

INTERGOVERNMENTAL RELATIONS COMMITTEE

10-010-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY IN THE RIVERSIDE AREA TO THE STATE OF MINNESOTA.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the city council hereby finds that:

(a) In 1988, the state of Minnesota conveyed the below-described property to the city, which property had been forfeited to the state for nonpayment of real property taxes, at no cost to the city pursuant to the authority of Minnesota Statutes Section 282.01, Subd. 1a, to be used "exclusively for parks and recreation purposes in connection with the Spirit Mountain ski and recreation area;"

(b) The property described in section 2 below, is hereby determined to be surplus to the city's future needs;

(c) Notwithstanding the provisions of Article XXXIII of Chapter 2 of the Duluth City Code, 1959, as amended (the Code), Minnesota Statutes Section 282.01, Subd. 1d, requires that, under such circumstances, the city reconvey the property to the state of Minnesota.

Section 2. That the proper city officials are hereby authorized to reconvey the below-described property in St. Louis County, Minnesota, previously free-conveyed to the city, to the state of Minnesota:

That part of the west 350.00 feet of Government Lot 1, Section 23, Township 49 North, Range 15 West of the Fourth Principal Meridian described as follows:

Beginning at the intersection of the west line of said Government Lot 1 and the southerly right-of-way of the Northern Pacific Short Line Railroad; thence northeasterly along said railroad right-of-way a distance of 200.00 feet; thence southeasterly at right angles with said railroad right-of-way to the intersection with a line which lies 350.00 feet east of and parallel with the west line of said Government Lot 1; thence southerly along said parallel line

to the northerly right-of-way line of the former Old Duluth transfer railway; thence southwesterly along said railroad right-of-way to the south line of said Government Lot 1 to the southwest corner of said Government Lot 1; thence northerly along the west line of said Government Lot 1 to the point of the beginning and there ending. (2746-00245) (part of)

Ironton First Division

Block G, Lots 1-16 (2520-12350)

Block H, Lots 8-16 (2520-12580)

Block I, Lots 8-16 (except railroad)(2520-12670)(part of)

Block J, Lots 1-16 (except railroad)(2520-12830)

Ironton Second Division

Block 28 Lots 1-39 (including part of vacated Kinney Street adjacent to Lots 38 and 39)(2530-05260).

Section 3. This ordinance shall take effect 30 days from and after its passage and publication.

Approved:

Approved for presentation to council:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

Approved:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Auditor

PROP MGMT TH:cp 6/16/2010

STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize the reconveyance of the above property, located north and east of the Riverside neighborhood to the state of Minnesota.

The property was originally tax forfeited property which was conveyed to the city in 1988 at no cost to be used "exclusively for parks and recreation purposes in connection with the Spirit Mountain ski and recreation area."

Because the city received a "limited fee title" to the property, it cannot change the use of the property to another use; nor can the city sell the property to another party for any different use.

Since Spirit Mountain is now completed and since these parcels are outside the official Spirit Mountain boundary, the above property is no longer needed for this purpose.

The parks and recreation commission on November 18, 2009, and the planning commission on December 8, 2009, have reviewed and approved the reconveyance of this property.

This ordinance will authorize the reconveyance of this property to the state and allow for its future sale and development. Once resold to a subsequent purchaser, the property will return to active tax status.