



**Planning & Development Division**  
*Planning & Economic Development Department*

Room 160  
411 West First Street  
Duluth, Minnesota 55802



218-730-5580



planning@duluthmn.gov

|                      |                                       |                                                |                                  |                    |
|----------------------|---------------------------------------|------------------------------------------------|----------------------------------|--------------------|
| File Number          | PLVAC-2509-0009                       | Contact                                        | Jason Mozol, jmozol@duluthmn.gov |                    |
| Type                 | Vacation of Street                    | Planning Commission Date                       |                                  | October 15, 2025   |
| Deadline for Action  | Application Date                      | September 10, 2025                             | 60 Days                          | N/A                |
|                      | Date Extension Letter Mailed          | September 25, 2025                             | 120 Days                         | N/A                |
| Location of Subject  |                                       | Parcel 010-0019-00020 in Atlas Industrial Park |                                  |                    |
| Applicant            | Duluth Economic Development Authority | Contact                                        | Tricia Hobbs, Executive Director |                    |
| Agent                | Bradbury Stamm Construction           | Contact                                        | Ben Schumann                     |                    |
| Legal Description    |                                       | See attached                                   |                                  |                    |
| Site Visit Date      | October 3, 2025                       | Sign Notice Date                               |                                  | September 29, 2025 |
| Neighbor Letter Date | September 19, 2025                    | Number of Letters Sent                         |                                  | 4                  |

**Proposal**

The applicant is requesting to vacate a section of a drainage easement while retaining the functionally necessary area to convey runoff through the area.

**Staff Recommendation**

Staff is recommending approval with conditions.

|                | <b>Current Zoning</b> | <b>Existing Land Use</b>      | <b>Future Land Use Map Designation</b> |
|----------------|-----------------------|-------------------------------|----------------------------------------|
| <b>Subject</b> | I-G                   | Vacant, Previously Industrial | General Industrial                     |
| <b>North</b>   | I-G                   | Vacant, Previously Industrial | General Industrial                     |
| <b>South</b>   | I-G                   | Vacant, Previously Industrial | General Industrial                     |
| <b>East</b>    | I-G                   | Vacant, Previously Industrial | General Industrial                     |
| <b>West</b>    | I-G                   | Warehouse                     | General Industrial                     |

**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):**

Governing Principle #1 – Reuse previously developed lands

This vacation supports the proposed reuse of a parcel that was previously part of the Atlas Cement Plant.

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.

Recent History

The Atlas Industrial Park plat was recorded in 2015. At the time, this drainage easement was established to ensure adequate space was available for future storm water infrastructure. The applicant is proposing to locate a multi-tenant commercial building on the site.

**Review and Discussion Items:**

Staff finds that:

1. The applicant is requesting to vacate a section of a drainage easement, as described in the attached exhibit.
2. The existing easement was platted to ensure adequate space was provided for storm water infrastructure. As design for the property has evolved, it is now clear that the entire easement is not necessary for adequate conveyance of runoff through the parcel.
3. The proposed vacation is necessary for the applicant to have enough buildable space to complete their project.
4. The existing easement does not contain any utilities or other infrastructure.
5. The easement will not be needed by the City for the promotion of public health, safety, or welfare of the citizens of Duluth.
6. Vacating the easement will not impact or deny access to other property owners.
7. The City Engineering office has reviewed the proposed vacation and has indicated the retained easement area will be adequate to convey runoff. The vacated area is also not necessary for future utilities or drainage.
8. No other public, agency, or City comments have been received.
9. No adjacent properties are required to consent to the vacation.
10. 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. City Council must approve the vacation with at least 6/9 vote.
2. The vacation and easements must be recorded within 90 days of final approval by City Council, or such approval will lapse.



**PLVAC-2509-0009**

Vacation of Drainage Easement  
Atlas Pkwy & Precision Ave

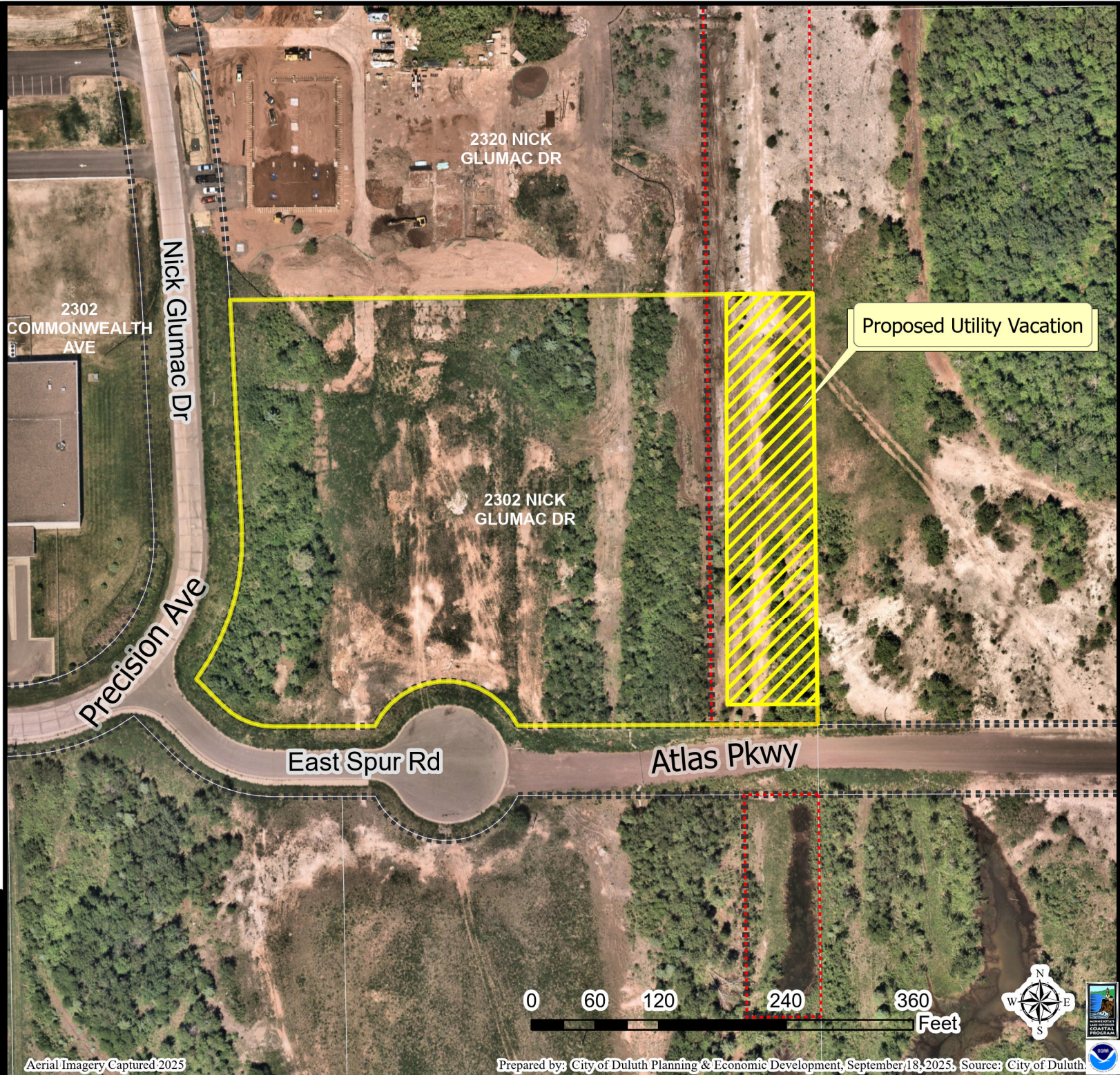
## Legend

■■■■ Road or Alley ROW

□ County Parcel Data

### Easement Type

▤ Utility Easement



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.

# ATLAS

## LEGAL DESCRIPTION OF VACATION OF PORTION OF DRAINAGE EASEMENT

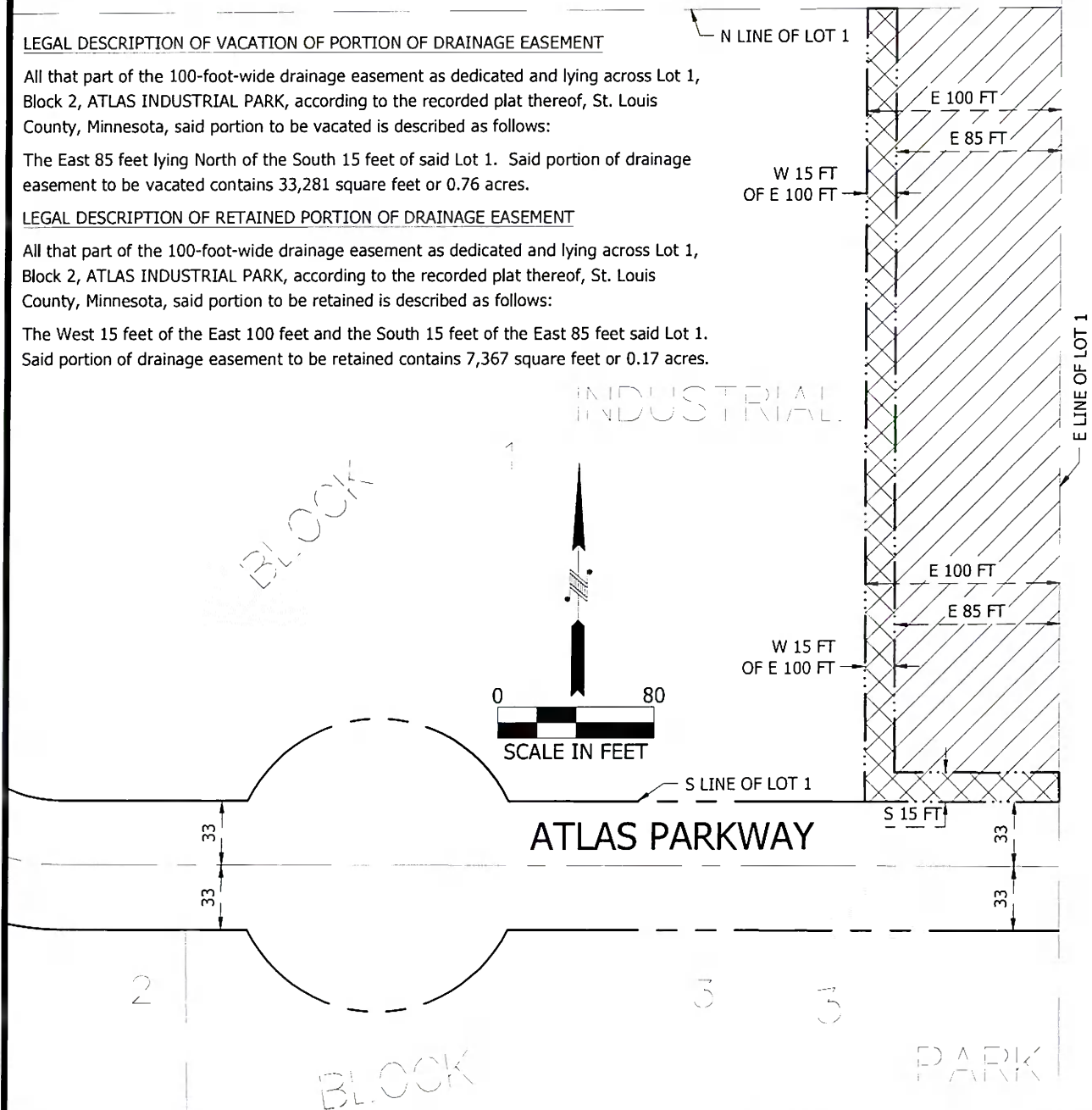
All that part of the 100-foot-wide drainage easement as dedicated and lying across Lot 1, Block 2, ATLAS INDUSTRIAL PARK, according to the recorded plat thereof, St. Louis County, Minnesota, said portion to be vacated is described as follows:

The East 85 feet lying North of the South 15 feet of said Lot 1. Said portion of drainage easement to be vacated contains 33,281 square feet or 0.76 acres.

## LEGAL DESCRIPTION OF RETAINED PORTION OF DRAINAGE EASEMENT

All that part of the 100-foot-wide drainage easement as dedicated and lying across Lot 1, Block 2, ATLAS INDUSTRIAL PARK, according to the recorded plat thereof, St. Louis County, Minnesota, said portion to be retained is described as follows:

The West 15 feet of the East 100 feet and the South 15 feet of the East 85 feet said Lot 1. Said portion of drainage easement to be retained contains 7,367 square feet or 0.17 acres.



## SURVEYOR'S NOTES

1. THIS IS NOT A BOUNDARY SURVEY.

Approved by the City Engineer of the City of Duluth, MN this 24th day of Sept 2025

By [Signature]

## LEGEND



AREA OF DRAINAGE EASEMENT VACATION

AREA OF RETAINED DRAINAGE EASEMENT

CENTER LINE  
RIGHT OF WAY LINE  
RETAINED EASEMENT LINE  
EXISTING PLAT LINE

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.

David R. Evanson  
David R. Evanson  
MN License #49505

DATE: 09-16-2025

## VACATION EXHIBIT

CLIENT: FITWELL INVESTMENTS LIMITED PARTNERSHIP  
ADDRESS: VACANT PROPERTY ATLAS PARKWAY, DULUTH, MN 55808

REVISIONS:

DATE: 09-16-2025

JOB NO: 25-188 SHEET 1 OF 1

**ALTA**  
LAND SURVEY COMPANY

PHONE: 218-727-5211  
LICENSED IN MN & WI  
WWW.ALTLANDSURVEYDULUTH.COM

PROJECT: 25-191  
CHECKED: TLL  
DRAWN: DRH  
DATE: 8/22/25

REVISIONS:  
ADDENDUM #4 - 9/9/25

Sheet Title  
SITE PLAN

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# Petition to Vacate Street, Alley, or Utility Easement

Name: Fitwel Investments Limited Partnership

Description of street, alley, or easement to vacate: Existing 100' Drainage Easement

My request for this vacation is to (indicate purpose of vacation):  
Allow for Soil Management Area (SMA) at this portion of the site.

The City of Duluth will not need this street, alley, or easement in the future because:  
A 15' drainage area will remain for drainage per civil drawings ~~that are also submitted as part of this request.~~ City of Duluth Engineering have reviewed, recommended and approved this 15' drainage area.

**PLEASE TAKE NOTICE:** Pursuant to Section 50-37.6 of the Duluth City Code, the above-identified applicant(s) petition the Duluth City Council to vacate the street, alley, or easement described in the attached legal description.

This petition is made upon the following facts and reasons (Identify the factual basis and reasons supporting the petition)<sup>1</sup>:

1. This site has substantial qty of industrial fill and if this fill is disturbed for construction it needs to be handled and stored per MPCA requirements. The existing easement area allows for on-site soil management area (SMA) which is much more economical than hauling the soil to off site landfill.
2. Discussions with City of Duluth engineering confirm this easement is not required and we need to only not impeded drainage at this portion of the site per the submitted civil drawings.

This petition is supported by a majority of the person(s) who own a majority of the lineal frontage of the land abutting upon the portion of the public easement proposed to be vacated. A copy of the signatures of these persons is attached hereto and made a part hereof. <sup>2</sup>

The petitioner(s) agree to provide the city with a plat of the easement(s) as required by Section 50-37.6B(3) of the Duluth City Code upon approval of the vacation. We understand that the vacation cannot occur without the submission of the required plat. We understand that the cost of producing the plat is the responsibility of the petitioner(s). We also understand that the approval will lapse and be of no effect if the plat and clerk certification is not recorded with the county recorder within 90 days after final approval.

Signature(s): Vicki W. DeG

Date: 9/10/25

**Notice: This is public data.**

<sup>1</sup> In order to vacate a public easement it must be demonstrated that the easement is useless for the purpose for which it was dedicated.

<sup>2</sup> If a property is owned in joint tenancy or by tenants in common, each individual with an ownership interest will be counted to determine if a majority of owners have signed the petition. An owner cannot sign for another owner unless legally authorized to do so, i.e. power of attorney, trustee, or court approved guardianship or conservatorship.