



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 23-117	Contact	Kyle Deming	
Type	Vacation of a Drainage 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 Lot 4, Block 2, Atlas Industrial Park			
Site Visit Date	July 6, 2023	Sign Notice Date		
Neighbor Letter Date		Number of Letters Sent		

Proposal: Vacation of a drainage 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:

12/31-2015 – Atlas Industrial Park Plat recorded. Drainage easement was dedicated via the plat.

Review and Discussion Items

Staff finds:

1. The proposal is to vacate a 100-foot-wide drainage easement in Lots 4 of Block 2, Atlas Industrial Park.
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 the Atlas Industrial Park plat in 2015.
4. The drainage easement proposed for vacation was dedicated by DEDA to reserve land for storm water treatment infrastructure. Storm water infrastructure is now planned for a different part of the lot and, therefore, this drainage easement is no longer needed according to the City’s storm water engineer.
5. No other comments have been received on the proposed vacation.
6. 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 condition that the Council approve the vacation with at least a 6/9’s vote.



PL 23-117

Vacation of Drainage Easement

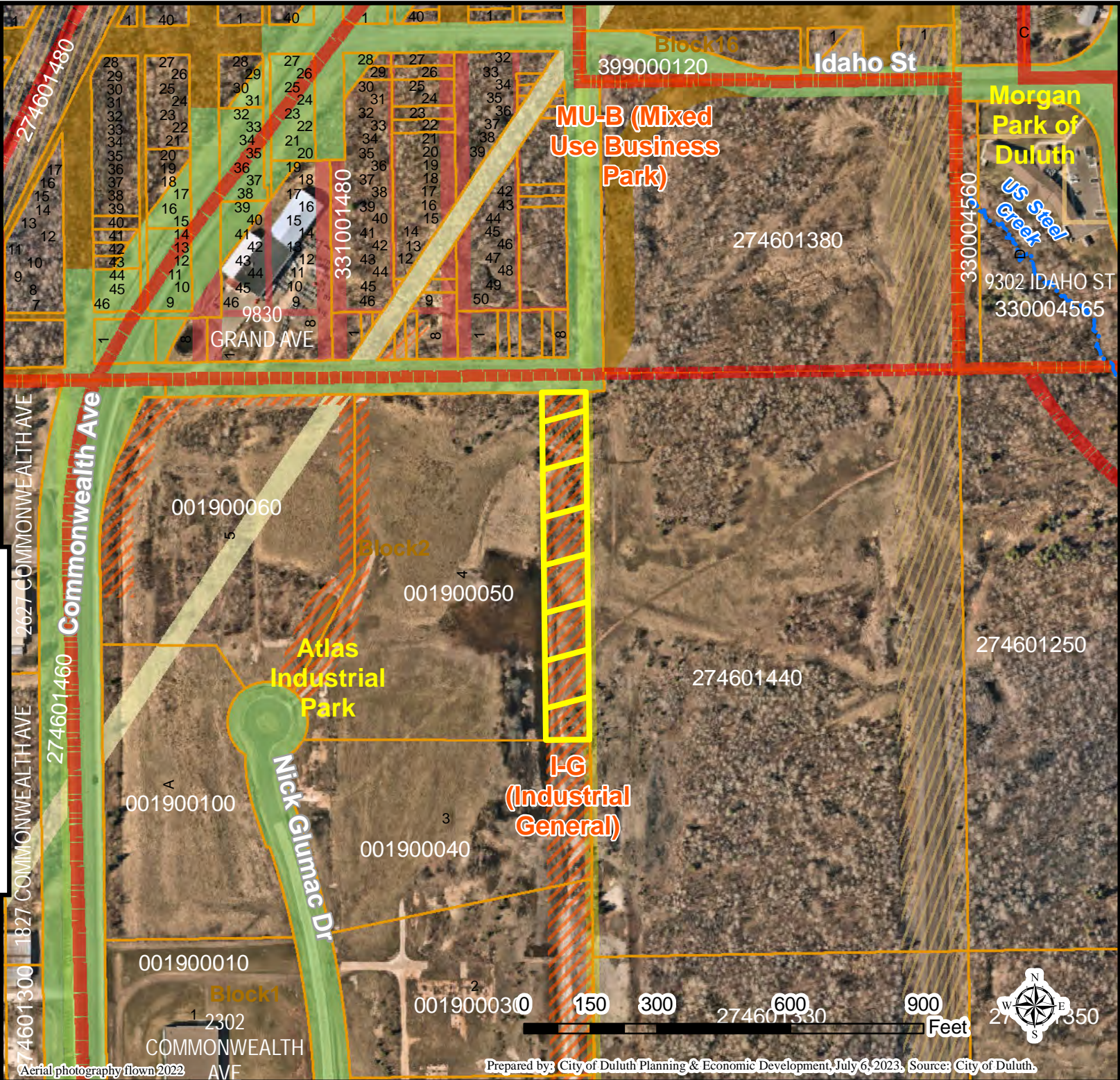
Applicant: Duluth Economic Development Authority

Area Map

Legend

- Zoning Boundaries
- Streams**
- Other Stream (GPS)
- Parcels**
- Lots
- Blocks
- Undefined ROW Status
- ROW Status**
- Utility, Active
- Railroad, Active
- Road, Active - currently in use
- Utility, Vacated - via recorded doc.
- 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 23-117

Vacation of Drainage Easement

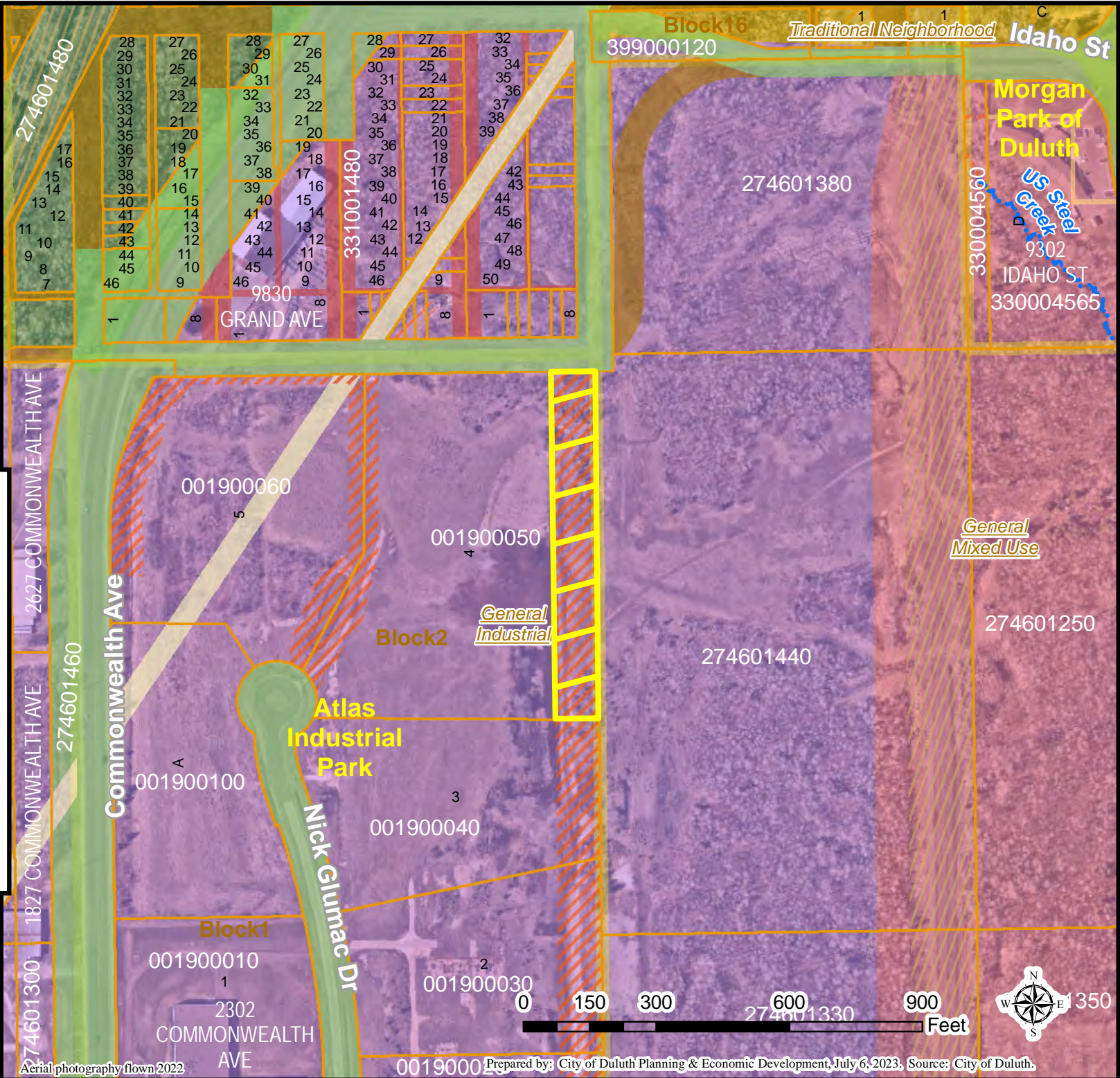
Applicant: Duluth Economic Development Authority

Future Land Use Map

Legend

- Streams**
 - Other Stream (GPS)
- Future Land Use**
 - Open Space
 - Traditional Neighborhood
 - General Mixed Use
 - General Industrial
- Parcels**
 - Lots
 - Blocks
 - Undefined ROW Status
- ROW Status**
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Aerial photography flown 2022

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



PL 23-117
 Vacation of Drainage
 Easement
 Applicant: Duluth Economic
 Development Authority

Area Map

Parcels

- Lots
- Blocks

Distribution Main

- Water Main
- Hydrant

Sanitary Sewer Mains

- City of Duluth
- Sanitary Sewer Forced Main

PS Pump Station

Storm Sewer Mains

- Storm Sewer Pipe

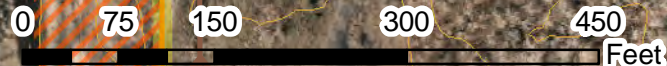
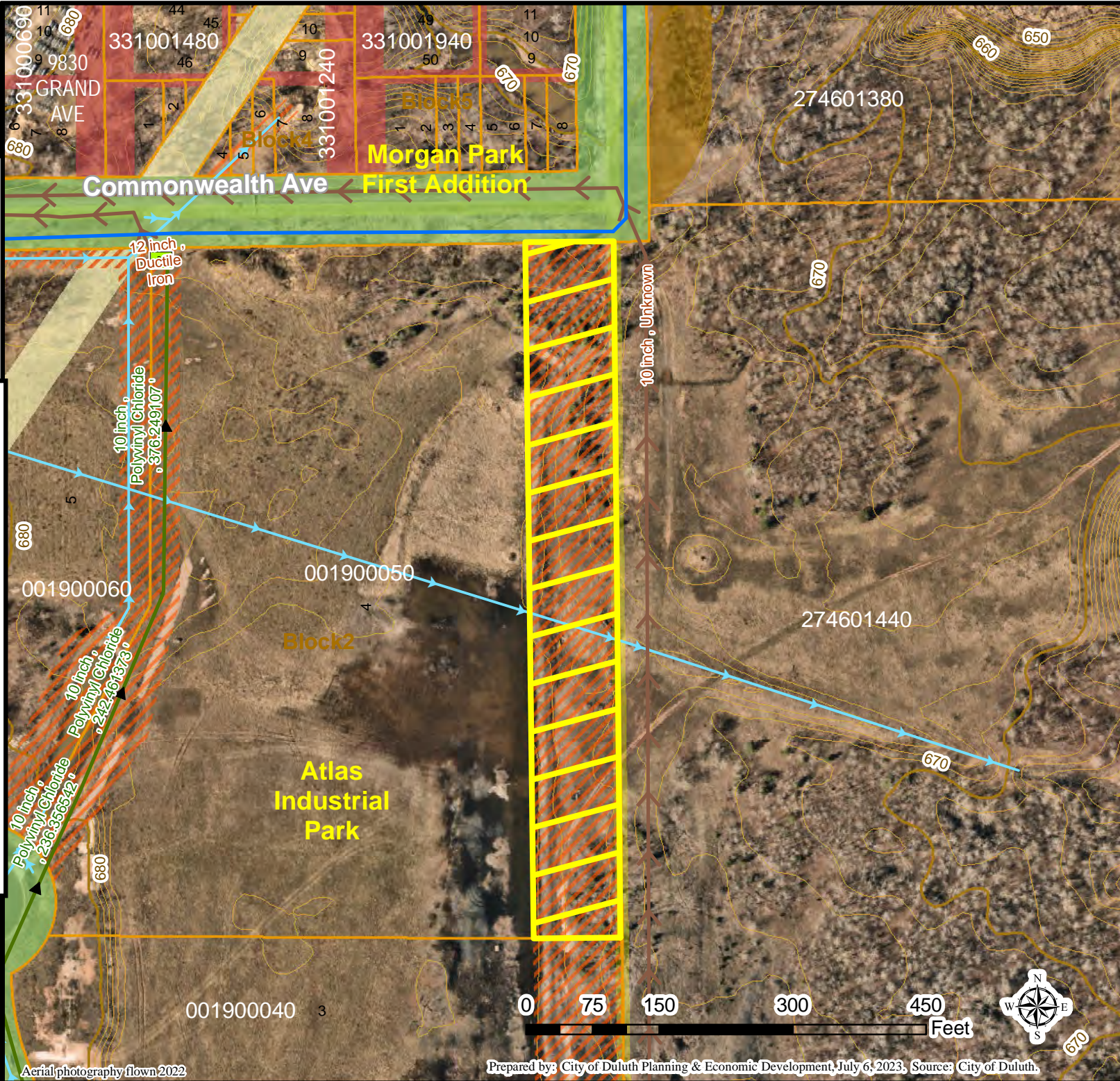
Elevation

- 1 Ft contour
- 10 Ft contour
- Undefined ROW Status

ROW Status

- Utility, Active
- Road, Active - currently in use
- Road, Vacated - vacated
- Railroad, Inactive - Ded., not built
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Aerial photography flown 2022

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OK
12/31/2015

ATLAS INDUSTRIAL PARK

part of the SE 1/4
Section 34, T49N, R15W of the 4th P.M.
City of Duluth, St. Louis County, Minnesota

KNOW ALL PERSONS BY THESE PRESENTS:

THAT THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY, AN ECONOMIC DEVELOPMENT AUTHORITY CREATED PURSUANT TO GENERAL STATUTORY AUTHORITY AND IKONICS CORPORATION, A MINNESOTA CORPORATION, OWNERS OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN ST. LOUIS COUNTY, MINNESOTA, TO WIT:

THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER (W1/2 OF SE1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP FORTY-NINE (49) NORTH, RANGE FIFTEEN (15) WEST OF THE FOURTH PRINCIPAL MERIDIAN LYING EASTERLY OF THE WESTERLY LINE OF THE 80 FOOT WIDE HIGHWAY COMMONLY KNOWN AS COMMONWEALTH AVENUE (a.k.a. 100TH AVENUE WEST EXTENDED) AND LYING NORTH OF A LINE PARALLEL WITH AND 50 FEET DISTANT NORTHERLY FROM THE CENTER LINE OF THE WISCONSIN CENTRAL LTD. MAINLINE ALIGNMENT (F.K.A. SPIRIT LAKE TRANSFER RAILWAY COMPANY).

EXCEPT

THE SOUTH 140.00 FEET OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (SW 1/4 OF SE 1/4) OF SAID SECTION 34 LYING EASTERLY OF THE CENTER LINE OF THE 80 FOOT WIDE HIGHWAY COMMONLY KNOWN AS COMMONWEALTH AVENUE (a.k.a. 100TH AVENUE WEST EXTENDED) EXCEPTING THE EAST FOUR-HUNDRED (400) FEET THEREOF.

Have caused the same to be surveyed and platted as ATLAS INDUSTRIAL PARK and do hereby dedicate to the public for public use the public ways, utility and drainage easements as shown on this plat.

IN WITNESS WHEREOF we have hereunto set our hands this 31st day of December, 2015.

IN WITNESS WHEREOF we have hereunto set our hands this 31st day of December, 2015.

Duluth Economic Development Authority, an Economic Development Authority Created Pursuant to General Statutory Authority

IKONICS Corporation, a Minnesota Corporation

By: Heather Rand
Heather Rand, Executive Director

By: Claude Piquet
Claude Piquet, Executive Vice President

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

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

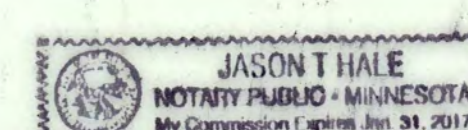
The foregoing instrument was acknowledged before me this 31st day of December, 2015, by Heather Rand, Duluth Economic Development Authority.

The foregoing instrument was acknowledged before me this 31st day of December, 2015, by Claude Piquet, IKONICS Corporation.

Notary Public, St. Louis County, Minnesota
My Commission Expires Jan. 31st, 2017



Notary Public, St. Louis County, Minnesota
My Commission Expires Jan. 31st, 2017



SURVEYOR'S CERTIFICATION

I hereby certify that I have surveyed and platted the land described on this plat as ATLAS INDUSTRIAL PARK and that this plat is a correct representation of the boundary survey; that all distances are correct on said plat in figures denoting feet and hundredths of feet; that all monuments depicted on the plat are correctly placed in the ground as shown on the plat; that there are no wet lands, as designated on said plat other than as shown thereon and that the outside boundary lines are correctly designated on this plat; and that this plat has been prepared in accordance with the requirements of Minnesota Statutes 505.021.

Paul A. Vogel
Paul A. Vogel, Professional Land Surveyor
Minnesota License No. 44075

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

The Surveyor's Certificate was acknowledged before me this 31st date of December, 2015 by Paul A. Vogel, Minnesota License No. 44075.

Patricia Ann Bjorklund
Notary Public, St. Louis County, Minnesota
My Commission Expires 1-31-20



CITY OF DULUTH PLANNING COMMISSION

Approved by the Planning Commission of the City of Duluth, Minnesota, at a regular meeting thereof, on the 31st day of December, 2015

33
President, Duluth City Planning Commission

Al Hill
Secretary, Duluth City Planning Commission

ST. LOUIS COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, this plat has been reviewed and approved this 31st day of December, 2015

Nick C. Stewart
County Surveyor

Tom M. Johnson
Deputy

ST. LOUIS COUNTY AUDITOR

I hereby certify that taxes payable in 2015 and prior years have been paid for the land described on this plat, dated this 31st day of December, 2015

Donald Dicklich
County Auditor

Wendy E. Peterson
Deputy

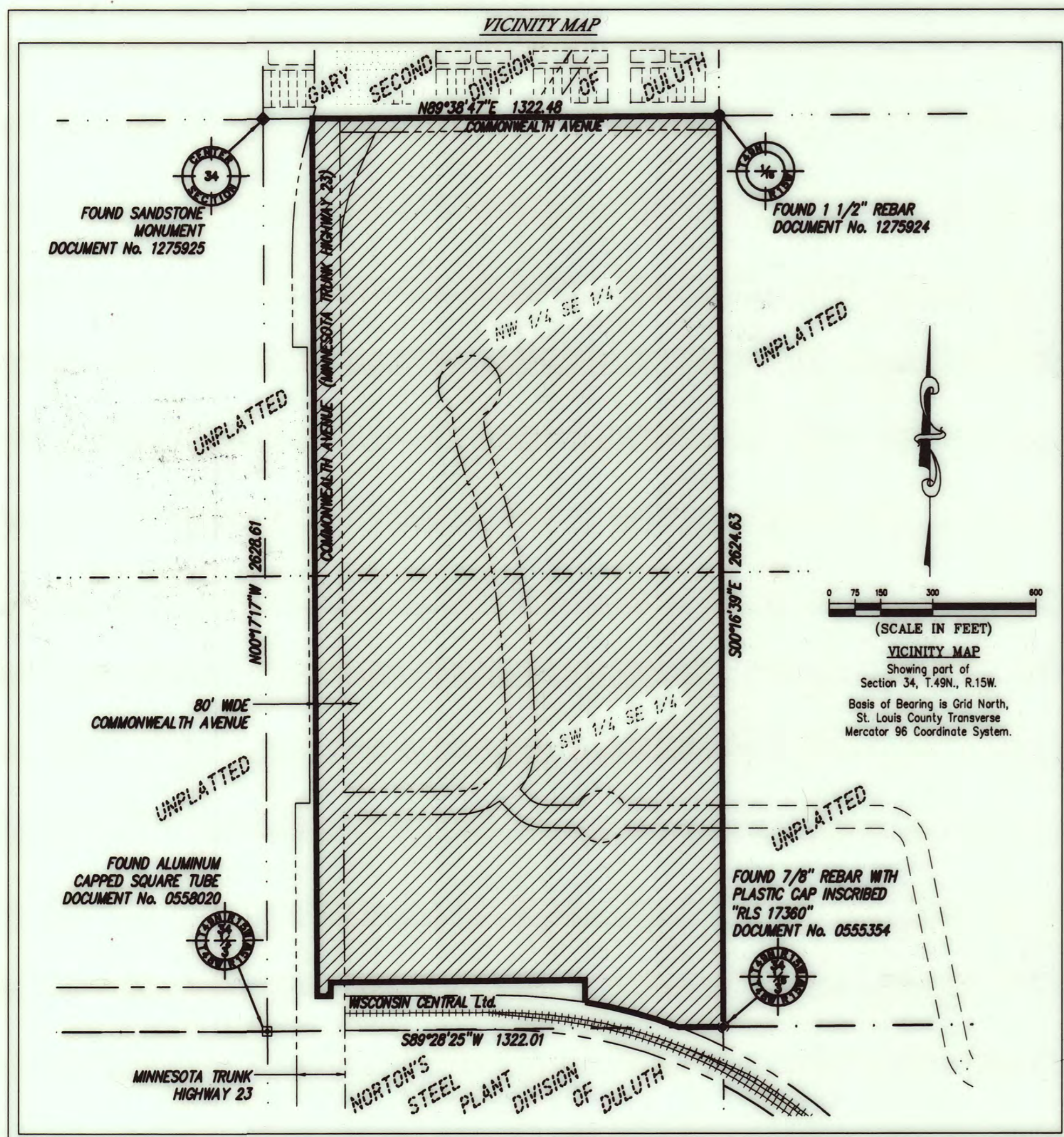
ST. LOUIS COUNTY REGISTRAR OF TITLES

I hereby certify that this plat of ATLAS INDUSTRIAL PARK was filed in the office of the Registrar of Titles for record on this 31st day of December, 2015

at 4:14 o'clock P.M., as Document No. 966240.0 affecting public Certificate(s) of Title No. 331000 and 313712.

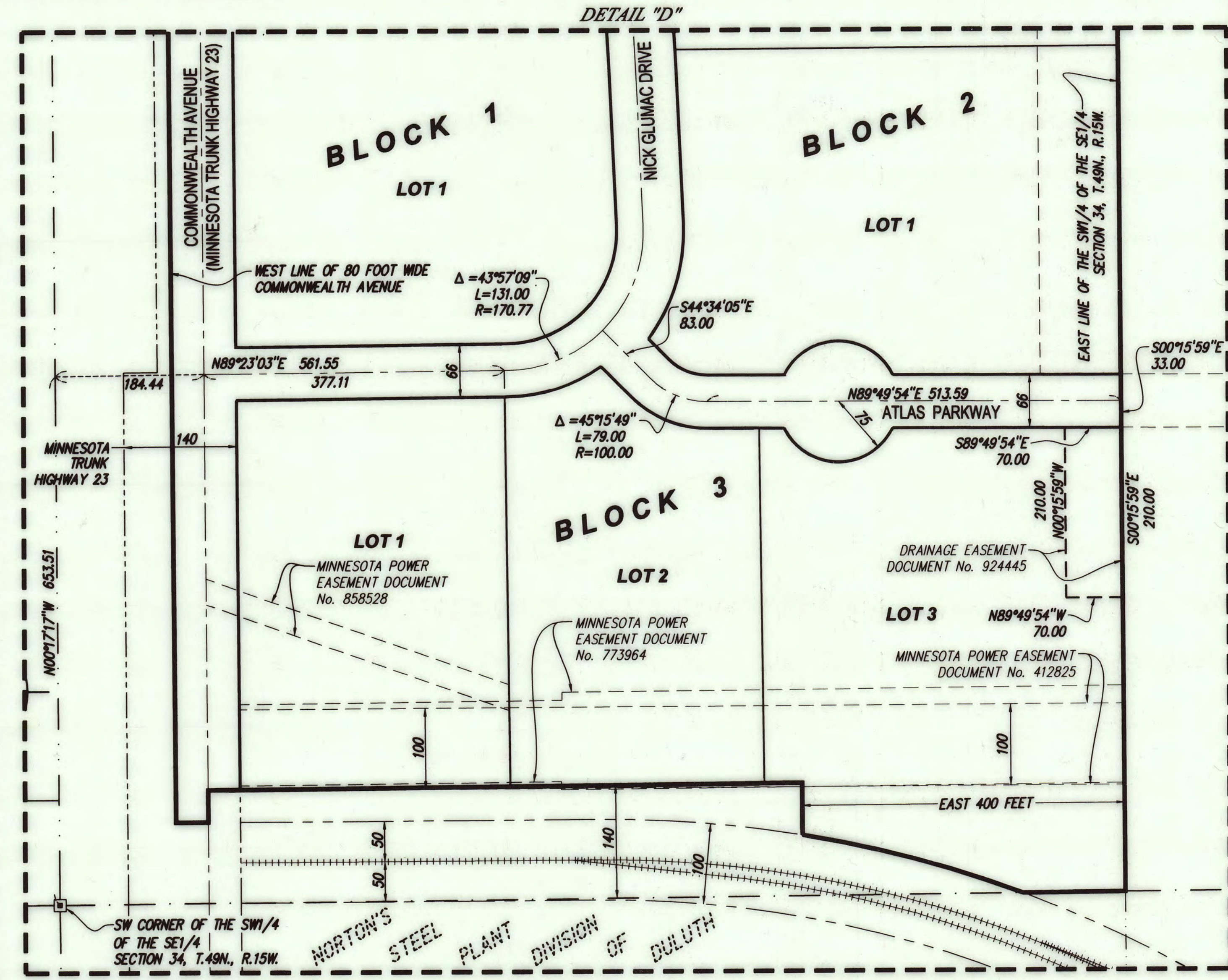
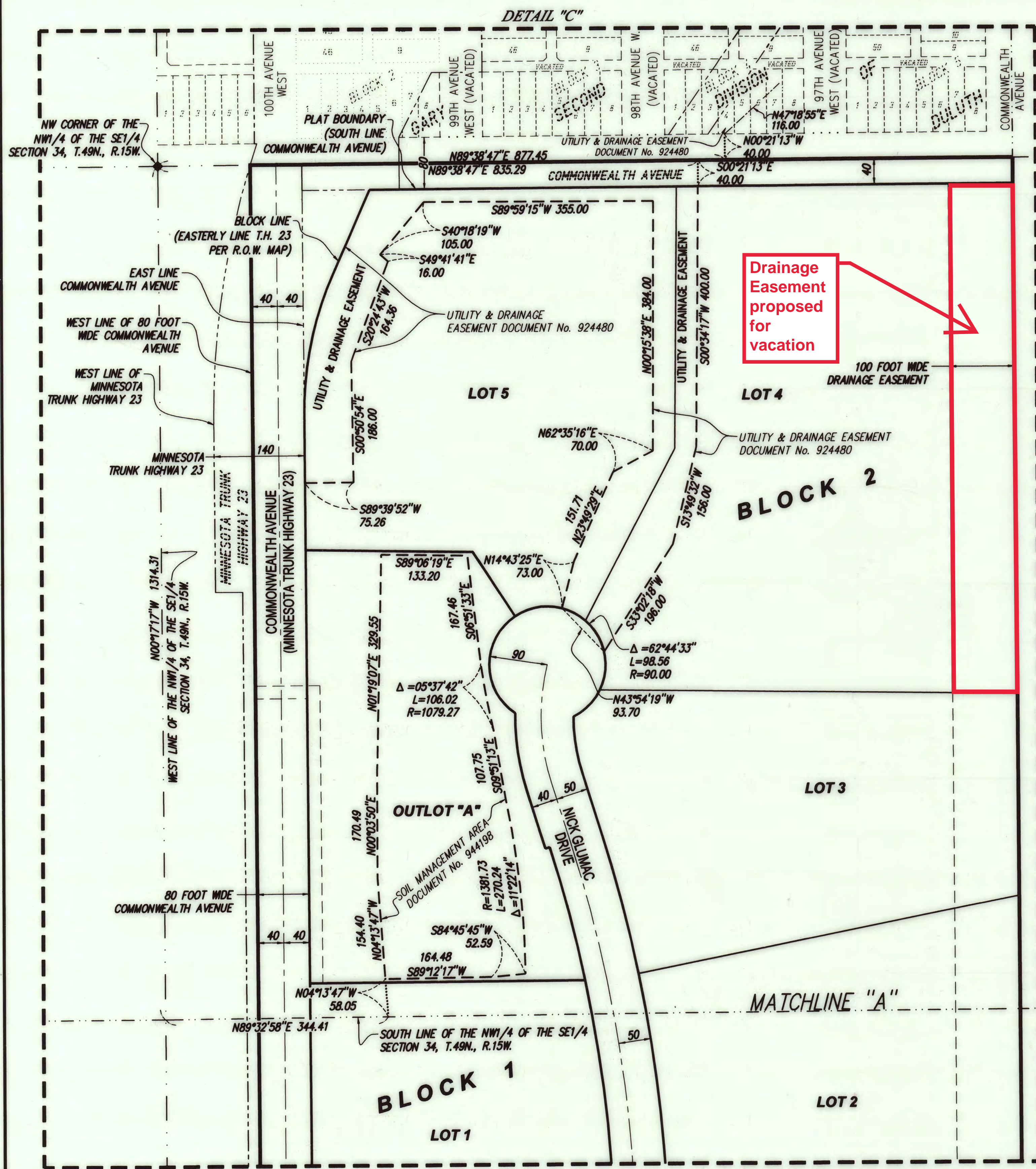
Mark A. Monacelli
Registrar of Titles

Wendy Smith
Deputy

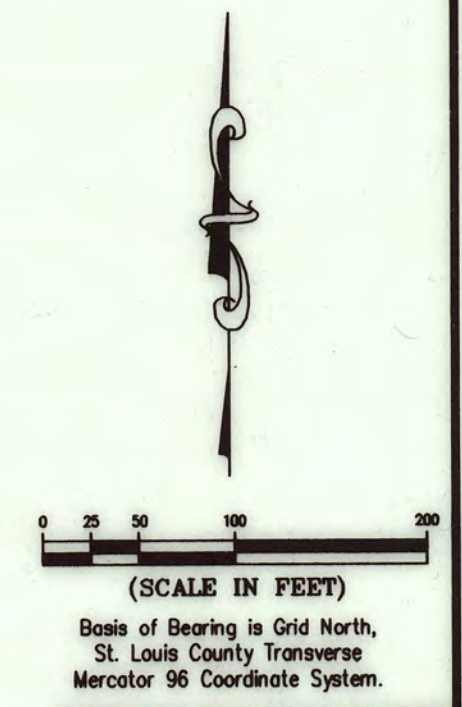


ATLAS INDUSTRIAL PARK

part of the SE 1/4
Section 34, T49N, R15W of the 4th P.M.
City of Duluth, St. Louis County, Minnesota



- LEGEND**
- = BOUNDARY LINE, THIS PLAT
 - = PLAT BLOCK LINE
 - = PLAT LOT LINE
 - = SECTION LINE
 - = QUARTER SECTION LINE
 - = SIXTEENTH SECTION LINE
 - = EASEMENT LINE
 - = RIGHT OF WAY LINE
 - = PLATTED BLOCK LINE
 - = PLATTED LOT LINE
 - = VACATED PLAT LINE
 - = RAILROAD RIGHT OF WAY LINE
 - = RAILROAD TRACKS
 - = FOUND ALUMINUM CAPPED SQUARE TUBE
 - ◆ = FOUND STONE MONUMENT



(SCALE IN FEET)
Basis of Bearing is Grid North,
St. Louis County Transverse
Mercator 96 Coordinate System.

UDB
PERFORMANCE
DRIVEN DESIGN.
Udbcorp.com