

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-0670R

RESOLUTION ACCEPTING DEDICATION OF EASEMENTS FOR ACCESS PURPOSES OF THE VACATED 11<sup>TH</sup> AVENUE EAST LYING BETWEEN BLOCKS 39 AND 40, PORTLAND DIVISION OF DULUTH, AND AN EASEMENT FOR UTILITY PURPOSES LYING BETWEEN BLOCKS 36 AND 37, PORTLAND DIVISION OF DULUTH (FN10-111, ST LUKE'S HOSPITAL)

CITY PROPOSAL:

RESOLVED, that the city council hereby makes the following findings:

(a) That Resolution 11-0040R was approved by the city contingent upon the relocation of utilities and dedication of an alley easement connecting the remaining portion of the alley to East Second Street near 11<sup>th</sup> Avenue East to provide for vehicular and pedestrian circulation; and

(b) The city has received an easement agreement and easement sketch for the relocation of utilities and to provide for access purposes; and

(c) The city council of the city of Duluth accepts, on behalf of the general public, the dedication of those easements described in 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 Saint Louis

County, Minnesota, a certified copy of this resolution and Public Document No. \_\_\_\_\_ showing access purpose and utility easements retained.

Approved as to form:

  
\_\_\_\_\_  
Attorney

PC:plng JK:eu 12/7/2011

STATEMENT OF PURPOSE: This resolution accepts dedication of easements for access purposes of the vacated 11<sup>th</sup> Avenue East lying between blocks 39 and 40 of Portland Division of Duluth, and for utility purposes lying between blocks 36 and 37 of the Portland Division of Duluth.

On January 11, 2011 the Duluth city planning commission voted unanimously to recommend that the city council approve the vacation and easement retention.

On January 24, 2011 the Duluth city council passed Resolution 11-0040R contingent upon the relocation of utilities and the dedication of an alley easement to preserve vehicular and pedestrian circulation and a utility easement to locate utilities.

The utilities have been relocated and now the dedication of the easement must be executed.

Action Deadline: There is no action deadline for this resolution.

Applicant:

Duluth City Engineer  
Cindy Voigt  
cvoigt@duluthmn.gov

## EASEMENT AGREEMENT

ST. LUKE'S HOSPITAL OF DULUTH, a Minnesota non-profit corporation, hereby dedicates and conveys to the City of Duluth, in trust for the general public, alley and utility easements described as follows:

- A. A 24.00 foot wide easement for access purposes lying over, under and across the southwesterly 24.00 feet of the northeasterly 28.00 feet of that portion of the vacated 11<sup>th</sup> Avenue East lying between Blocks 39 and 40, PORTLAND DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota; and
- B. A 20.00 foot wide easement for utility purposes lying over, under and across that portion of the vacated 11<sup>th</sup> Avenue East, lying between Blocks 36 and 37, PORTLAND DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, the centerline of said easement is described as follows:

Commencing at northeasterly corner of Lot 16, Block 36, said PORTLAND DIVISION OF DULUTH; thence northeasterly along the northeasterly extension of the northerly line of said Block 36, a

distance of 32.86 feet to the point of beginning of the centerline to be described; thence deflecting to the left at an angle of 91 degrees 05 minutes 08 seconds, a distance of 140.09 feet to the northeasterly extension of the southerly line of said Block 36 and there terminating.

IN WITNESS WHEREOF, this Agreement has been executed by St. Luke's Hospital of Duluth as of the day and year set forth below.

ST. LUKE'S HOSPITAL OF DULUTH

Dated: \_\_\_\_\_, 2011.

By \_\_\_\_\_  
Its \_\_\_\_\_  
Printed Name  
and Title \_\_\_\_\_

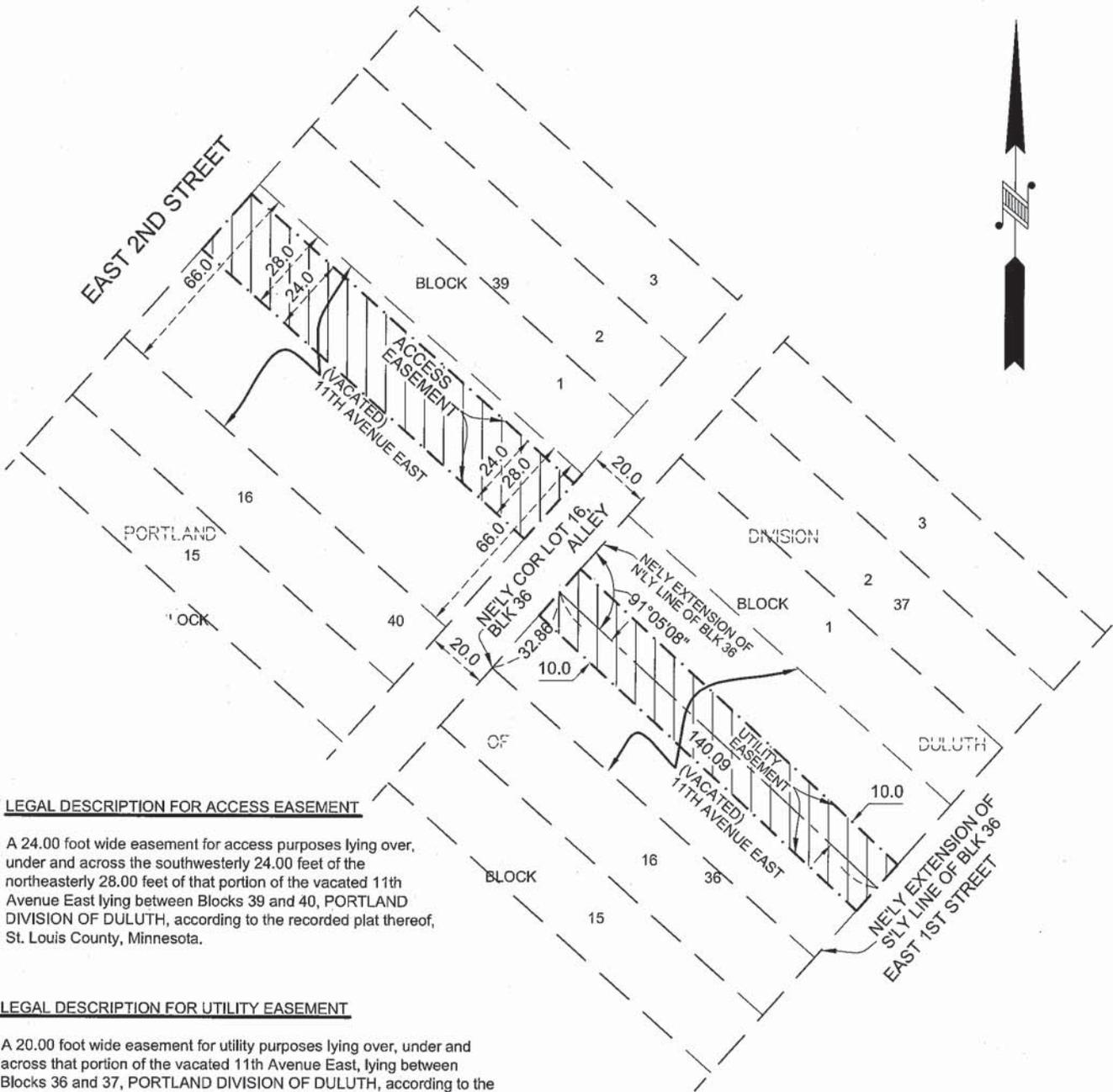
STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF ST. LOUIS     )

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by \_\_\_\_\_, the \_\_\_\_\_ of St. Luke's Hospital of Duluth, a Minnesota non-profit corporation, on behalf of the corporation.

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

THIS AGREEMENT WAS DRAFTED BY:  
Kenneth D. Butler, Ltd.  
11 East Superior Street, #555  
Duluth, Minnesota 55802  
Telephone: (218) 625-2264

# EASEMENT SKETCH



**LEGAL DESCRIPTION FOR ACCESS EASEMENT**

A 24.00 foot wide easement for access purposes lying over, under and across the southwesterly 24.00 feet of the northeasterly 28.00 feet of that portion of the vacated 11th Avenue East lying between Blocks 39 and 40, PORTLAND DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota.

**LEGAL DESCRIPTION FOR UTILITY EASEMENT**

A 20.00 foot wide easement for utility purposes lying over, under and across that portion of the vacated 11th Avenue East, lying between Blocks 36 and 37, PORTLAND DIVISION OF DULUTH, according to the recorded plat thereof, St. Louis County, Minnesota, the centerline of said easement is described as follows:

Commencing at northeasterly corner of Lot 16, Block 36, said PORTLAND DIVISION OF DULUTH; thence northeasterly along the northeasterly extension of the northerly line of said Block 36, a distance of 32.86 to the point of beginning of the centerline to be described; thence deflecting to the left at an angle of 91 degrees 05 minutes 08 seconds, a distance of 140.09 feet to the northeasterly extension of the southerly line of said Block 36 and there terminating.

**NOTES**

REV: 12-6-11 (CHANGE HATCH)  
 DATE: 12-23-10  
 SCALE: 1 IN = 50 FEET  
 CLIENT: ST. LUKES HOSPITAL  
 PROJECT NO: 10-123

THIS IS NOT A BOUNDARY SURVEY.

BEARINGS ARE BASED ON AN ASSUMED DATUM.

THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA SURVEY COMPANY, INC.

**ALTA**  
**SURVEY COMPANY, INC.**  
 Residential/Commercial Land Surveying-Land  
 Development-Legal Descriptions  
 P.O. BOX 161138 Duluth, MN 55806  
 Phone: 218-727-5211 Fax: 218-727-3798