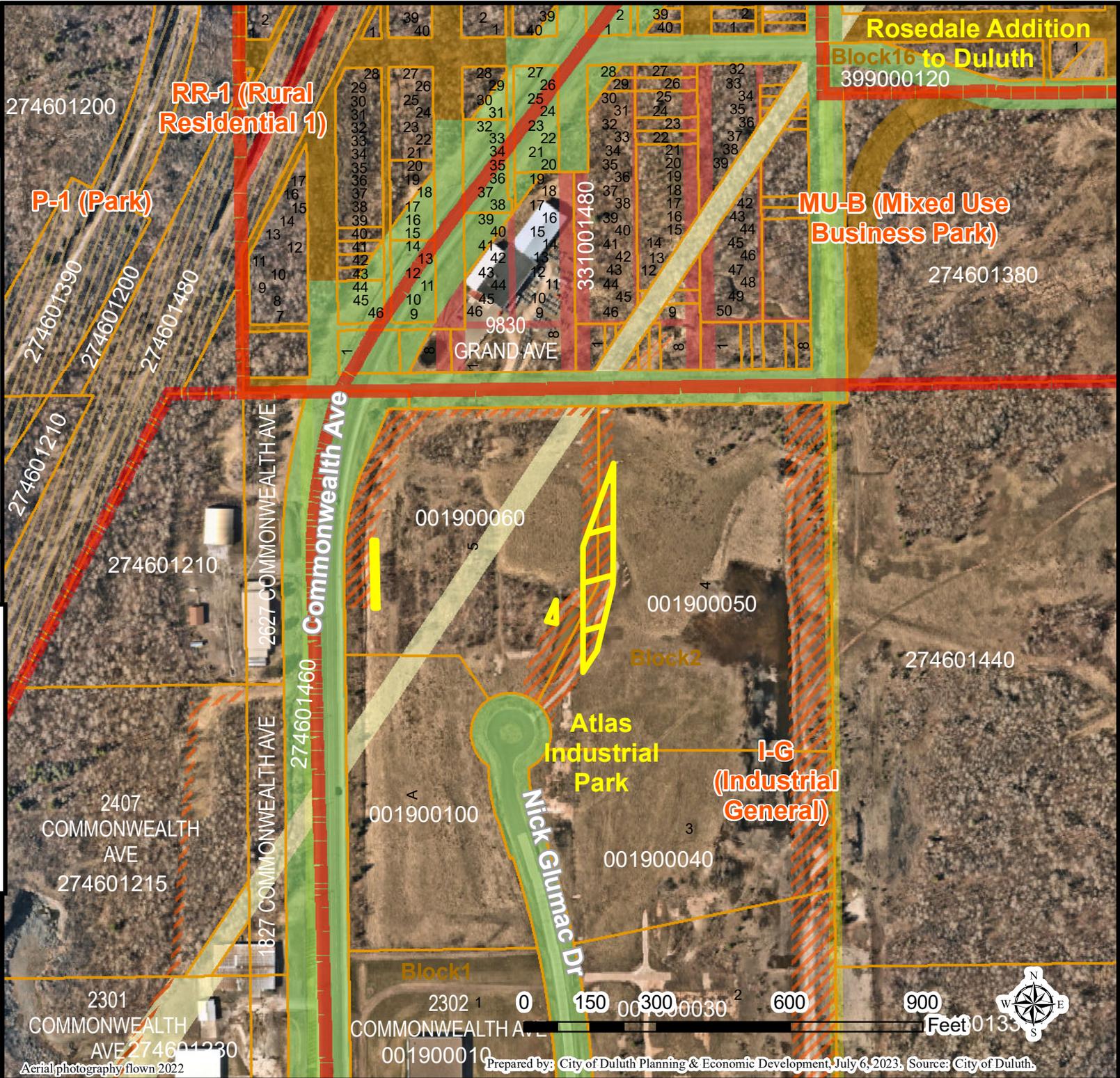
Vacation of Drainage and Utility Easements
Applicant: Duluth Economic Development Authority

Area Map

Legend

-  Zoning Boundaries
- Parcels**
-  Lots
-  Blocks
-  Undefined ROW Status
- ROW Status**
-  Utility, Active
-  Railroad, Active
-  Road, Active - currently in use
-  Road, Vacated - vacated
-  Railroad, Inactive - Ded., not built
-  Subdivision Boundaries

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.





PL 23-116

Vacation of Drainage and Utility Easements
Applicant: Duluth Economic Development Authority

Future Land Use Map

Legend

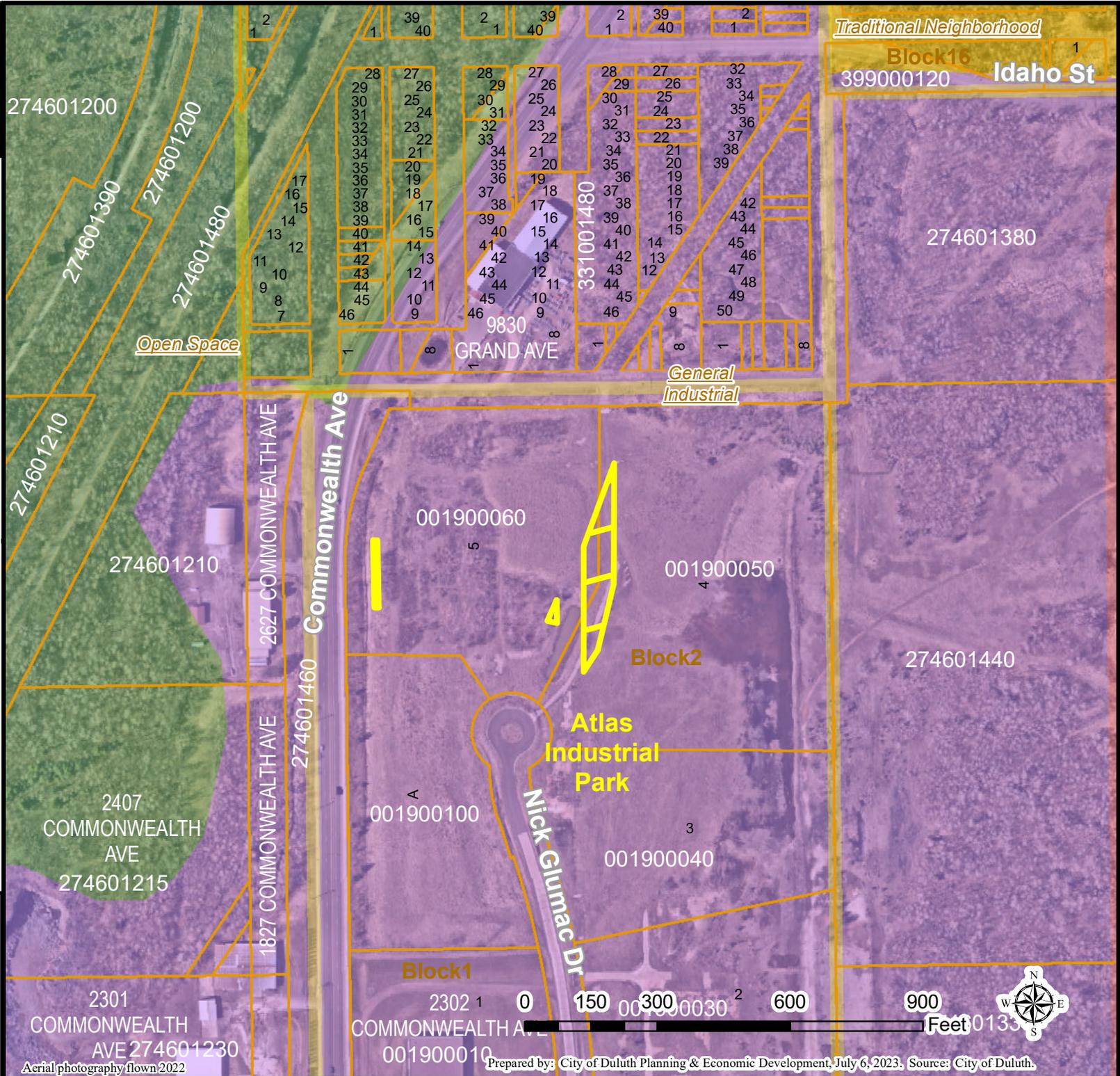
Future Land Use

- Open Space
- Traditional Neighborhood
- General Mixed Use
- General Industrial

Parcels

- Lots
- Blocks
- Subdivision Boundaries

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Aerial photography flown 2022

Prepared by: City of Duluth Planning & Economic Development, July 6, 2023, Source: City of Duluth.



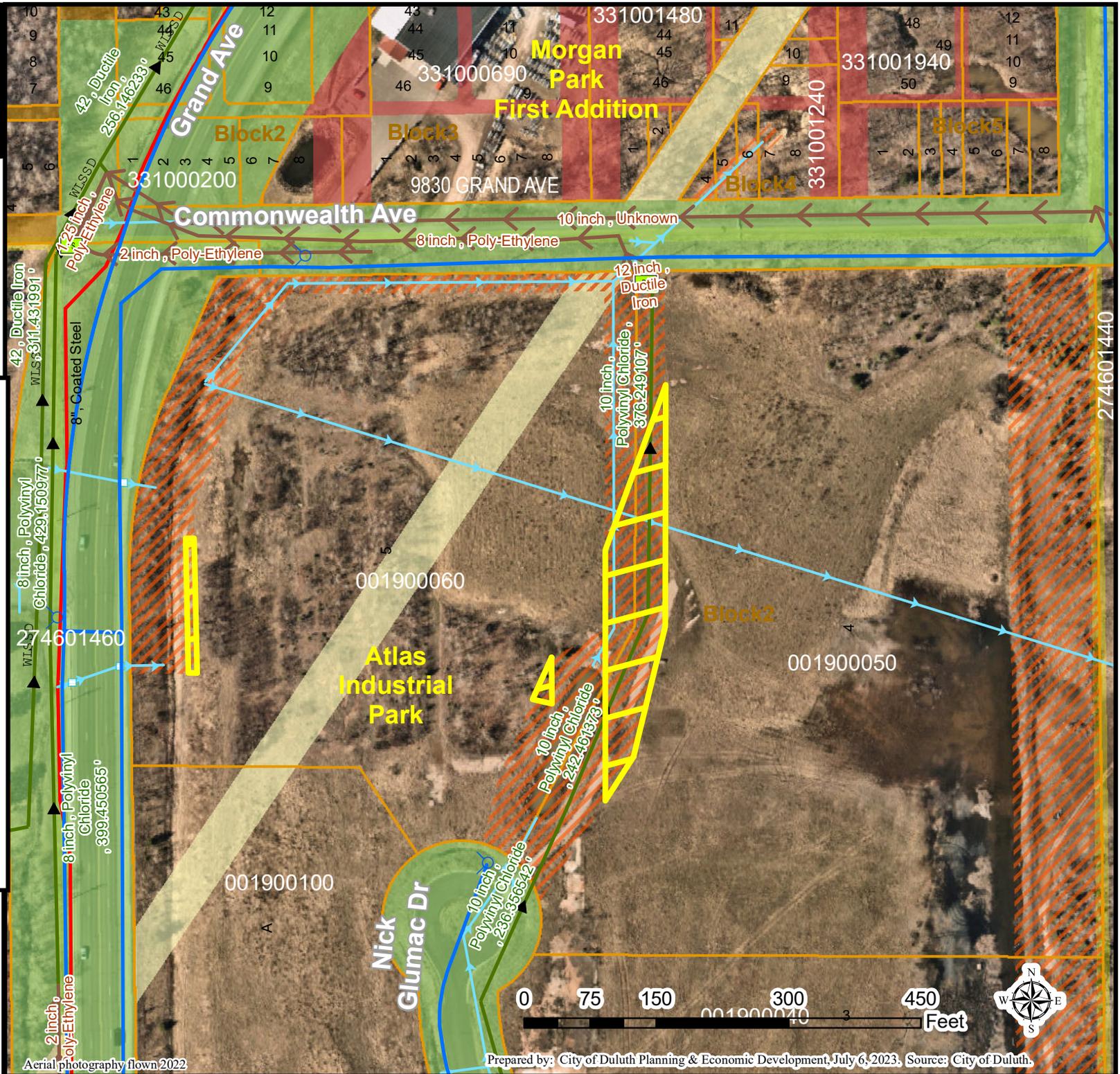
PL 23-116

Vacation of Drainage and Utility Easements
Applicant: Duluth Economic Development Authority

Site Map

Legend

- Parcels**
 - Lots
 - Blocks
- Distribution Main**
 - Water Main
 - Hydrant
 - Gas Main
- Sanitary Sewer Mains**
 - City of Duluth
 - WLSDD; Private
 - Sanitary Sewer Forced Main
 - Pump Station
- Storm Sewer Mains**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
 - Undefined ROW Status
- ROW Status**
 - Utility, Active
 - Road, Active - currently in use
 - Road, Vacated - vacated
 - Railroad, Inactive - Ded., not built
 - Subdivision Boundaries



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924480

Office of the
Registrar of Titles
St. Louis County, Minnesota
Certified Filed on
12/21/2012 at 1:45 PM as
Document No. 924480.0
Affecting Certificate(s) of Title
193699.0 305719.0 315209.0
Mark A. Monacelli
Registrar of Titles
By M. Raic Deputy
TFR 9975



DO NOT REMOVE

EASEMENT

THIS INDENTURE is made this 19th day of December, 2012, by the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority created pursuant to Minnesota Statutes Chapter 469 (DEDA).

WITNESSETH: That DEDA, in consideration of the sum of One and 00/100s Dollar, to it in hand paid by the CITY OF DULUTH, a Minnesota municipal corporation (the City) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto the City, its successors and assigns, on behalf of the general public, an easement for utility and drainage purposes in, under, over, upon, across and along the following generally described tract or parcel of land lying and being in the County of St. Louis, State of Minnesota, described as follows, to-wit:

the Northwest Quarter of the Southeast Quarter (NW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, St. Louis County, Minnesota,

said easement being more particularly described as follows, to-wit:

Return to: City DL
TFR # 9975
Cash Chg 46
2CW

Commencing at the Northwest Corner of the NW 1/4 of the SE 1/4 of said Section 34; thence North 89 degrees 38 minutes 47 seconds East, assumed bearing, along the north line of the NW 1/4 of the SE 1/4 of said Section 34, a distance of 835.29 feet; thence South 00 degrees 21 minutes 13 seconds East, a distance of 40.00 feet to south line of Commonwealth Avenue and being the Point of Beginning; thence South 00 degrees 34 minutes 17 seconds East, a distance of 400.00 feet; thence South 13 degrees 49 minutes 32 seconds West, a distance of 156.00 feet; thence South 33 degrees 02 minutes 18 seconds West, a distance of 196.00 feet; thence northeasterly a distance of 98.56 feet along a 90.00 foot radius curve concave to the south and being Nick Glumac Drive, having a chord bearing North 43 degrees 54 minutes 19 seconds West, and a central angle of 62 degrees 44 minutes 33 seconds; thence North 14 degrees 43 minutes 25 seconds East, a distance of 73.00 feet; thence North 23 degrees 49 minutes 29 seconds East, a distance of 151.71 feet; thence North 62 degrees 35 minutes 16 seconds East, a distance of 70.00 feet; thence North 00 degrees 15 minutes 38 seconds East, a distance of 384.00 feet; thence South 89 degrees 59 minutes 15 seconds West, a distance of 355.00 feet; thence South 40 degrees 18 minutes 19 seconds West, a distance of 105.00 feet; thence South 49 degrees 41 minutes 41 seconds East, a distance of 16.00 feet; thence South 20 degrees 24 minutes 43 seconds West, a distance of 164.36 feet; thence South 00 degrees 50 minutes 54 seconds East, a distance of 186.00 feet; thence South 89 degrees 39 minutes 52 seconds West, a distance of 75.26 feet to the east line of said Commonwealth Avenue and also being the most easterly line of Minnesota Trunk Highway No. 23; thence northerly along said most easterly line of Minnesota Trunk Highway No. 23 to the south line of Commonwealth Avenue; thence easterly along the south line of Commonwealth Avenue to the Point of Beginning.

OK
12/21/12

AND

A 20.00 foot wide easement for drainage purposes over, under and across those parts of Lots Three (3) thru Eight (8), Block 4, MORGAN PARK FIRST ADDITION (formerly known as Gary Second Division of Duluth), St. Louis County, Minnesota; centered on the following described line:

Commencing at the Northwest Corner of the NW 1/4 of the SE 1/4 of said Section 34; thence North 89 degrees 38 minutes 47 seconds East, assumed bearing, along the north line of the NW 1/4 of the SE 1/4 of said Section 34, a distance of 877.45 feet; thence North 00 degrees 21 minutes 13 seconds West, a distance of 40.00 feet to a point on the south line of Block 4, MORGAN PARK FIRST DIVISION and being the Point of Beginning of the line to be described; thence North 47 degrees 18 minutes 55 seconds East, a distance of 116.00 feet and said line there terminating.

OK
12/21/12

DULUTH ECONOMIC DEVELOPMENT
AUTHORITY



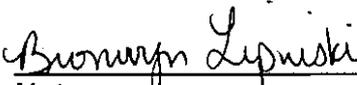
Its President



Its Secretary

STATE OF MINNESOTA)
) ss.
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this 19th day of December, 2012, by **Don Monaco** and **Emily Larson**, President and Secretary respectively of the Duluth Economic Development Authority, an economic development authority created pursuant to Minnesota Statutes Chapter 469, on behalf of the authority.



Notary

This instrument was drafted by:

Joan M. Christensen
Assistant City Attorney
410 City Hall
Duluth, Minnesota 55802
(218) 730-5490

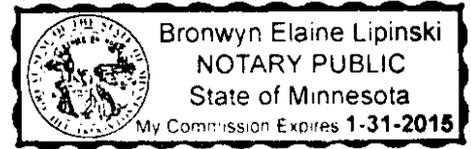
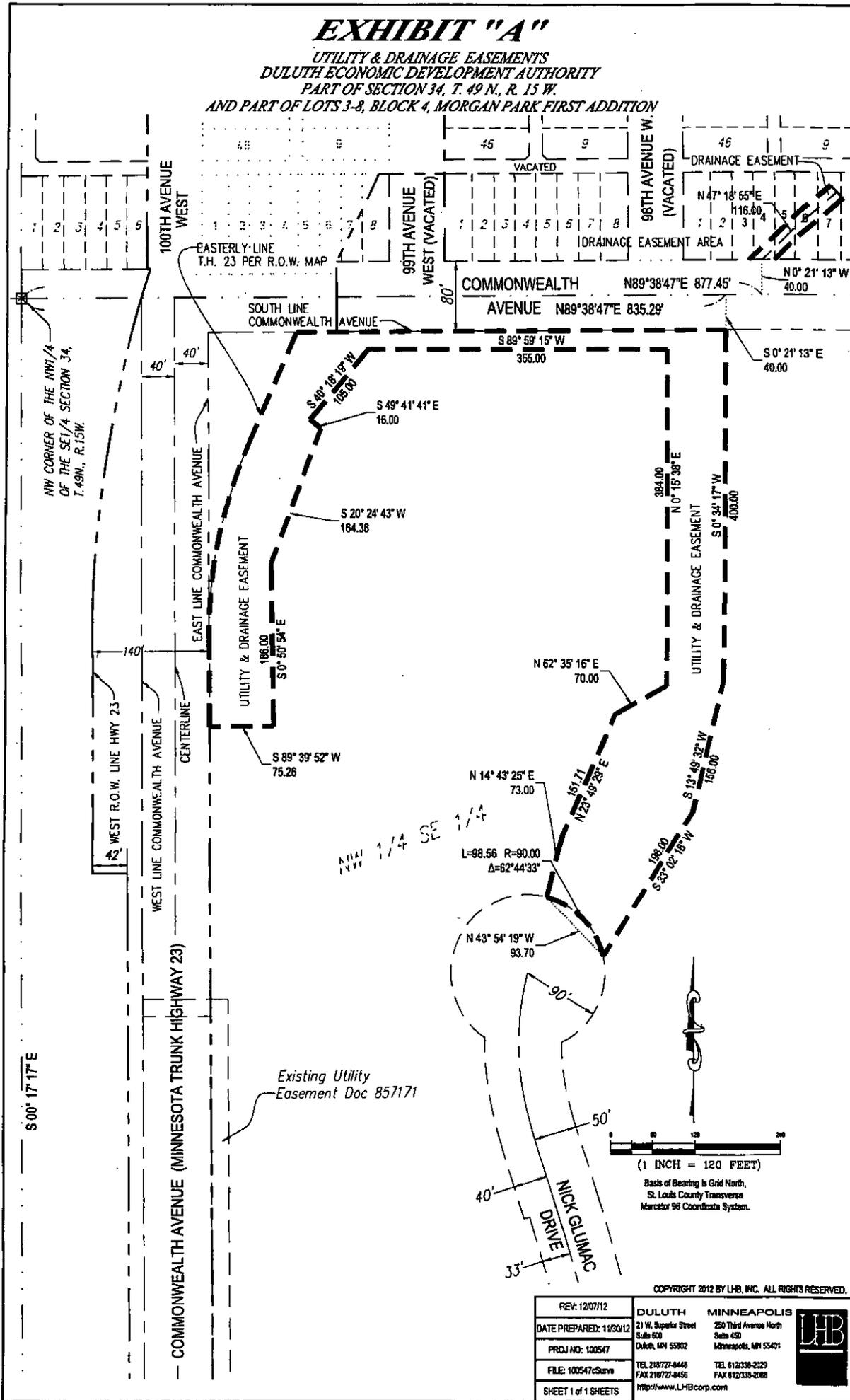


EXHIBIT "A"

UTILITY & DRAINAGE EASEMENTS
 DULUTH ECONOMIC DEVELOPMENT AUTHORITY
 PART OF SECTION 34, T. 49 N., R. 15 W.
 AND PART OF LOTS 3-8, BLOCK 4, MORGAN PARK FIRST ADDITION



REV: 12/07/12	DULUTH	MINNEAPOLIS
DATE PREPARED: 11/30/12	21 W. Superior Street Suite 500 Duluth, MN 55802	250 Third Avenue North Suite 450 Minneapolis, MN 55401
PROJ NO: 100547	TEL 218/727-8448	TEL 612/338-2029
FILE: 100547c.dwg	FAX 218/727-8456	FAX 612/338-2088
SHEET 1 of 1 SHEETS	http://www.LHBcorp.com	