

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-017-0

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING RECONVEYANCE OF PROPERTY IN THE RIVERSIDE ADDITION TO THE STATE OF MINNESOTA SO THAT THE CITY CAN REQUEST FREE CONVEYANCE FOR PARK, RECREATION AND UTILITY PURPOSES.

CITY PROPOSAL:

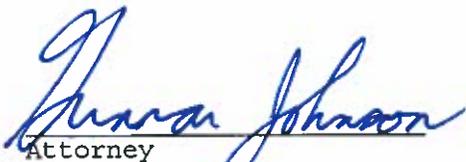
The city of Duluth does ordain:

Section 1. 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:

The southwesterly 65.00 feet of Outlot 4, Riverside Addition (PIN 010-3970-002090).

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

Approved as to form:


Attorney

PC/PLNG BR:eu 4/18/2011

STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize the reconveyance of the above to the state of Minnesota.

The property was originally tax forfeited property which was conveyed to the city in 1980 at no cost to be used "exclusively for park and recreational purposes". The city constructed and continues to maintain the Western Waterfront Trail across this parcel.

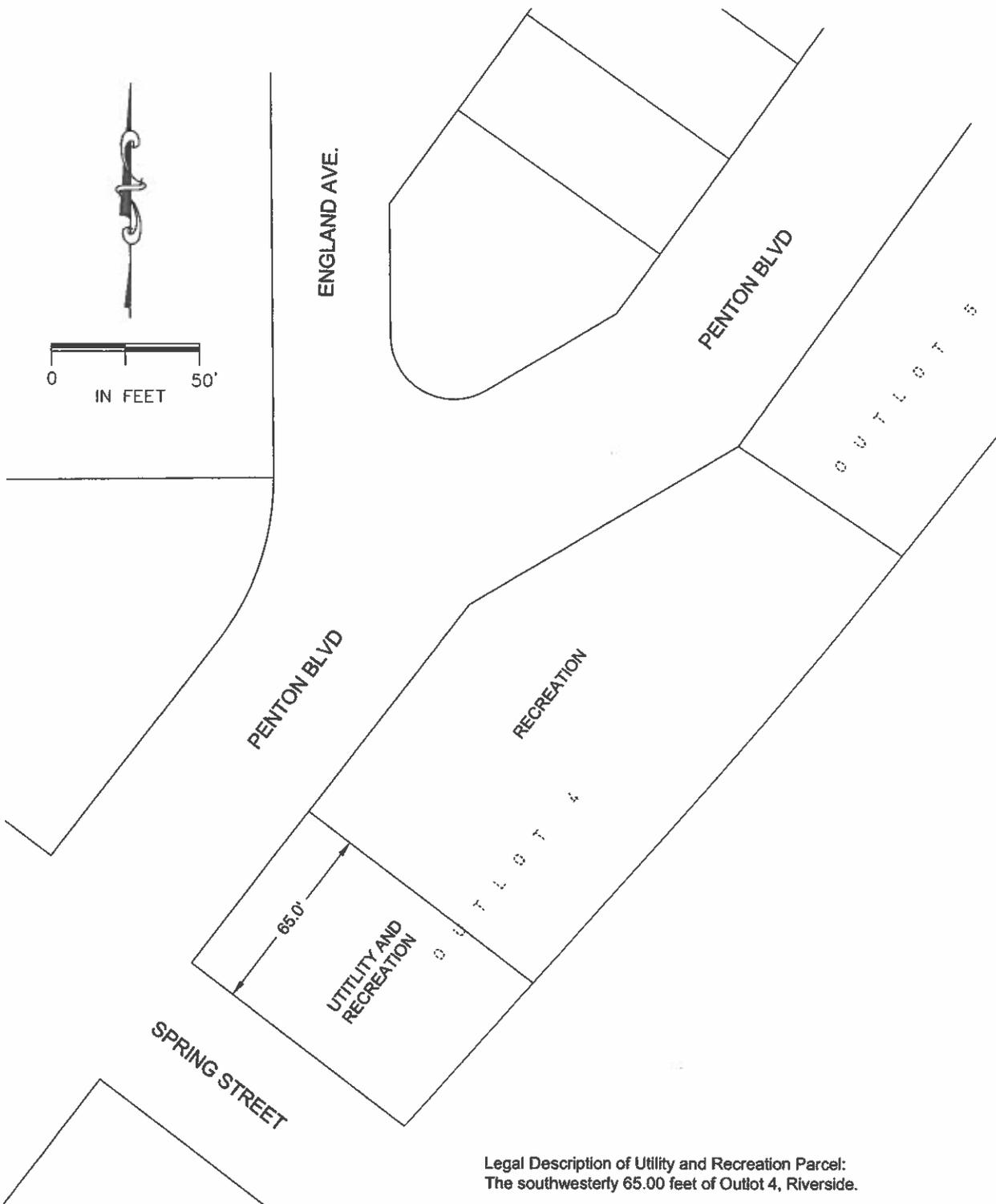
Because the city received a "limited fee title" to the property, it cannot change the use of the property to another use; nor can the city sell the property to another party for any different use. Since the city needs to extend a sanitary sewer line through the property, it needs to have the property free conveyed with an additional use (utility) listed on the deed restriction.

The following have reviewed and approved reconveyance of the property at public meetings held on the following dates:

- (1) Parks and recreation commission - March 9, 2011, vote 5-0(1 Abstain)
- (2) Planning commission - April 12, 2011, vote 6-0.

This ordinance will authorize reconveyance of this parcel to the state. The city will then ask for the parcel to be free conveyed back for "park, recreation and utility purposes."

PARCEL SKETCH



Legal Description of Utility and Recreation Parcel:
The southwesterly 65.00 feet of Outlot 4, Riverside.

Remnant Legal Description for Recreational Parcel:
Outlot 4, Riverside, except the southwesterly 65.00 feet thereof.

VIII A 7

DR. BY	PMR	
CHK. BY	FAK	JOB NO. 27-0133
DATE	02/18/11	SCALE AS SHOWN

**CITY OF DULUTH
RIVERSIDE
DULUTH, MINNESOTA**



**PARCEL SKETCH
OUTLOT 4**

FIGURE NO.
1
SHEET 1 OF 1



CITY OF DULUTH
Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197
Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	FN 11-044	Contact	Steven Robertson	
Application Type	Reconveyance of Tax Forfeited Property	Planning Commission Date	April 12, 2011	
Deadline for Action	Application Date	Feb 23, 2011	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	Corner of Spring Street and Penton Boulevard			
Applicant	City of Duluth	Contact		
Agent		Contact		
Legal Description	See Attached (Outlot 4, Riverside Addition)			
Site Visit Date	April 2, 2011	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Reconvey property acquired via free-conveyance. The property is intended "exclusively for park and recreation area uses", but the City wishes to run a buried sanitary sewer line through a portion of the outlot.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Vacant	Neighborhood Mixed Use
North	R-1	Housing	Traditional Neighborhood
South	I-G	Vacant/Railroad	Commercial Waterfront
East	I-G	Industrial	Commercial Waterfront
West	R-1	Housing	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

Minnesota Statute 282 allows municipalities to acquire through free-conveyance land that it needs for an authorized public use.

MS 282.01, Subd. 1a. Conveyance; generally.

... The commissioner of revenue may convey by deed in the name of the state a tract of tax-forfeited land held in trust in favor of the taxing districts to a governmental subdivision for an authorized public use, if an application is submitted to the commissioner which includes a statement of facts as to the use to be made of the tract and the need therefor and the recommendation of the county board. ...

MS 282.01, Subd. 1d. Reverter for failure to use; conveyance to state.

If ... a governmental subdivision to which tax-forfeited land has been conveyed for a specified public use as provided in this section fails to put the land to that use, or abandons that use, ... the governing body may authorize the proper officers to convey the land, or the part of the land not required for an authorized public use, to the state of Minnesota.

VIII A 1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

- 1. Governing Principles:
Principle #12 Create efficiencies in delivery of public services.
- 2. Policies are: P&R1. Consider land exchanges that improve recreation, park, and open space levels of service.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1. The tax forfeited land was acquired in 1980 through free-conveyance, with the lot being "exclusively for park and recreation uses".
- 2. The Western Waterfront trail has been constructed along the southeastern edge of the outlot.
- 3. The Engineering Division is proposing a new sanitary sewer that would extend through the site. Once construction of the underground infrastructure is completed, the site will be fully restored. The Engineering Division is willing to construct a small trailhead for trail users in order to improve access and functionality of the trail.
- 4. The Parks and Recreation Commission has reviewed and approved the request at their March 2011 meeting.
- 5. If approved, the reconveyance should be followed by a free conveyance.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Staff recommends that the Planning Commission recommend approval of the reconveyance of Outlot 4, Riverside Addition, to the City Council.

VIII A2

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



Western Waterfront Trail

WLSSD MH D007

new sanitary sewer

Riverside Outfall 4
Reconveyance

England

Riverside Dr

1st Bnlds

Marine Ct

E Penton Blvd

Outlet 4

Outlet 3

Lot 7

Lot 9

Lot 10

Lot 12

Tate &
Lyle

Spring
Lake
Marine

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STATE OF MINNESOTA
DEPARTMENT OF REVENUE
CONVEYANCE OF FORFEITED LANDS

321695

Issued pursuant to Minnesota Statutes, Section 262.01, Subdivision 1)

THIS INDENTURE, made this 19th day of August, 1920, between the State of Minnesota, as party of the first part, and the City of Duluth, a Governmental Subdivision, as party of the second part, WITNESSETH:

434253
(FOREIGN)

WHEREAS, the land hereinafter described was duly forfeited to the State of Minnesota for the nonpayment of taxes, and,

WHEREAS, pursuant to Minnesota Statutes Section 282.01, Subdivision 1, the party of the second part has applied to the Commissioner of Revenue for the conveyance of lands hereinafter described to be used by it exclusively for park and recreation area uses, and,

WHEREAS, the Board of County Commissioners of the County of St. Louis, State of Minnesota, has recommended to the Commissioner of Revenue by resolution adopted on the 27th day of May, 1920, that such conveyance be made,

NOW, THEREFORE, The State of Minnesota, pursuant to said laws and in consideration of the premises, does hereby grant, bargain, sell and convey unto the party of the second part, forever, all the tracts or parcels of land lying and being in the County of St. Louis, State of Minnesota, described as follows, to-wit:

10-2420-4720, 4750, 4910, 4920, 4930, 4940, 5355, 6490, 5500, 6520, 6530, 6540, 5570, 6580, 6590, 6660, 6750, 6800, 9290
Lots 13 thru 15, and Lot 16, Block 24; Lots 15 thru 19, Block 25; Lot 19, N'ly 19 feet, Block 25; Lots 4 thru 16 and 21 thru 31, Block 31; Lots 11 and 12, Block 32; and Riparian Rights, Block 40, Hunter and Markell's Grassy Point Addition,

10-2520-1690, 1700, 12350, 12580, 12670, 12930
Lots 1 and 2, Except NW'ly 10 feet, Block 9; Lots 1 thru 16, Block 6; Lots 3 thru 15, Block 11; Lots 1 thru 16, Block 1; Lots 1 thru 16, except part taken for railroad right-of-way, Block 3, Ironton, First Division;

10-2730-980, 1090, 1100, 1110, 1217, 1215
Lands in the City of Duluth, Township 48, Range 15, Lot 5, except right-of-way and except 12 48/100ths acres for highway, Section 9; Lot 4, except railway right-of-way and except 9.0 acres for highway, all of Lot 5, and railway right-of-way for Northern Pacific Mainline across Section 9, except 14/100ths acres out of Lot 6, except that part lying west of the extended line of Lot 4, Block 29 in East Fond du Lac, all in Section 9; railway right-of-way for the Northern Pacific Mainline across Lot 5, except 3.42 acres, railway right-of-way for Northern Pacific Mainline across Lot 4, except N'ly 75 feet of the W'ly 150 feet, Section 10;

10-2745-260, 280, 290, 550
Lands in the City of Duluth, Township 49, Range 15, that part of Lot 1 lying between Grand Avenue and the right-of-way of Northern Pacific Shortline Railway and between two parallel lines drawn from Grand Avenue at right angles thereto said railway right-of-way, one of said parallel lines drawn from the point of intersection of said S'ly line of Grand Avenue with the west line of said Lot 1, that part of Lot 1 lying between Grand Avenue and the Northern Pacific Shortline right-of-way and west of a line drawn at right angles with Grand Avenue from the point of intersection of the west line of said Governmental Lot 1 with the S'ly line of Grand Avenue, and that part of Lot 2 lying SE'ly of the right-of-way of St. Paul and Duluth and North Pacific Railway including riparian rights, all in Section 23, and Lot 4, including riparian rights, except rights-of-way, Section 26;

10-3970-2090, 2190, 2110
Outlots 4, 5, 6, 7, 8, and 9, Riverside Addition;

10-2550-4160, 4370
Lots 1 thru 21, and Lot 22, Block 15, Ironton 4th Division;

10-3300-4520, 4530
Outlot J except Auditor's Plat No. 2 and Government Lot 2, part, Morgan Park Addition;

10-3304-70, 90, 100
Lots 7, 9, and 10, Arrangement of Outlot K, Morgan Park Addition;

VIII A9