

PUBLIC WORKS AND UTILITIES COMMITTEE

11-0222R

RESOLUTION ACCEPTING TEMPORARY CONSTRUCTION EASEMENTS OVER A PORTION OF VACATED IVANHOE STREET, AND ACCEPTING REDEDICATION OF EASEMENTS FOR PUBLIC STREETS AND UTILITIES OVER A PORTION OF VACATED IVANHOE STREET.

CITY PROPOSAL:

RESOLVED, that the city council makes the following findings:

The city has received the following grants of easement, in trust for the general public, from the following persons and entities:

(a) A temporary construction easement from the Board of Education over a portion of vacated Ivanhoe Street, Crosley Park Addition, as shown on Public Document No. _____, a copy of which is on file in the office of the city clerk;

(b) An easement for roadway and utility purposes from the Board of Education over a portion of vacated Ivanhoe Street, Crosley Park Addition, as shown on Public Document No. _____, a copy of which is on file in the office of the city clerk;

(c) A temporary construction easement for utility purposes from Independent School District No. 709 over a portion of vacated Ivanhoe Street, Crosley Park Addition, as shown on Public Document No. _____, a copy of which is on file in the office of the city clerk;

(d) An easement for roadway and utility purposes from Independent School District No. 709 over a portion of vacated Ivanhoe Street, Crosley Park Addition, as shown on Public Document No. _____, a copy of which is on file in the office of the city clerk.

FURTHER RESOLVED, that the city council accepts, on behalf of the general public, the dedication of those easements described above and as shown on Public Document No. _____.

FURTHER RESOLVED, that the city clerk is, pursuant to Section 100(b)(7) of the Home Rule Charter of the city of Duluth, 1912, as amended, authorized to record with the register of deeds and/or the registrar of titles of St. Louis County, Minnesota, a certified copy of this resolution and Public Document No.

_____ showing the portions of the easements to be retained and the acceptance of dedication of new easements, all as authorized hereunder.

Approved:


Department Director

Approved for presentation to council:


Chief Administrative Officer

Approved as to form:


Attorney

Approved:


Auditor

ENG GS:jh 4/29/2011

STATEMENT OF PURPOSE: This resolution does two things:

1. During the reconstruction of Ivanhoe Street it provides for a temporary construction easement beyond the end of Ivanhoe Street. A transition can be constructed to the Rockridge School driveway.
2. The west end of existing Ivanhoe Street was inadvertently vacated 20 years after construction, so this will restore roadway and utility easements to that area.

EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this ___ day of March, 2011, by and between the BOARD OF EDUCATION, a political subdivision of the State of Minnesota, "Grantor" and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, "Grantee":

WITNESSETH:

Whereas, Grantor is the owner of the property in St. Louis County, Minnesota legally described as follows (the "Property"):

That part of Ivanhoe Street, CROSLEY PARK
ADDITION, according to the recorded plat thereof, bounded as follows:

On the north by the north right of way of Ivanhoe Street.
On the east by the west right of way of 49th Avenue East, extended.
On the south by the centerline of Ivanhoe Street.
On the west by a line parallel and distant 50.00 feet west of the west right
of way of 49th Avenue East, extended.
and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for street and highway purposes over the Property for the benefit of the Property and at no cost to Grantee.

NOW THEREFORE, in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant, sell, bargain and convey to Grantee a temporary construction easement over the Property, the location of which easement is more particularly described as follows:

That part of Ivanhoe Street, CROSLEY PARK ADDITION,
according to the recorded plat thereof, bounded as follows:

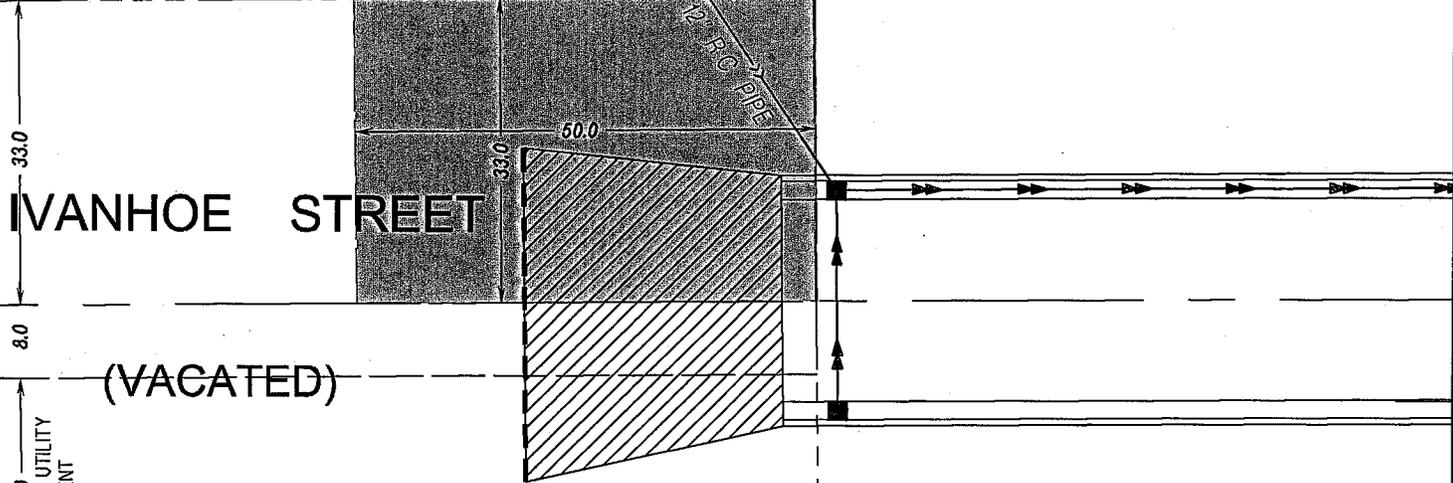
On the north by the north right of way of Ivanhoe Street.

T
1

LOT 1640 LOT 1639 LOT 1638

BOARD OF EDUCATION
NICOLLET AVE. APT. 208
MINNEAPOLIS, MN. 55420

CB



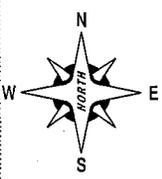
IVANHOE STREET

(VACATED)

49TH AVENUE E.

BOARD OF EDUCATION
DULUTH, MN. 55804

ISD NO. 709
DULUTH, MN. 55804



FEB 2011
DATE
1"=20'
SCALE
E-1893
PROJECT NO.

TEMPORARY CONSTRUCTION EASEMENT - BOARD OF EDUCATION
EXHIBIT A

EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this ___ day of March, 2011, by and between the BOARD OF EDUCATION, a political subdivision of the State of Minnesota, "Grantor" and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, "Grantee":

WITNESSETH:

Whereas, Grantor is the owner of the property in St. Louis County, Minnesota legally described as follows (the "Property"):

That part of Ivanhoe Street, CROSLEY PARK
ADDITION, according to the recorded plat thereof, bounded as follows:

On the north by the north right of way of Ivanhoe Street.
On the east by the west right of way of 49th Avenue East, extended.
On the south by the centerline of Ivanhoe Street.
On the west by a line parallel and distant 20.00 feet west of the west right
of way of 49th Avenue East, extended.
and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for street and highway purposes over the Property for the benefit of the Property and at no cost to Grantee.

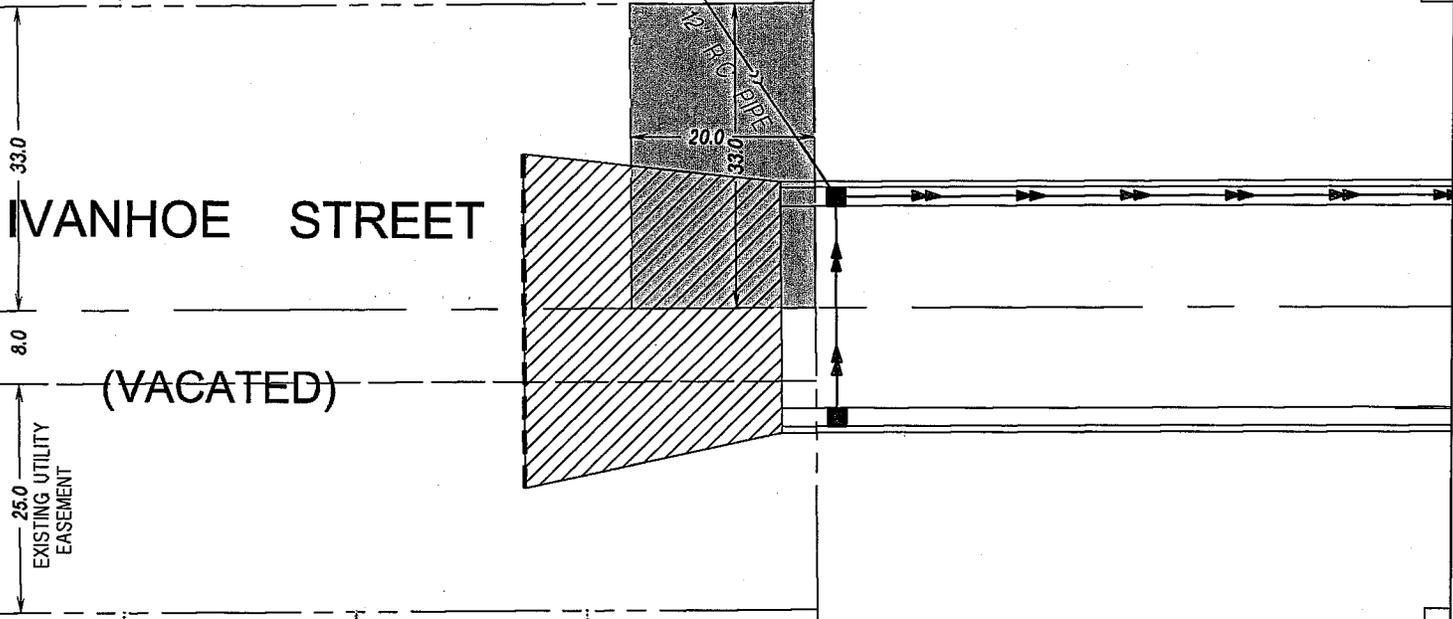
NOW THEREFORE, in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant, sell, bargain and convey to Grantee in trust for the general public a permanent, perpetual and exclusive easement for street and utility purposes, over the Property, the location of which easement is more particularly described as follows:

That part of Ivanhoe Street, CROSLEY PARK ADDITION,
according to the recorded plat thereof, bounded as follows:

T	LOT	LOT	LOT
1	1640	1639	1638

BOARD OF EDUCATION
 NICOLLET AVE. APT. 208
 MINNEAPOLIS, MN. 55420

CB

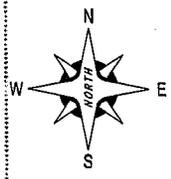


IVANHOE STREET
 (VACATED)

49TH AVENUE E.

BOARD OF EDUCATION
 DULUTH, MN. 55804

ISD NO. 709
 DULUTH, MN. 55804



FEB 2011
 DATE
 1"=20'
 SCALE
 E-1893
 PROJECT NO.

REDEDICATION OF EASEMENT FOR PUBLIC STREETS & UTILITIES - BOARD OF EDUCATION
 EXHIBIT A

EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this ___ day of March, 2011, by and between INDEPENDENT SCHOOL DISTRICT NO. 709, a political subdivision of the State of Minnesota, "Grantor" and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, "Grantee":

WITNESSETH:

Whereas, Grantor is the owner of the property in St. Louis County, Minnesota legally described as follows (the "Property"):

That part of Ivanhoe Street, CROSLY PARK
ADDITION, according to the recorded plat thereof, bounded as follows:

On the south by the south right of way of Ivanhoe Street.
On the east by the west right of way of 49th Avenue East, extended.
On the north by the centerline of Ivanhoe Street.
On the west by a line parallel and distant 50.00 feet west of the west right
of way of 49th Avenue East, extended.
and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for street and highway purposes over the Property for the benefit of the Property and at no cost to Grantee.

NOW THEREFORE, in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant, sell, bargain and convey to Grantee a temporary construction easement over the Property, the location of which easement is more particularly described as follows:

That part of Ivanhoe Street, CROSLY PARK ADDITION,
according to the recorded plat thereof, bounded as follows:

On the south by the south right of way of Ivanhoe Street.

T	LOT	LOT	LOT
1	1640	1639	1638

BOARD OF EDUCATION
 NICOLLET AVE. APT. 208
 MINNEAPOLIS, MN. 55420

CB

12" R.C. PIPE

33.0

IVANHOE STREET

8.0

(VACATED)

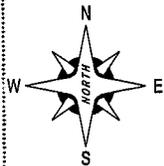
25.0
 EXISTING UTILITY
 EASEMENT

33.0

50.0

BOARD OF EDUCATION
 DULUTH, MN. 55804

ISD NO. 709
 DULUTH, MN. 55804



66.0

49TH AVENUE E.



FEB 2011
 DATE
 1"=20'
 SCALE
 E-1893
 PROJECT NO.

TEMPORARY CONSTRUCTION EASEMENT - I.S.D. NO. 709
 EXHIBIT A

EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this ___ day of March, 2011, by and between INDEPENDENT SCHOOL DISTRICT NO. 709, a political subdivision of the State of Minnesota, "Grantor" and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, "Grantee":

WITNESSETH:

Whereas, Grantor is the owner of the property in St. Louis County, Minnesota legally described as follows (the "Property"):

That part of Ivanhoe Street, CROSLY PARK
ADDITION, according to the recorded plat thereof, bounded as follows:

On the south by the south right of way of Ivanhoe Street.
On the east by the west right of way of 49th Avenue East, extended.
On the north by the centerline of Ivanhoe Street.
On the west by a line parallel and distant 20.00 feet west of the west right
of way of 49th Avenue East, extended.
and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for street and highway purposes over the Property for the benefit of the Property and at no cost to Grantee.

NOW THEREFORE, in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged, Grantor does grant, sell, bargain and convey to Grantee in trust for the general public a permanent, perpetual and exclusive easement for street and utility purposes, over the Property, the location of which easement is more particularly described as follows:

That part of Ivanhoe Street, CROSLY PARK ADDITION,
according to the recorded plat thereof, bounded as follows:

T
1
LOT
1640
LOT
1639
LOT
1638

BOARD OF EDUCATION
NICOLLET AVE. APT. 208
MINNEAPOLIS, MN. 55420

CB

12" R.C. PIPE

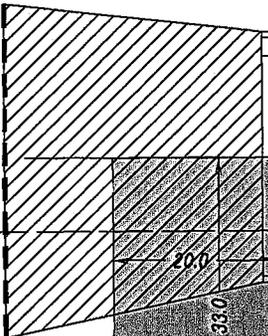
33.0

8.0

25.0
EXISTING UTILITY
EASEMENT

IVANHOE STREET

(VACATED)



30.0

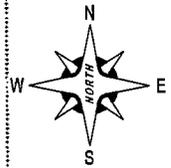
33.0

66.0

BOARD OF EDUCATION
DULUTH, MN. 55804

ISD NO. 709
DULUTH, MN. 55804

49TH AVENUE E.



FEB 2011
DATE
1"=20'
SCALE
E-1893
PROJECT NO.

REDEDICATION OF EASEMENT FOR PUBLIC STREETS & UTILITIES - I.S.D. NO. 709
EXHIBIT A