

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0660R

RESOLUTION ACCEPTING AN EASEMENT FOR PUBLIC STREET,
ROADWAY AND UTILITY PURPOSES FROM MINNESOTA POWER, A
DIVISION OF ALLETE, INC.

CITY PROPOSAL:

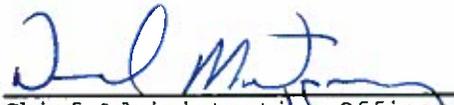
RESOLVED, that the city of Duluth does hereby accept the conveyance of a public easement substantially in the form of that on file in the office of the city clerk as Public Document No. _____ from Minnesota Power, a division of Allete, Inc. (Minnesota Power), said easement being for public roadway and utility purposes over property in St. Louis County legally described in said public document.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

COMM SERV/ATTY JMC:dma 12/13/2010

STATEMENT OF PURPOSE: In October of 2009, the Duluth Economic Development Authority (DEDA) executed a Land Sale Agreement with Minnesota Power pursuant to which Minnesota Power acquired certain tax-forfeited property for the purpose of constructing an electric utility substation located to serve the Airpark and central areas of Duluth. As part of the Land Sale Agreement, Minnesota Power is required to convey to the City of Duluth such roadway and utility easements which are satisfactory to the City's Engineer over those portions of Swan Lake Road and Krueger Jct. Road adjoining the property. The easement has received the City Engineer's sign off. This resolution authorizes the acceptance of the easement.

EASEMENT

THIS EASEMENT, made and entered into this ____ day of _____, 2010, between Minnesota Power, a division of ALLETE, Inc., a Minnesota corporation, hereinafter called "Grantor," and the CITY OF DULUTH, a Minnesota municipal corporation, hereinafter called "Grantee."

For valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby grant and convey unto Grantee, its successors and assigns, FOREVER:

An easement for the purpose of constructing and maintaining a public roadway and public utilities over, under, and across the property described in

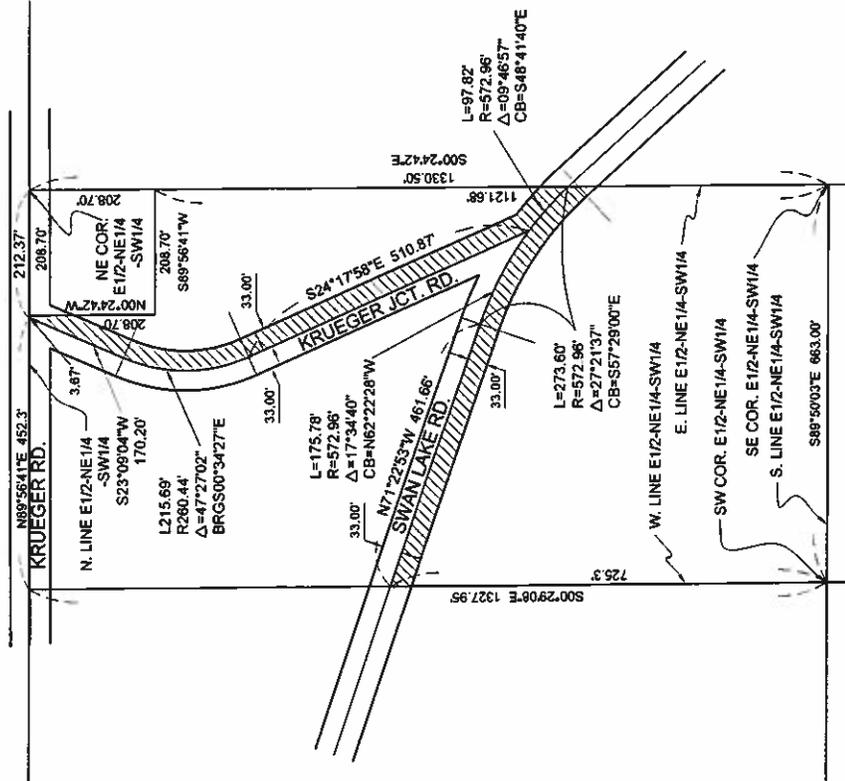
Exhibit A attached hereto

together with the right to enter upon and occupy so much of such property as may be necessary in constructing any public roadway or public utilities built thereon, including any required slope and fill and including the right to remove any and all trees, shrubs, and herbage therein.

It is understood that the right, privilege and easement herein granted and the provisions hereof shall extend to and bind the heirs, personal representatives, successors and assigns of the respective parties hereto.

It is mutually understood and agreed that this instrument covers all of the agreements and stipulations between the parties, and that no representation or verbal statements have been made modifying, adding to, or changing the terms hereof.

EXHIBIT A



EASEMENT DESCRIPTION

A 33.00-foot easement across part of the East Half of the Northeast Quarter of Southwest Quarter, Section 7, Township 50 North, Range 14 West, St. Louis County, Minnesota, the westerly line is described as follows:

Commencing at the northeast corner of said East Half of Northeast Quarter of Southwest Quarter said Section 7; thence South 89 degrees 56 minutes 41 seconds West, along the north line of said E1/2-NE1/4-SW1/4 a distance 212.37 feet to the point of beginning of the line to be described; thence South 23 degrees 09 minutes 04 seconds West a distance of 170.20 feet; thence southerly, along a tangential curve concave to the east having a radius of 260.44 feet, central angle of 47 degrees 27 minutes 02 seconds, a distance of 215.69 feet; thence South 24 degrees 17 minutes 58 seconds East a distance of 510.87 feet, and there terminating.

AND

A 66.00-foot easement across part of the East Half of the Northeast Quarter of Southwest Quarter, Section 7, Township 50 North, Range 14 West, St. Louis County, Minnesota, the centerline is described as follows:

Beginning at the point of termination of the above-described easement; thence southeasterly, along a non-tangential curve concave to the southwest having a radius of 572.96 feet, central angle of 09 degrees 46 minutes 57 seconds (the chord of said curve at this point bears South 48 degrees 41 minutes 40 seconds East), a distance of 87.82 feet to the east line of said E1/2-NE1/4-SW1/4, and there terminating.

AND

A 33.00-foot easement across part of the East Half of the Northeast Quarter of Southwest Quarter, Section 7, Township 50 North, Range 14 West, St. Louis County, Minnesota, the northerly line is described as follows:

Beginning at the point of termination of the first above-described easement; thence northwesterly, along a non-tangential curve concave to the south having a radius of 572.96 feet, central angle of 17 degrees 34 minutes 40 seconds (the chord of said curve at this point bears North 62 degrees 34 minutes 40 seconds West), a distance of 175.78 feet; thence North 71 degrees 22 minutes 53 seconds West a distance of 461.66 feet to the west line of said E1/2-NE1/4-SW1/4, and there terminating.

The sidelines of said easements are prolonged or shortened to terminate on the east and west line of said E1/2-NE1/4-SW1/4.



MINNESOTA POWER
 30 W. SUPERIOR ST.
 DULUTH, MN 55802
 PT. OF E1/2-NE1/4-SW1/4, SEC.7,
 T.50N., R.14W., ST. LOUIS CO., MN

Livgard Surveying, Inc.
 Registered Land Surveyors
 1507 Tower Ave. Suite 303
 Superior, WI 54880
 Tele: 715-395-6787
 Cell: 218-390-6787

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.
 Matthew B. Livgard, MN License Number: 17725

Matthew B. Livgard
 Date: 8-19-10