

PUBLIC WORKS AND UTILITIES COMMITTEE

11-013-0

ORDINANCE NO. _____

AN ORDINANCE DEDICATING TO THE PUBLIC CERTAIN MESABA AVENUE RIGHT-OF-WAY.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the city of Duluth does hereby dedicate to the general public those portions of the right-of-way on and adjacent to Mesaba Avenue, described and shown on Public Document No. _____ on file in the office of the city clerk, for public street and roadway purposes.

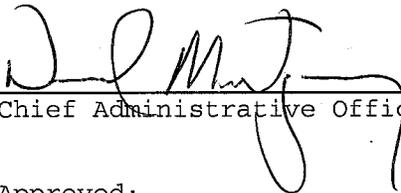
Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

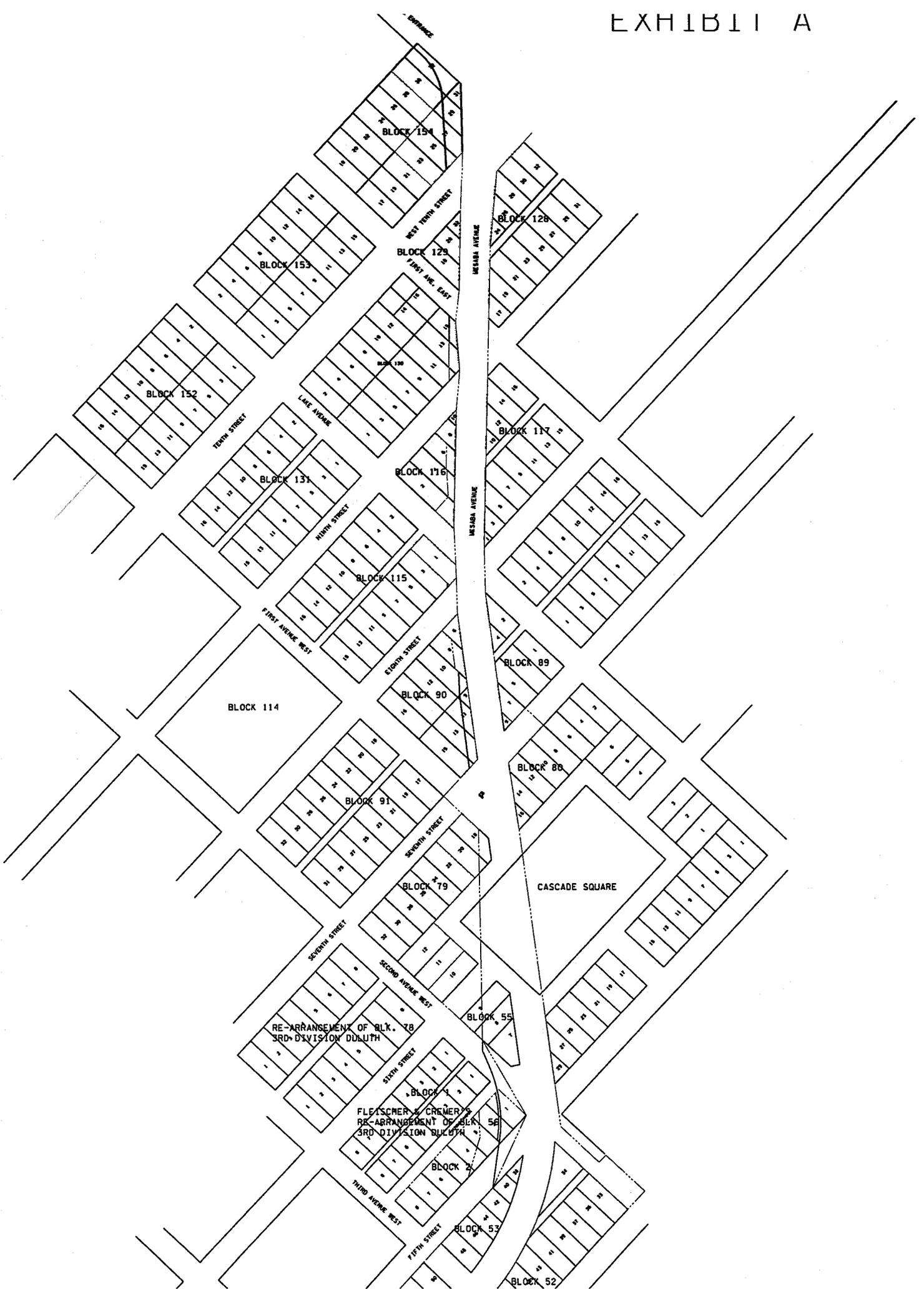
ATTY REA:dma 04/11/2011

STATEMENT OF PURPOSE: The purpose of this ordinance is to dedicate certain right-of-way presently located on property owned by the City but used in conjunction with the existing roadway for road purposes, bringing the legal status of the property into line with its actual use. This will also permit MnDOT to exercise its right to take control of the property by Commissioner's Order, again bringing these parcels into line with the rest of Mesaba Avenue which the Commissioner previously took control of.

When the City accepted responsibility of 6th Avenue East from MnDOT and MnDOT took responsibility for Mesaba Avenue from the City, small segments of Mesaba Avenue were left out. Therefore MnDOT technically does not have any right to use or obligation to maintain those parts of Mesaba Avenue.

Now MnDOT wishes to run a fiber optic cable from its headquarters facility at Mesaba Avenue and Rice Lake Road down Mesaba to the Freeway, the path of which would involve using these segments of property. MnDOT would like to take control of the property by Commissioner's Order which it is entitled to do only if there is a public right-of-way over the property for roadway purposes. Creating a dedication would also allow MnDOT to legally exercise the maintenance responsibilities over these portions of Mesaba Avenue along with the rest of the street in the manner it has been doing for some years.

This ordinance would accomplish the dedication needed.



RESOLUTION DESCRIPTIONS:

A perpetual easement for highway purposes over, under and across that part of Lots 25, 27, 29, 30, 31 and 32, Block 154, Duluth Proper Third Division, according to the plat thereof on file and of record in the office of the Country Recorder in and for St. Louis County, Minnesota, lying northwesterly of a line run parallel with and distant 17.00 feet northwesterly of the southeasterly line of said Block 154 and northeasterly and easterly of the following described line:

Beginning at the point of intersection of the northwesterly line of said Lot 32 and a line run parallel and 15.00 feet southwest of the northeasterly line of said Lot 32; thence southeasterly along said 15.00 foot parallel line, a distance of 28.55 feet; thence southeasterly and southerly a distance of 134.47 feet along a tangential curve concave to the west having a radius of 175.00 feet and a central angle of 44 degrees 01 minutes 35 seconds; thence southerly tangent to last described curve, a distance of 208.24 feet to the southeasterly line of said Block 154 and there terminating.

All that part of Lot 15, Block 130, Duluth Proper Third Division, lying Southeasterly of the following described line:

Beginning at a point on the West line of said Lot 15, said point being 78.34 feet South of the Northwest corner of said Lot 15, thence Northeasterly 67.04 feet to a point on the East line of said Lot 15, said point being 33.68 feet South of the Northeast corner of said Lot 15, and there terminating.

All that part of Lot 3, Block 115, Duluth Proper Third Division, lying Southeasterly of the following described line:

Beginning on the South line of said Lot 3, 8.0 feet West of the Southeast corner of said Lot 3; thence Northeasterly 11.31 feet to a point on the Easter line of said Lot 3, said point being 8.0 feet North of the Southeast corner of said Lot 3, and there terminating.

All that part of Lot 10, Block 90, Duluth Proper Third Division, according to the plat thereof on file and of record in the office of the Country Recorder in and for St. Louis County, Minnesota, lying southeasterly of the following described line:

Beginning at a point on the East line of said Lot 10, said point being 106.9 feet south of the Northeast corner of said Lot 10, thence Southwesterly 60.2 feet to a point on the South line of said Lot 10, said point being 7.0 feet East of the Southwest corner of said Lot 10, and there terminating, all assuming that West Eighth Street to run east and west.

All that part of Lots Nine (9) and Eleven (11), Block Ninety (90), Duluth Proper Third Division, lying southeasterly of the following described line:

Beginning at a point on the west line of said Lot Eleven (11), said point being seventy feet (70') south of the northwest (NW) corner of said Lot Eleven (11); thence northeasterly 90.3 feet to a point on the north line of said Lot Nine (9), said point being seven feet (7') east of the northwest (NW) corner of said Lot Nine (9); and there terminating.

All that part of Lot 13, Block 90, Duluth Proper Third Division, beginning at a point on the East line of said Lot 13, said point being 70 feet North of the Southeast corner of said Lot 13, thence Westerly 10 feet along a line parallel to and 70 feet North of the South line of said Lot 13, thence Northeasterly 14.14' to a

point on the East line of said Lot 13, said point being 80' North of the Southeast corner of said Lot 13, thence Southerly 10' to the point of beginning and there terminating.

All that part of Lots 13 and 15, Block 90, Duluth Proper Third Division, lying Southeasterly of the following described line:

Beginning at a point of the South line of said Lot 15, said point being 16.0 feet Westerly of the Southwest corner of said Lot 15; thence Northeasterly 101.86 feet to a point 70.0 feet North of the South line of said Lot 13, said point being 10.0 feet West of the East line of said Lot 13; thence Easterly 10.0 feet along a line 70.0 feet North of and parallel to the South line of said Lot 13, and there terminating.

All that part of Lots 1, 2 and 3, Block 2, Fleisher & Cremer's Re-Arrangement of Block 56, Duluth Proper Third Division, according to the plat thereof on file and of record in the office of the Country Recorder in and for St. Louis County, Minnesota, lying easterly of the following described line:

Commencing at a point on the northwesterly line of Lot 18, Block 79, Duluth Proper Third Division, distant 60.00 feet southeasterly of the most northerly point of said Lot 18; thence southerly to a point on the southwest line of Block 55, said Duluth Proper Third Division, distant 80.00 feet southeasterly of the most westerly corner of said Block 55; thence continue south on the extension of the last described course, a distance of 28.00 feet; thence southeasterly deflecting to the left 21 degrees 42 minutes 50 seconds, a distance of 25.82 feet; thence southerly a distance of 193.66 feet along a tangential curve concave to the west having a radius of 360.80 feet and a central angle of 30 degrees 45 minutes 17 seconds; thence southerly to the most northerly point of Lot 42, Block 53, said Duluth Proper Third Division and there terminating.

A perpetual easement for retaining wall maintenance purposes over, under and across that part of Lots 1, 2 and 3, Block 2, Fleisher & Cremer's Re-Arrangement of Block 56, Duluth Proper Third Division, according to the plat thereof on file and of record in the office of the Country Recorder in and for St. Louis County, Minnesota, lying 5.5 feet westerly of the following described line:

Commencing at a point on the northwesterly line of Lot 18, Block 79, Duluth Proper Third Division, distant 60.00 feet southeasterly of the most northerly point of said Lot 18; thence southerly to a point on the southwest line of Block 55, said Duluth Proper Third Division, distant 80.00 feet southeasterly of the most westerly corner of said Block 55; thence continue south on the extension of the last described course, a distance of 28.00 feet; thence southeasterly deflecting to the left 21 degrees 42 minutes 50 seconds, a distance of 25.82 feet to the point of beginning; thence southerly a distance of 193.66 feet along a tangential curve concave to the west having a radius of 360.80 feet and a central angle of 30 degrees 45 minutes 17 seconds and there terminating.