

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-0210R

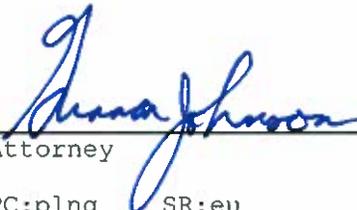
RESOLUTION REQUESTING THE FREE CONVEYANCE OF TAX  
FORFEITED LAND FOR PARK, RECREATION AND UTILITY PURPOSE  
AT RIVERSIDE

CITY PROPOSAL:

RESOLVED, that the Saint Louis County Board of Commissioners is hereby requested to free convey to the city of Duluth the following tax forfeited parcel for park, recreation, and utility purposes.

Legal Description	Parcel ID
Portion of Outlot 4, Riverside Addition, as described: the southwesterly 65 feet of Outlot 4, Riverside Addition.	010-3970-02090

Approved as to form:

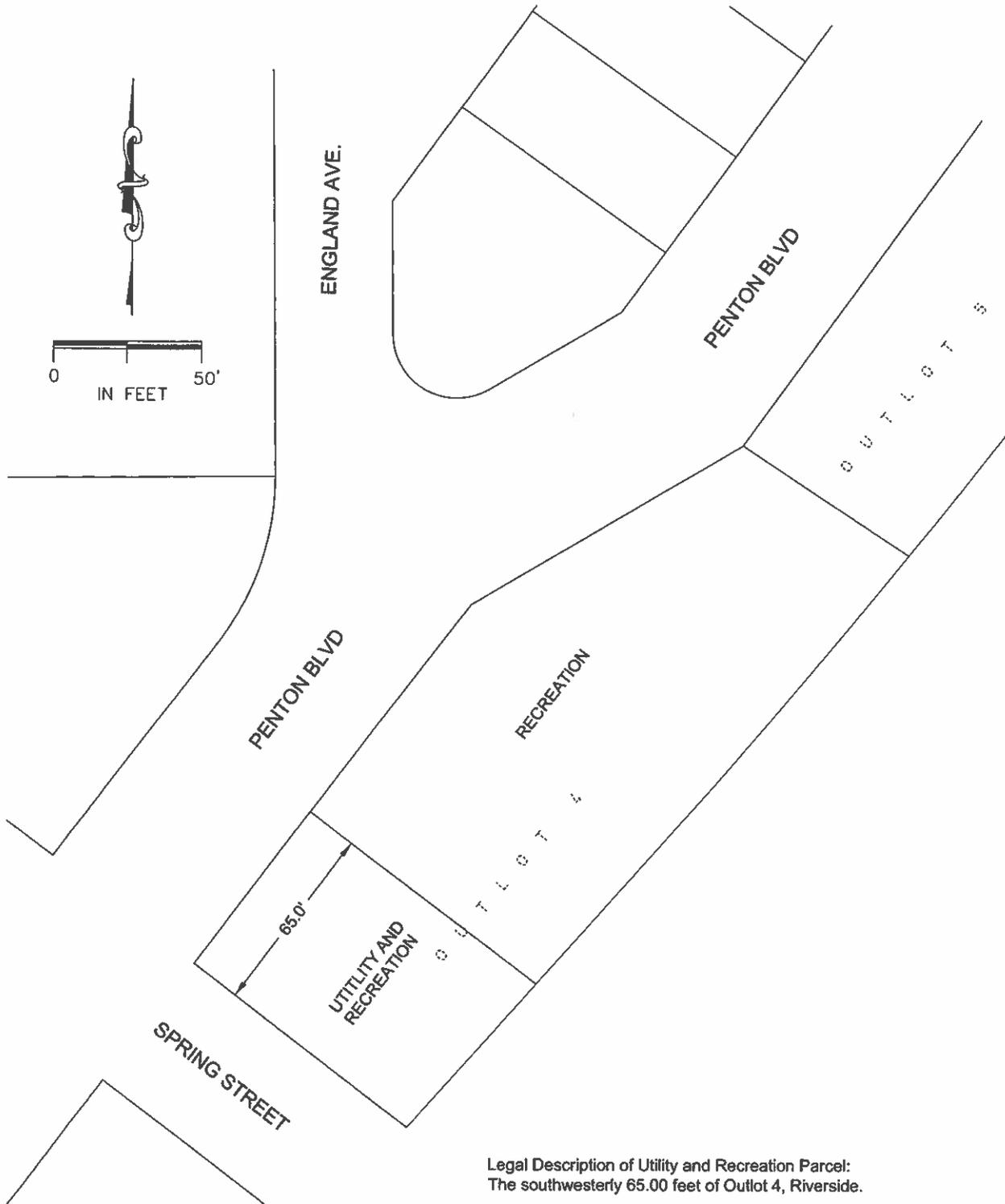
  
\_\_\_\_\_  
Attorney

PC:plng SR:eu

STATEMENT OF PURPOSE: This resolution requests that the Saint Louis County Board of Commissioners free-convey the described tax forfeited land for park, trail, and utility purposes.

This request was reviewed by the city parks commission at their March 9, 2011, meeting, and the city planning commission at its Tuesday, April 12, 2011 meeting. Both commissions voted to recommend that the city council request the free conveyance of this property to the city of Duluth. The parcel has a portion of the Western Waterfront Trail extending across it and now the Public Works and Utilities Department would like to construct a sanitary sewer main through the parcel.

# 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 B3

DR BY	PMR
CHK BY	FAK
DATE	02/18/11
JOB NO.	27-0133
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 1<sup>st</sup> St, Rm 208 \* Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

**STAFF REPORT**

<b>File Number</b>	FN 11-045	<b>Contact</b>	Steven Robertson	
<b>Application Type</b>	Free Conveyance of Tax Forfeited Property	<b>Planning Commission Date</b>	April 12, 2011	
<b>Deadline for Action</b>	<b>Application Date</b>	Feb 23, 2011	<b>60 Days</b>	N/A
	<b>Date Extension Letter Mailed</b>	N/A	<b>120 Days</b>	N/A
<b>Location of Subject</b>	Corner of Spring Street and Penton Boulevard			
<b>Applicant</b>	City of Duluth	<b>Contact</b>		
<b>Agent</b>		<b>Contact</b>		
<b>Legal Description</b>	See Attached (Outlot 4, Riverside Addition)			
<b>Site Visit Date</b>	April 2, 2011	<b>Sign Notice Date</b>	N/A	
<b>Neighbor Letter Date</b>	N/A	<b>Number of Letters Sent</b>	N/A	

**Proposal**

Free-convey the tax forfeited lot on which a sanitary sewer line will be constructed.

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

**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 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.
- 2. The Parks and Recreation Commission has reviewed and approved the request at their March 2011 meeting.
- 3. The free-conveyance would result in a use-deed for this property (upon approval of the County Board). The use would have to be an authorized government use, such as recreation or public utility. If, in the future, the City no longer needs the property of the intended uses, it must reconvey the property back to the State.

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

Staff recommends that the Planning Commission recommend approval for free-conveyance Outlot 4, Riverside Addition, to the City Council.

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



new sanitary sewer

Riverside Outlot 4  
Reconveyance

WLSSD MH D007

Marine Ct

Spring St

Riverside Dr

W Penton Blvd

E Penton Blvd

England

Western Waterfront Trail

Outlot 4

Outlot 3

Lot 9

Lot 8

Lot 7

Lot 12

Tate &  
Lyle

VIII A/D

Spiral  
Lake  
Marina

STATE OF MINNESOTA  
DEPARTMENT OF REVENUE  
CONVEYANCE OF FORFEITED LANDS

321695

Issued pursuant to Minnesota Statutes, Section 282.01, Subdivision 1)

THIS INDENTURE, made this 19th day of August, 1930, 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  
(Torens)

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, 10-600

10-2520-1690, 1700, 12350, 12580, 12670, 12930  
Lots 1 and 2, Except N'ly 10 feet, Block 9; Lots 1 thru 16, Block 6; Lots 8 thru 16, Block 11; Lots 1 thru 16, Block 1; Lots 1 thru 15, except part taken for railroad right-of-way; Block J, Ironton, First Division; 10-600

10-2730-900, 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 N'ly 150 feet, Section 10; 240/150

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 Government Lot 1 with the S'ly line of Grand Avenue, and that part of Lot 2 lying SE'ly of the 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;

10-3970-2000, 2100, 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; 10-600

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; 10-600

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