

PUBLIC WORKS & UTILITIES COMMITTEE

11-0425R

RESOLUTION AMENDING RESOLUTION NO. 10-0484 ACCEPTING DEDICATION OF EASEMENT FROM ST. MARY'S MEDICAL CENTER FOR PARKING PURPOSES ALONG 4<sup>TH</sup> AVENUE EAST.

CITY PROPOSAL:

RESOLVED, that city council Resolution No. 10-0484 accepting on behalf of the general public the dedication of an easement for parking purposes from St. Mary's Medical Center, a Minnesota corporation, is hereby amended by deleting therefrom Public Document No. 10-0913-19 and by substituting therefore Public Document No. \_\_\_\_\_ on file in the office of the city clerk, reducing the width thereof from 11 feet to 10.42 feet.

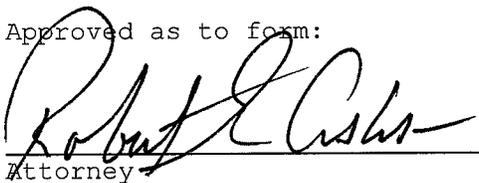
Approved:

  
\_\_\_\_\_  
Department Director

Approved for presentation to council:

  
\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

PW&U/ATTY REA:dma 08/05/2011

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize a reduction in the width of a parking easement previously granted to the City by St. Mary's Medical Center along the west side of 4<sup>th</sup> Avenue East below 4<sup>th</sup> Street by about 8 inches so that they do not need to secure concurrent use permit for a fence which separates their property from the street.

## EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by and between St. Mary's Medical Center, a Minnesota Nonprofit Corporation ("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"):

Northerly 90 feet of Lot 64 EAST FOURTH STREET, DULUTH  
PROPER FIRST DIVISION, according to the recorded plat thereof.

and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for public parking purposes and roadway purposes incident to public parking over a portion of 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 public parking purposes, and roadway purposes incident to public parking, over that portion of the Property legally described as follows:

The Easterly 10.42 feet of the Northerly 90 feet of Lot 64 EAST FOURTH STREET, DULUTH PROPER FIRST DIVISION, according to the recorded plat thereof.

The easement intended to be granted is more clearly shown on Exhibit A attached hereto



STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF ST. LOUIS         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011  
by \_\_\_\_\_, the Mayor of the City of Duluth, a Minnesota municipal  
corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

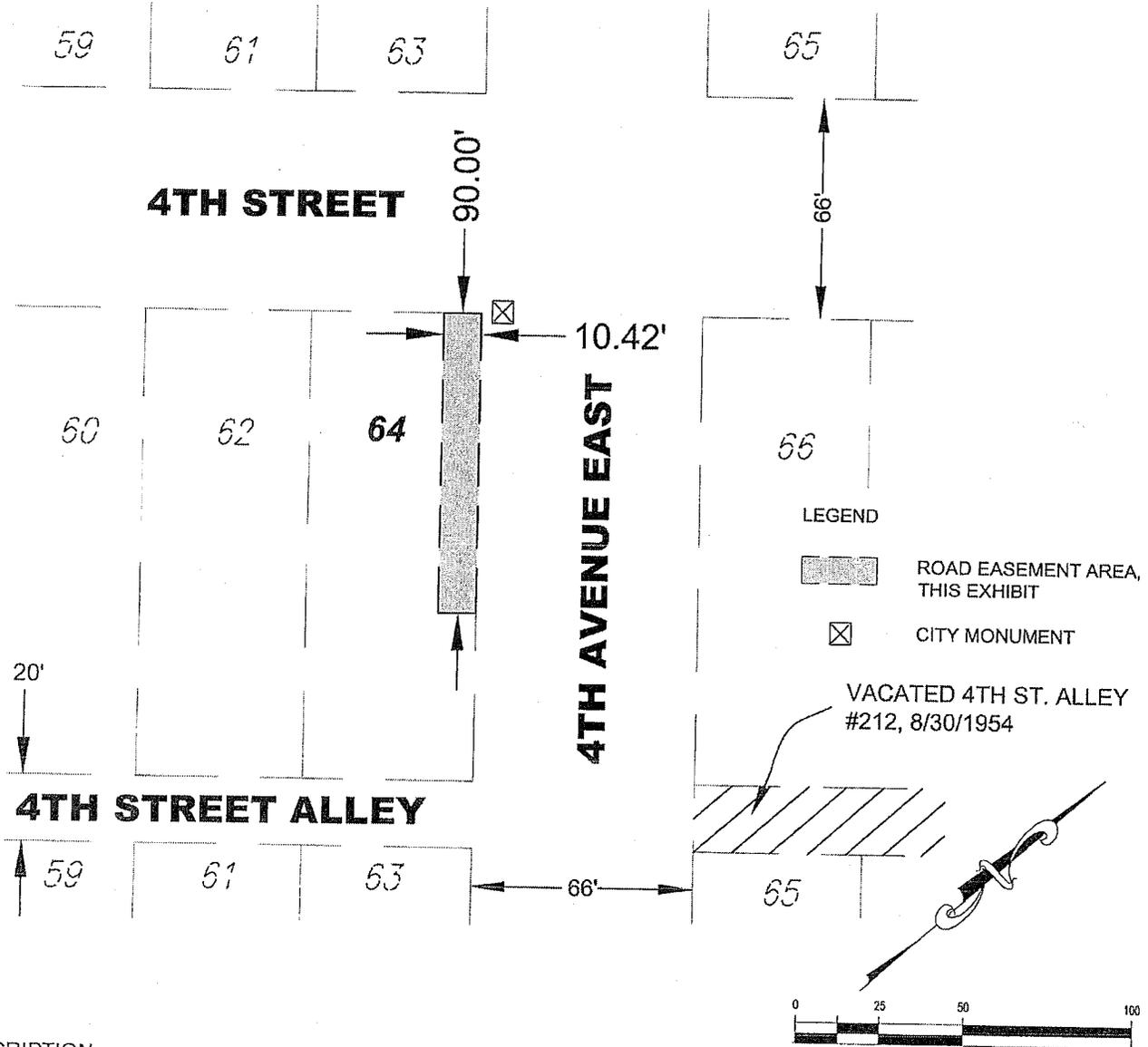
STATE OF MINNESOTA            )  
  ) ss.  
COUNTY OF ST. LOUIS         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011  
by \_\_\_\_\_, the City Clerk of the City of Duluth, a Minnesota municipal  
corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

Instrument drafted by:  
Johnson, Killen & Seiler, P.A.  
By Roy J. Christensen, Esq. ID#0302508  
230 West Superior Street, Suite 800  
Duluth, MN 55802  
Phone: 218-722-6331

**EXHIBIT A**  
**ST MARY'S MEDICAL CENTER**  
**A PORTION OF LOT 64, EAST 4TH ST**  
**DULUTH PROPER FIRST DIVISION**



**DESCRIPTION:**  
 THE EASTERLY 10.42' OF THE NORTHERLY 90.00' OF LOT 64, EAST FOURTH STREET, DULUTH PROPER FIRST ADDITION, CITY OF DULUTH, ST LOUIS COUNTY, MINNESOTA.

(1 INCH = 50 FEET)  
 Basis of Bearing is Grid North,  
 St. Louis County Transverse  
 Mercator 96 Coordinate System.

I hereby certify that this plan, specification, 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.

Print Name: Paul A. Vogel License # 44075  
 Signature: *Paul A. Vogel* Date: 06/21/2011

REVISED: 06/21/11	<b>DULUTH</b>	<b>MINNEAPOLIS</b>	
DATE PREPARED: 09/01/10	21 W. Superior Street Suite 500 Duluth, MN 55802	250 Third Avenue North Suite 450 Minneapolis, MN 55401	
PROJ NO: 100188	TEL 218/727-8446 FAX 218/727-8456	TEL 612/338-2029 FAX 612/338-2088	
FILE: 100188 4TH A	http://www.LHBcorp.com		
SHEET 1 of 1 SHEETS			