

PUBLIC WORKS & UTILITIES COMMITTEE

11-0428R

RESOLUTION AMENDING RESOLUTION NO. 10-0485 ACCEPTING DEDICATION OF EASEMENT FROM BENEDICTINE SISTERS BENEVOLENT ASSOCIATION AND ST. MARY'S MEDICAL CENTER FOR PARKING PURPOSES ALONG 4TH AVENUE EAST.

CITY PROPOSAL:

RESOLVED, that city council Resolution No. 10-0485 accepting on behalf of the general public the dedication of an easement for parking purposes from the Benedictine Sisters Benevolent Association and St. Mary's Medical Center, a Minnesota corporation, is hereby amended by deleting therefrom Public Document No. 10-0913-20 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:



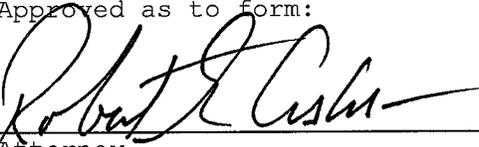
Department Director

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 the Benedictine Sisters Benevolent Association and St. Mary's Medical Center along the west side of 4th Avenue East below 4th 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 18th day of July, 2011, by and between Benedictine Sisters Benevolent Association, a Minnesota Nonprofit Corporation, (“Grantor”), St. Mary’s Medical Center, a Minnesota Nonprofit Corporation as tenant under a lease agreement with Grantor (“Tenant”); 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”):

Southerly 50 feet of Lot 64 EAST FOURTH STREET, DULUTH
PROPER FIRST DIVISION, according to the recorded plat thereof.

and;

WHEREAS, Tenant holds a valid interest in the Property under the terms of a lease recorded in the St. Louis County Recorder’s Office as Document Number 402804, and amended as Document Number 685031;

And;

WHEREAS, Grantor and Tenant wish 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 and Tenant do hereby 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

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)

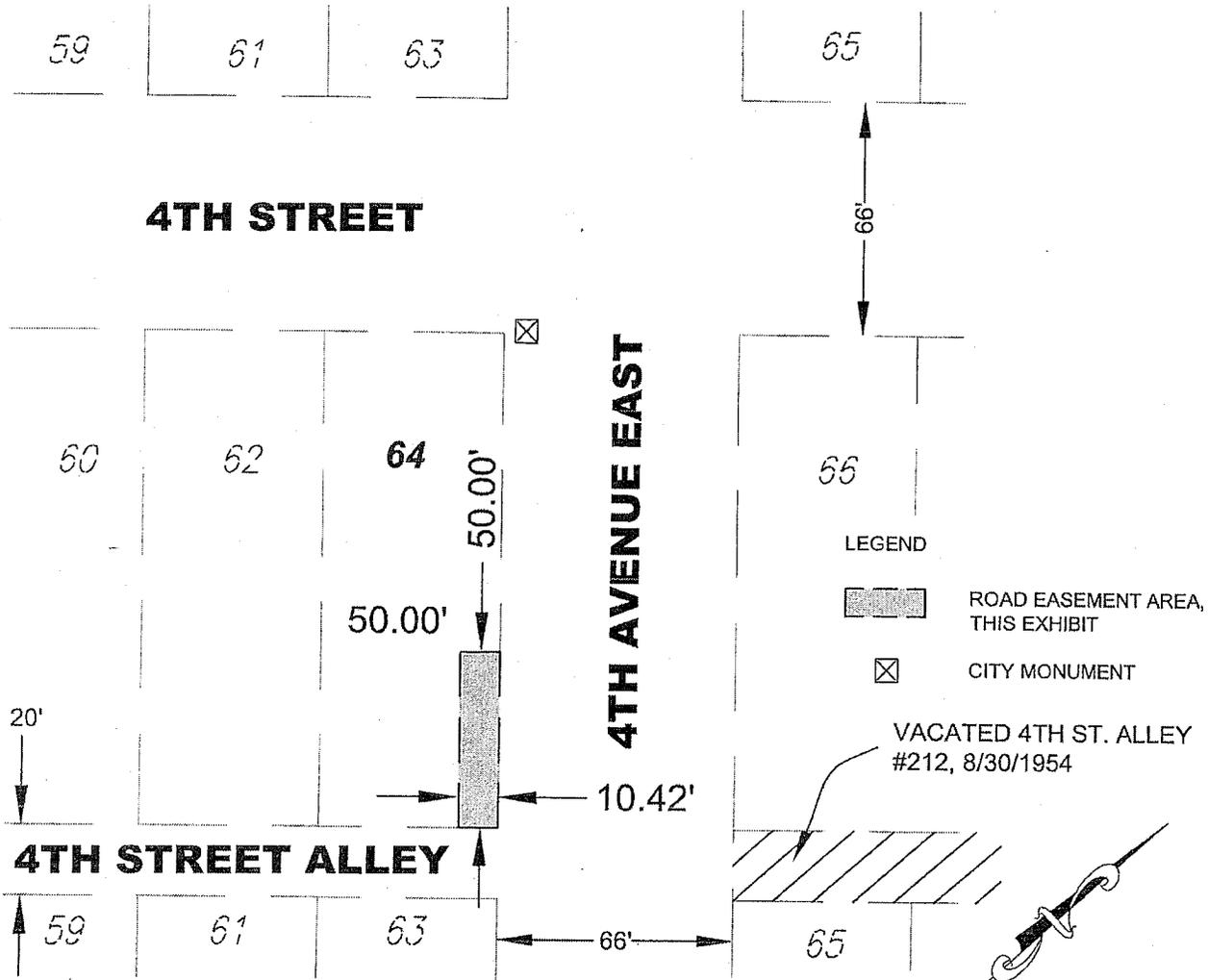
The foregoing instrument was acknowledged before me this _____ day of _____, 2011 by _____, the City Clerk of the City of Duluth, a Minnesota municipal corporation, on behalf of the corporation.

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

BENEDICTINE SISTERS BENEVOLENT ASSOCIATION
 A PORTION OF LOT 64, EAST 4TH ST
 DULUTH PROPER FIRST DIVISION



LEGEND



ROAD EASEMENT AREA,
THIS EXHIBIT



CITY MONUMENT

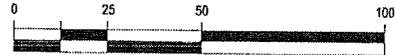
VACATED 4TH ST. ALLEY
#212, 8/30/1954

NOTE:

ST. MARY'S MEDICAL CENTER HOLDS THE LEASE TO THE SOUTHERLY 50 FEET OF LOT 64, PER DOCUMENT NO. 685031.

DESCRIPTION:

EASTERLY 10.42' OF THE SOUTHERLY 50.00' OF LOT 64, EAST FOURTH STREET, DULUTH PROPER FIRST ADDITION, CITY OF DULUTH, ST LOUIS COUNTY, MINNESOTA.

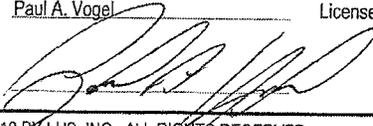


(1 INCH = 50 FEET)

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:  Date: 06/21/2011

REVISED: 06/21/11

DATE PREPARED: 09/01/10

PROJ NO: 100188

FILE: 100188 4TH A

SHEET 1 of 1 SHEETS

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