

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-011-O

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT TO THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION ADJACENT TO INTERSTATE 35 IN THE POINT OF ROCKS AREA FOR \$39,000.00.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. (a) As per section 2-177.3, of the Duluth City Code, 1959, as amended (the Code), the City may convey City property, including easements, to another governmental entity if the best interests of the citizens of the City will be best served by accomplishing such conveyance.

(b) The state of Minnesota has provided an appraisal of valuation of the property involved and the city assessor has reviewed said appraisal and finds the amount of \$39,000.00 offered for said easement to be fair and equitable.

Section 2. That the proper city officials are hereby authorized to convey an easement to the state of Minnesota in perpetuity for light standard erection and maintenance, and utility access over the following described property, for the amount of \$39,000.00 to be deposited into Fund 110 ( General), Agency 700 (Transfers and Other Functions), Organization 1420 (Capitol Programs), Object 4640 (Sale of Land), and further to execute all documents necessary with regard to said conveyance:

Tract A. Lots 242, 244 and 246, Block 20, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;

Tract B. Lots 226, 228, 230, 232, 234, 236, 238 and 240, Block 21, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;

Tract C. Lots 216, 218, 220, 222 and 224, Block 22, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;

Tract D. Lots 200 and 202, Block 23, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;

The Easement herein granted is described as follows and is shown on Exhibit A attached hereto and made a part hereof:

A strip being that part of Tract A hereinbefore described which lies northwesterly of the northwesterly right of way line of Trunk Highway No. 35 as now located and established and southeasterly of the southeasterly right of way line of Lower Michigan Street as now located and established;

A strip being that part of Tract B hereinbefore described which lies southeasterly of the northwesterly 140 feet thereof and northwesterly of the northwesterly right of way line of said Trunk Highway No. 35;

A strip being that part of Tract C hereinbefore described which lies northwesterly of the northwesterly right of way line of said Trunk Highway No. 35 and southeasterly of the following described line: Beginning at a point on the southwesterly line of Lot 224, said Block 22, distant 135 feet southeasterly of the most westerly corner thereof; thence run northeasterly to a point on the northeasterly

line of Lot 222, said Block 22, distant 135 feet southeasterly of the most northerly corner thereof; thence northeasterly to a point on the northeasterly line of Lot 216, said Block 22, distant 110 feet southeasterly of the most northerly corner thereof and there terminating;

A strip being that part of Tract D hereinbefore described which lies southeasterly of the northwesterly 85 feet thereof and northwesterly of the northwesterly right of way line of said Trunk Highway No. 35;

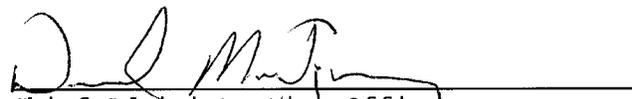
containing 19023 square feet, more or less.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

Approved:

  
Department Director

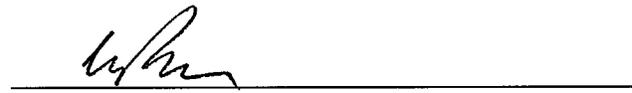
Approved for presentation to council:

  
Chief Administrative Officer

Approved as to form:

  
Attorney

Approved:

  
Auditor

BD/ATTY TH/BA:bel 02/16/2012

STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize the conveyance of a perpetual easement to the State of Minnesota, Department of Transportation (MnDOT) for freeway lighting including foundations, light standards, fixtures, related wiring, and ongoing maintenance.

Since the property is still needed by the City for utility access and future

trail construction purposes, an easement to the State affords the best solution for accomplishing MnDOT's lighting project.

The Assessor's Office reviewed the appraisal provided by MnDOT and found it to be fair and equitable for the easement under consideration.

Tax Base Impact Statement: No tax impact as the State of Minnesota is tax exempt.

# Exhibit A

## EASEMENT

C.S. 6982 (35=390) 907  
Parcel 202A  
County of St. Louis

Date: \_\_\_\_\_

For and in consideration of the sum of thirty-nine thousand and 00/100 Dollars (\$ 39,000.00), City of Duluth, a municipal corporation under the laws of the state of Minnesota, Grantor, hereby conveys and quitclaims to the State of Minnesota, Grantee, together with the unrestricted right to improve the same, free and clear of all encumbrances, a nonexclusive perpetual easement for the purposes specified below on and over real property in St. Louis County, Minnesota, described as follows:

An easement in perpetuity for light standard erection and maintenance, and utility access purposes over the following described strips:

- Tract A. Lots 242, 244 and 246, Block 20, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;
- Tract B. Lots 226, 228, 230, 232, 234, 236, 238 and 240, Block 21, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;
- Tract C. Lots 216, 218, 220, 222 and 224, Block 22, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;
- Tract D. Lots 200 and 202, Block 23, Duluth Proper Second Division, according to the plat thereof on file and of record in the office of the County Recorder in and for St. Louis County, Minnesota;

A strip being that part of Tract A hereinbefore described which lies northwesterly of the northwesterly right of way line of Trunk Highway No. 35 as now located and established and southeasterly of the southeasterly right of way line of Lower Michigan Street as now located and established;

A strip being that part of Tract B hereinbefore described which lies southeasterly of the northwesterly 140 feet thereof and northwesterly of the northwesterly right of way line of said Trunk Highway No. 35;

A strip being that part of Tract C hereinbefore described which lies northwesterly of the northwesterly right of way line of said Trunk Highway No. 35 and southeasterly of the following described line: Beginning at a point on the southwesterly line of Lot 224, said Block 22, distant 135 feet southeasterly of the most westerly corner thereof; thence run northeasterly to a point on the northeasterly line of Lot 222, said Block 22, distant 135 feet southeasterly of the most northerly corner thereof; thence northeasterly to a point on the

northeasterly line of Lot 216, said Block 22, distant 110 feet southeasterly of the most northerly corner thereof and there terminating;



