

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0025R

RESOLUTION ACCEPTING DEDICATION OF EASEMENTS FROM ISD  
709 ON SUPERIOR STREET AND 40TH AVENUE EAST.

CITY PROPOSAL:

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

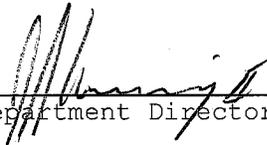
(a) That Resolution 11-0336 was approved by the city contingent upon the dedication of any right-of-way easements for street and sidewalk purposes to provide for vehicular and pedestrian circulation; and

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

FURTHER RESOLVED, that the city council of the city of Duluth accepts, on behalf of the general public, the dedication for street and highway purposes of

those easements described in Public Document No. \_\_\_\_\_

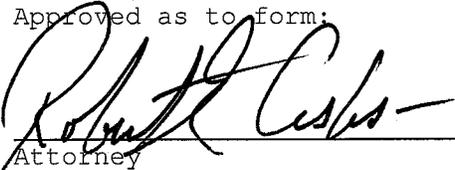
Approved:

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

Approved for presentation to council:

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

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

PLNG/ATTY REA:dma 01/09/2012

STATEMENT OF PURPOSE: This resolution accepts an easement from ISD 709 for the turn lane and signal improvements to 40<sup>th</sup> Avenue East and Superior Street in conjunction with the Eastern Middle School improvements.

## EASEMENT AGREEMENT

This **EASEMENT AGREEMENT**, entered into this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between **Independent School District #709** f/k/a School District of the City of Duluth, "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 portion of the W'ly  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 7, Township 50, Range 13 West, lying S'ly of Superior Street and N'ly of the right of way of the Duluth & Iron Range Railroad Company and E'ly of a line drawn parallel with and 20 rods E'ly of the West line of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 7.

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 highway purposes, including the installation and maintenance of street and sidewalk improvements over the Property, the location of which easement is more particularly described as follows:

That part of the West Half of the Southwest Quarter, Section 7, Township 50 North, Range 13 West, St. Louis County, Minnesota described as follows:

Commencing at the northwest corner of Block 23, LONDON ADDITION, according to the plat on file in the office of the County Recorder, St. Louis

County, Minnesota; thence South 00°30'33" East, assumed bearing along the west line of said Block 23, a distance of 19.76 feet; thence South 89°29'27" West 66.00 feet to the west line of 40<sup>th</sup> Avenue East; thence South 71°35'57" West 451.49 feet along the southerly line of Superior Street to the point of beginning of the tract to be described; thence South 41°11'52" West 31.62 feet; thence South 71°35'57" West 285.81 feet; thence South 76°51'43" West 174.44 feet to the southerly line of Superior Street; thence North 71°35'57" East 486.78 feet along the southerly line of said Superior Street to the point of beginning.

Containing 6,181.1 square feet.

Shown on **Exhibit A** attached hereto and made a part hereof, and

That part of the West Half of the Southwest Quarter, Section 7, Township 50 North, Range 13 West, St. Louis County, Minnesota described as follows:

Commencing at the northwest corner of Block 23, LONDON ADDITION, according to the plat on file in the office of the County Recorder, St. Louis County, Minnesota; thence South 00°30'33" East, assumed bearing along the west line of said Block 23, a distance of 19.76 feet; thence South 89°29'27" West 66.00 feet to the west line of 40<sup>th</sup> Avenue East; the point of beginning of the tract to be described; thence South 00°30'33" East 42.58 feet along the west line of said 40<sup>th</sup> Avenue East, thence North 56°36'35" West 31.21 feet; thence South 71°35'57" West 153.42 feet; thence South 78°14'04" West 138.47 feet to the southerly line of Superior Street; thence North 71°35'57" East 323.35 feet along the southerly line of said Superior Street to the point of beginning.

Containing 4,365.2 square feet.

Shown on **Exhibit B** attached hereto and made a part hereof.

**INDEPENDENT SCHOOL DISTRICT #709**

By: \_\_\_\_\_  
School Board President

**ATTEST:**

By: \_\_\_\_\_  
Board Clerk

**CITY OF DULUTH**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

By: \_\_\_\_\_  
City Clerk

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

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_ and \_\_\_\_\_, the School Board President and Board Clerk of Independent School District #709, a public corporation and political subdivision under the laws of Minnesota on behalf of the corporation.

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

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

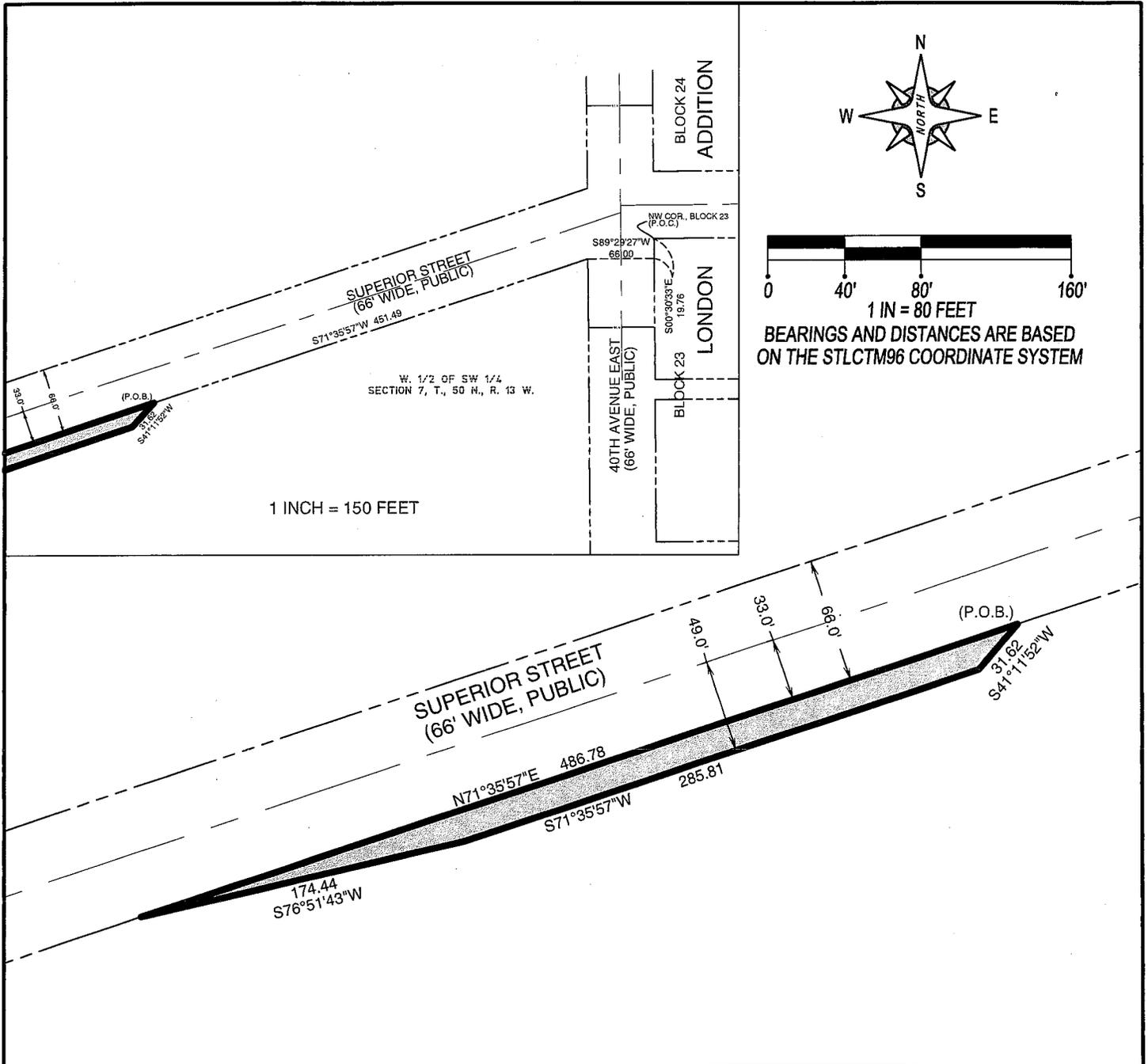
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2011 by \_\_\_\_\_ and \_\_\_\_\_, the Mayor and City Clerk of the City of Duluth, a municipal corporation and political subdivision created and existing under the laws of Minnesota on behalf of the corporation.

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

This instrument drafted by:  
Fryberger, Buchanan, Smith & Frederick, P.A.  
302 West Superior Street, Suite 700  
Duluth, Minnesota 55802-5150  
DRO

M:\DOCS\03566\000024\AGMRI1321.DOC

# EXHIBIT



## LEGAL DESCRIPTION:

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Containing 6,181.1 square feet.

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.

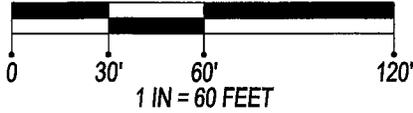
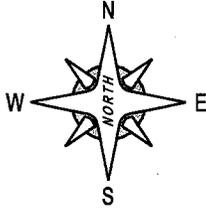
DATE 10-5-11  
*James W. Fowlds*  
 JAMES W. FOWLDS MIN. LIC. NO. 18184



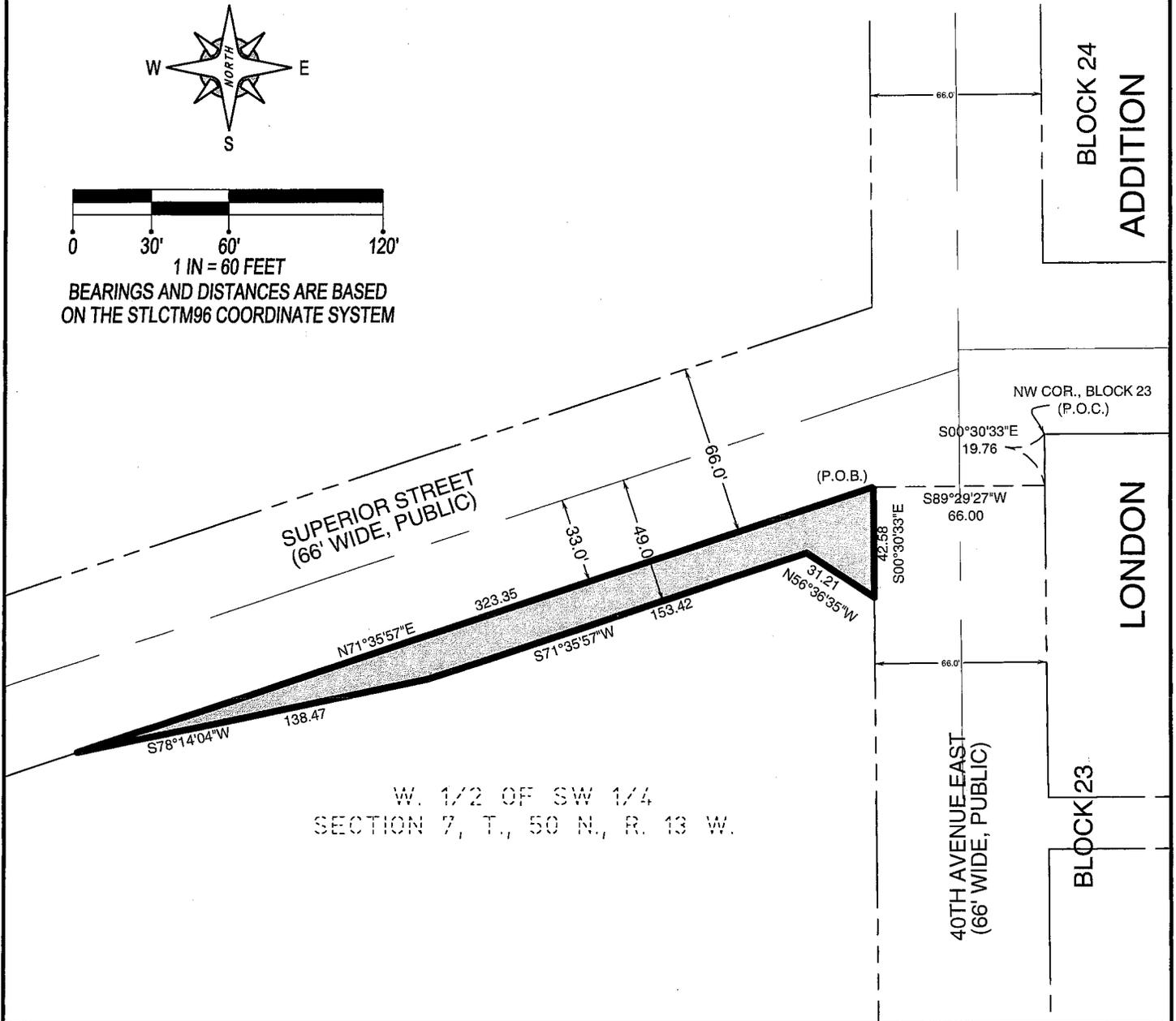
ENGINEERS • SURVEYORS • PLANNERS  
**SALO ENGINEERING, INC.**  
 4560 Norway Pines Place • Duluth, Minnesota 55802  
 SALO JOB NUMBER: E-1844N 218/727-8796

**EASEMENT EXHIBIT**  
 FOR : ISD # 709

# EXHIBIT



BEARINGS AND DISTANCES ARE BASED ON THE STLCTM96 COORDINATE SYSTEM



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DATE 10-5-11  
*James W. Fowler*  
 JAMES W. FOWLDS MN. LIC. NO. 18184



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