

PUBLIC WORKS & UTILITIES COMMITTEE

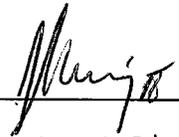
13-0010R

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A GRANT OF A
UTILITY AND PEDESTRIAN EASEMENT FROM ISD # 709.

CITY PROPOSAL:

RESOLVED, that the proper city officials are authorized to enter into an agreement, a copy of which is on file in the office of the city clerk as Public Document No. _____, with Independent School District #709, accepting the grant of a utility and pedestrian easement, in trust for the general public, at no cost to the city over certain property in the vicinity of East 11th Street and Eighth Avenue East.

Approved:



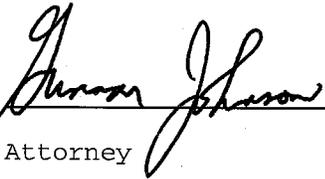
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

ENG ES:jh 1/4/2013

STATEMENT OF PURPOSE: This resolution will authorize the acceptance of a utility and pedestrian easement for underground utility installation purposes associated with ISD #709 improvements at Grant Elementary School. Supporting documents and legal descriptions are included with this resolution.

EASEMENT AGREEMENT

This **EASEMENT AGREEMENT**, entered into this ___ day of _____, 20___ by and between **Independent School District #709** f/k/a the Board of Education 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"):

Lots One (1), Two (2), Three (3) and Four (4), Block Twenty-six (26), and that part of vacated E. 11th Street, all in Lakeview Division of Duluth

AND

The Northerly Ninety-five (95) feet of Lots Fifteen (15) and Sixteen (16), and all of Lot Fourteen (14), Block Twenty-Six (26), and that part of vacated E. 11th Street, all in Lakeview Division of Duluth

and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for utilities and pedestrian 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 utilities and pedestrian purposes, the location of which easement is more particularly described as follows:

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

INDEPENDENT SCHOOL DISTRICT #709

By: [Signature]
School Board President

ATTEST:

By: M. Miernicki
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 5th day of February 2013 by Tom Kasper and Michael Miernicki, 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.



Susan K Talerico
Notary Public

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

The foregoing instrument was acknowledged before me this ___ day of _____ 2013 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\000038\AGMRM899202.DOCX

