

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

12-0629R

RESOLUTION ACCEPTING AN EASEMENT FOR DRAINAGE PURPOSES  
FROM THE DULUTH ECONOMIC DEVELOPMENT AUTHORITY

CITY PROPOSAL:

RESOLVED, that subject to approval of conveyance by the Duluth Economic Development Authority (DEDA), the proper city officials are hereby authorized to accept the conveyance on behalf of the general public of an easement from DEDA substantially in the form of that on file in the office of the city clerk as Public Document No. \_\_\_\_\_, for public drainage purposes over, under and across that part of the Southwest Quarter of the Southeast Quarter (SW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4<sup>th</sup>) Principal Meridian, St. Louis County, Minnesota; said easement being more particularly described as follows:

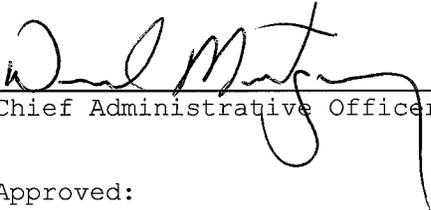
Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of the SW 1/4 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320; thence North 89 degrees 23 minutes 03 seconds East along the centerline said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 131.00 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 43 degrees 57 minutes 09 seconds; thence South 44 degrees 34 minutes 05 seconds East, a distance of 83.00 feet; thence southeasterly a distance of 79.00 feet along a tangential curve concave to the northeast having a radius of 100.00 feet and a central angle of 45 degrees 15 minutes 49 seconds; thence South 89 degrees 49 minutes 54 seconds East, a distance of 513.52 feet; to the east line of said SW 1/4 of the SE1/4; thence South 00 degrees 15 minutes 59 seconds East along said east line of said SW 1/4 of the SE1/4, a distance of 33.00 feet to the Point of Beginning; thence South 00 degrees 15 minutes 59 seconds East along said east line of said SW 1/4 of the SE1/4, a distance of 210.00 feet; thence North 89 degrees 49 minutes 54 seconds West, a distance of 70.00 feet; thence North 00 degrees 15 minutes 59 seconds West parallel with said east line, a distance of 210.00 feet; thence South 89 degrees 49 minutes 54 seconds East, a distance of 70.00 feet to the Point of Beginning.

Subject to existing easements of record.

Approved:

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

Approved for presentation to council:

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

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

DEDA RL/JC/hel 12/06/2012

STATEMENT OF PURPOSE: This resolution provides for acceptance of an easement from DEDA for drainage purposes over property formerly known as the Atlas cement site. Any future purchaser of the property will take the property subject to the easement.

## **EASEMENT**

THIS INDENTURE is made this \_\_\_\_ day of \_\_\_\_\_, 2012, by the DULUTH ECONOMIC DEVELOPMENT AUTHORITY, an economic development authority created pursuant to Minnesota Statutes Chapter 469 (DEDA).

WITNESSETH: That DEDA, in consideration of the sum of One and 00/100s Dollar, to it in hand paid by the CITY OF DULUTH, a Minnesota municipal corporation (the City) and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, does hereby Grant, Bargain, Sell and Convey unto the City, its successors and assigns, on behalf of the general public, an easement for drainage purposes over, under and across the following generally described tract or parcel of land lying and being in the County of St. Louis, State of Minnesota, described as follows, to-wit:

Southwest Quarter of the Southeast Quarter (SW 1/4 of the SE 1/4) of Section Thirty-Four (34), Township Forty-Nine (49) North, Range Fifteen (15) West of the Fourth (4th) Principal Meridian, St. Louis County, Minnesota;

said easement being more particularly described as follows, to-wit:

Commencing at the South Quarter Corner of said Section 34; thence North 00 degrees 17 minutes 17 seconds West, assumed bearing, along the west line of

the SW 1/4 of the SE 1/4 of said Section 34, a distance of 653.51 feet; thence North 89 degrees 23 minutes 03 seconds East, a distance of 184.44 feet to the intersection of centerlines of Commonwealth Avenue (Minnesota Trunk Highway No. 23) and Nick Glumac Drive as described in Document No. 851320 filed in the office of the St. Louis County Registrar of Titles; thence North 89 degrees 23 minutes 03 seconds East along the centerline said Nick Glumac Drive, a distance of 377.11 feet; thence northeasterly a distance of 131.00 feet along said Nick Glumac Drive being a tangential curve concave to the northwest having a radius of 170.77 feet, and a central angle of 43 degrees 57 minutes 09 seconds; thence South 44 degrees 34 minutes 05 seconds East, a distance of 83.00 feet; thence southeasterly a distance of 79.00 feet along a tangential curve concave to the northeast having a radius of 100.00 feet and a central angle of 45 degrees 15 minutes 49 seconds; thence South 89 degrees 49 minutes 54 seconds East, a distance of 513.52 feet; to the east line of said SW 1/4 of the SE1/4; thence South 00 degrees 15 minutes 59 seconds East along said east line of said SW 1/4 of the SE1/4, a distance of 33.00 feet to the Point of Beginning; thence South 00 degrees 15 minutes 59 seconds East along said east line of said SW 1/4 of the SE1/4, a distance of 210.00 feet; thence North 89 degrees 49 minutes 54 seconds West, a distance of 70.00 feet; thence North 00 degrees 15 minutes 59 seconds West parallel with said east line, a distance of 210.00 feet; thence South 89 degrees 49 minutes 54 seconds East, a distance of 70.00 feet to the Point of Beginning.

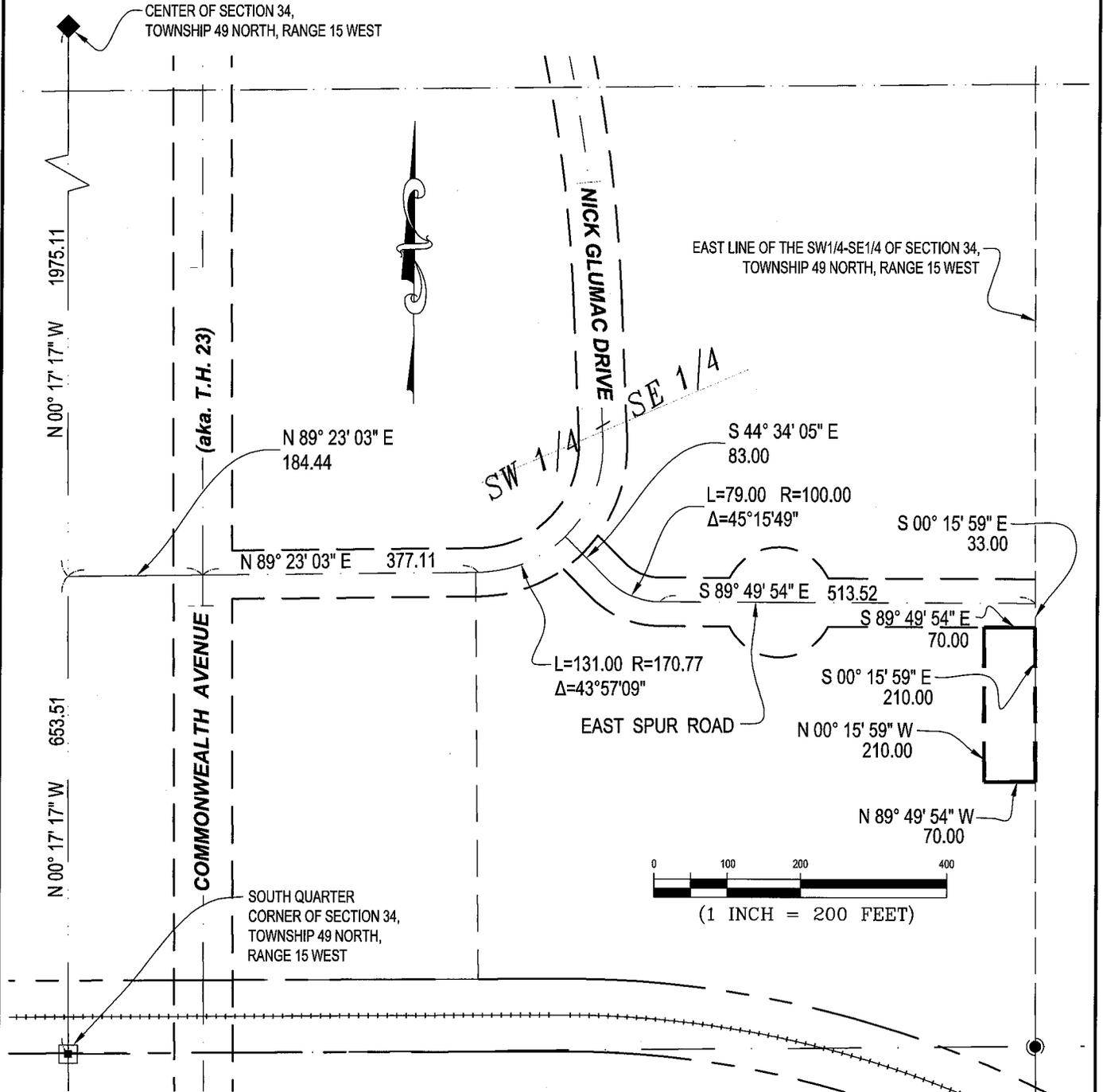
Subject to existing easements of record.

That the easement hereby intended to be conveyed is as indicated on the map hereto attached, marked "Exhibit A" and hereby made a part hereof.



# EXHIBIT "A"

## DRAINAGE EASEMENT DULUTH ECONOMIC DEVELOPMENT AUTHORITY PART OF SECTION 34, T. 49 N., R. 15 W.



REV: 12/07/12	<b>DULUTH</b>	<b>MINNEAPOLIS</b>	
DATE PREPARED: 11/30/12	21 W. Superior Street Suite 500 Duluth, MN 55802	250 Third Avenue North Suite 450 Minneapolis, MN 55401	
PROJ NO: 100547	TEL 218/727-8446	TEL 612/338-2029	
FILE: 100547 Road	FAX 218/727-8456	FAX 612/338-2088	
SHEET 1 of 1 SHEETS	<a href="http://www.LHBcorp.com">http://www.LHBcorp.com</a>		