

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

09-038-0

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING GRANTING OF A RESTRICTED AREA EASEMENT TO THE STATE OF MINNESOTA, DEPARTMENT OF MILITARY AFFAIRS, AND APPROVING THE GRANTING BY THE DULUTH AIRPORT AUTHORITY OF THE SAME, OVER PROPERTY AT THE DULUTH INTERNATIONAL AIRPORT.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the proper city officials are hereby authorized to grant an easement, substantially in the form of that on file in the office of the city clerk as Public Document No. _____, to the state of Minnesota, department of military affairs (the "state"), and the city hereby approves the granting of the same easement to the state by the Duluth airport authority, for the establishment, maintenance, operation and use for a restricted area in, on, over and across that property in St. Louis County, Minnesota, described as follows:

Easement Area No. 1

A parcel of land located in a portion of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 1, Township 50 North, Range 15 West of the 4th P.M.; the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 6, Township 50 North, Range 14 West of the 4th P.M.; and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 36, Township 51 North, Range 15 West of the 4th P.M, St. Louis County, Minnesota, being more particularly described as follows: Commencing at the northwest corner of said Section 6; thence N89°51'19"E, assumed bearing, along the north line of said Section 6, 641.47 feet to a 5/8" rebar with aluminum cap inscribed "Paul Voge, LS 25955" lying 500 feet southeasterly of, and parallel with, the centerline of the Northeast/Southwest Runway, as it currently exists, at Duluth International Airport; thence S 31°21'15" W along said parallel line, 616.87 feet to the POINT OF BEGINNING of this parcel being described; thence northwesterly, southwesterly, and southeasterly, 3460.04 feet along a non-tangent

circular curve, concave to the southeast, having a radius of 800.00 feet, a central angle of 247°48'26", and a chord bearing of S 36°19'32" W; thence southwesterly, 1226.94 feet along a non-tangent circular curve, concave to the southeast, having a radius of 1727.96 feet, a central angle of 40°40'58", and a chord bearing of S 25°51'26" W to an intersection with the said parallel line lying 500 feet southeasterly of the centerline of the Northeast/Southwest Runway; thence N 31°21'15" E along the said parallel line, 2518.77 feet to the POINT OF BEGINNING.

Said parcel contains 43.90 acres, more or less, and is subject to any easements, restrictions, leases, or covenants of sight and/or of record.

Easement Area No. 2

A parcel of land located in a portion of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of Section 1, Township 50 North, Range 15 West of the 4th P.M., St. Louis County, Minnesota, being more particularly described as follows: Commencing at the northeast corner of said Section 1; thence N89°51'19"E, assumed bearing, along the north line of Section 6, Township 50 North, Range 14 West of the 4th P.M., 641.47 feet to a 5/8" rebar with aluminum cap inscribed "Paul Voge, LS 25955" lying 500 feet southeasterly of, and parallel with, the centerline of the Northeast/Southwest Runway, as it currently exists, at Duluth International Airport; thence S 31°21'15" W along said parallel line, 3266.24 feet to an intersection with a line lying 750 feet north of, and parallel with, the centerline of the East/West Runway, as it currently exists, at Duluth International Airport, and at said intersection is found a 5/8" rebar with aluminum cap inscribed "Paul Voge, LS 25955"; thence S 87°54'49" E along said 750 foot parallel line, 61.52 feet to the POINT OF BEGINNING of this parcel being described; thence, continuing along said 750 foot parallel line, 1011.20 feet to an intersection with the east line of the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of said Section 1, where is found a 5/8" rebar with aluminum cap inscribed "Paul Voge, LS 25955"; thence S 0°20'06" E along the east line of

the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of said Section 1, 244.60 feet; thence southwesterly, 383.06 feet along a non-tangent circular curve, concave to the northwest, having a radius of 400.00 feet, a central angle of 54°52'08", and a chord bearing of S 66°44'48" W; thence, tangent to said curve, N 87°56'55"W, 288.17 feet; thence northwesterly, 630.87 feet along a tangent circular curve, concave to the northeast, having a radius of 400.00 feet, and a central angle of 90°21'54" to the POINT OF BEGINNING.

Said parcel contains 8.27 acres, more or less, and is subject to any easements, restrictions, leases, or covenants of sight and/or of record.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:

Approved for presentation to council:

Department Director

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

PLNG/ATTY JMC:blj 7/7/2009

STATEMENT OF PURPOSE: This ordinance authorizes a restricted area easement on city-owned property at the Duluth International Airport and approves the grant of the same easement by the Duluth airport authority. The easement, as shown on the attached map, restricts certain activities on sensitive areas at the airport. The easement is a regulatory requirement put in force by the United States Air Force for explosive safety. This ordinance not only formalizes the grant of the easement by the city to the state, but also approves the grant of the same easement by the Duluth airport authority. Pursuant to the statute which created the airport authority, it has the ability to convey interests in real property under its jurisdiction, such as the property in question, only with the approval by the city as evidenced by an ordinance. From a title standpoint "the city" is the owner of the property on all property records. To cover all bases, both the city and the airport authority will grant the easement.