

PUBLIC WORKS AND UTILITIES COMMITTEE

09-053-0

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE DIRECT SALE OF CERTAIN
PROPERTY IN WISCONSIN TO DL SKIING, LLC, FOR \$100.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the city council hereby finds that:

(a) Since the property to be conveyed is located within the state of Wisconsin, the proposed conveyance has no impact on the city's comprehensive land use plan;

(b) Pursuant to Section 2-176(b) of the Code, the city assessor has provided a written estimate of the market value which estimates that value as \$100;

(c) The property identified in Section 2 below is of insufficient size to allow a building to be legally constructed thereon as a stand alone parcel and therefore sale to the purchaser named in Section 2 below, as adjacent owner, is authorized pursuant to Section 2-178 of the Code.

Section 2. That the proper city officials are hereby authorized to sell and convey the following described property, by quit claim deed, to DL Skiing, LLC, a Wisconsin limited liability company, for the amount of \$100 to be deposited into Fund 110, Agency 700, Organization 1420, Object 4640, and further to execute all documents necessary with regard to said conveyance including the termination of agreement substantially in the form of that on file in the office of the city clerk as Public Document No. _____ in favor of Mont Du Lac, Incorporated:

The easterly 30 feet of the westerly 425 feet of the northerly 25 feet of the southerly 112 feet of the southwest quarter of the southwest quarter (SW 1/4 of SW 1/4) of Section 8, Township 48 North, Range 15 West of the Fourth Principal Meridian, in Douglas County, Wisconsin.

Section 3. 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

PW&U/ATTY JMC:blj 10/2/2009

STATEMENT OF PURPOSE: This ordinance authorizes the direct sale and conveyance of the above-described property to DL Skiing, LLC, for \$100.

In 1975, the city entered into an agreement with Mont Du Lac, Incorporated, to purchase a 25x30 foot piece of property at the top of the Mont Du Lac ski hill in Wisconsin for the purpose of a police radio relay station. The agreement also gave the city easements for access to the site and for necessary cabling. The property has not been used by the city since the mid 90's at which time all the city's equipment was removed. Mont Du Lac ski hill is currently owned by DL Skiing, LLC, which has requested the conveyance of the property as well as termination of the agreement in order to release the easements. City staff has indicated no further need for the property.

Section 2-176 states that a 2/3 vote of the council is required when the proposed conveyance has no relationship to the city's land use comprehensive plan. The city attorney's office is of the opinion that this provision was intended to apply to the conveyance of property located within the city limits and does not apply to a conveyance of property located in the state of Wisconsin.

The city assessor's office has determined the value to be \$100.

Tax base impact statement: No tax base impact since the property is located in Wisconsin.