

PUBLIC WORKS & UTILITIES COMMITTEE

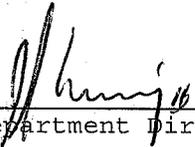
13-0266R

RESOLUTION AUTHORIZING PURCHASE OF STREET AND UTILITY EASEMENTS FROM JAMES G. AND GAIL A. SUNDSTROM FOR \$1,500.

CITY PROPOSAL:

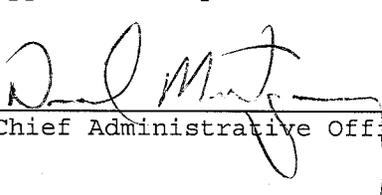
RESOLVED, that the proper city officials are hereby authorized to acquire from James G. Sundstrom and Gail A. Sundstrom a street easement as described on Public Document No. _____ and a utility easement as described on Public Document No. _____, said documents being on file in the office of the city clerk, over property in the vicinity of Central Avenue and Columbia Street in the total amount of \$1,500, payable from Fund 110-500-1930-2300-5441 (General Fund, Public Works & Utilities, Engineering, Transportation Engineering, Other Services and Charges).

Approved:



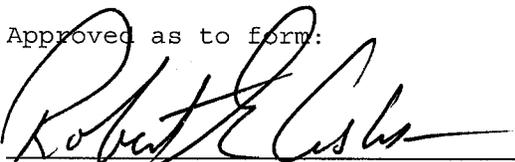
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PWU/PRCH/ATTY REA:db 05/15/2013

STATEMENT OF PURPOSE: This resolution authorizes the acquisition of a street easement and a utility easement over a small portion of the property owned by James and Gail Sundstrom at Central Avenue and Columbia Street for \$1,500.

At some point in the past when Columbia Street was connected to Central Avenue, it was constructed at an angle of less than 90 degrees rather than following the platted easement to create a 90 degree intersection. As a result the street as constructed and used cuts across a corner of Lot 1, Block 3, SHARPS ADDITION TO DULUTH which is owned by James and Gail Sundstrom. The intrusion is in the form of a triangle about 6.4 feet by 35.2 feet for a total of about 113 square feet.

In addition, a fire hydrant was placed on Lot 1 several feet back from Columbia Street about at the point where the street as constructed intersects the north line of Lot 1. The net effect of this intrusion is an additional 200 square feet of encroachment.

James and Gail Sundstrom would like to have these intrusions onto their property cleared up and both they and the City Engineer have agreed that the most cost-effective way to deal with the encroachments would be for the City to acquire easements for the street and fire hydrant as they presently exist as opposed to the alternative of moving the street and fire hydrant off their property.

After consultation with the Assessor, it was agreed that \$1,500 would adequately compensate James and Gail Sundstrom for their interest in the property.

EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this ___ day of May, 2013, by and between James G. Sundstrom and Gail A. Sundstrom, husband and wife , “Grantors” and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, “Grantee”:

WITNESSETH:

Whereas, Grantors are the owners of the property in St. Louis County, Minnesota legally described as follows (the “Property”):

Lot 1, Block 3, SHARPS ADDITION TO DULUTH

and;

Whereas, Grantors wish to convey to the Grantee an easement as hereinafter described for utility 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 utility purposes over, under and across the Property, the location of which easement is more particularly described as follows:

Beginning at the northwest corner of said Lot 1, Block 3, SHARPS ADDITION TO DULUTH; thence east along the north line of said Lot 1, assumed bearing, a distance of 25.00 feet to the point of beginning; thence south 10.00 feet; thence East 20.00 feet; thence north 10.00 feet to the north line of said Lot 1; thence west 20.00 feet along said north line of said lot 1 to the point of beginning and there terminating.

described easement 200 square feet, more or less.

The easement intended to be granted is more clearly shown on Exhibit A attached hereto and made a part hereof.

“Grantors

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

The foregoing instrument was acknowledged before me this __ day of May, 2013 by James G. Sundstrom and Gail A. Sundstrom, husband and wife, Owners.

Notary Public

This instrument drafted by:

Robert E. Asleson
Assistant City Attorney
City of Duluth, Minnesota
411 West First Street
Room 410 City Hall
Duluth, MN 55802
(218) 730-5490

EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this ___ day of May, 2013, by and between James G. Sundstrom and Gail A. Sundstrom, husband and wife, "Grantors" and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, "Grantee":

WITNESSETH:

Whereas, Grantors are the owners of the property in St. Louis County, Minnesota legally described as follows (the "Property"):

Lot 1, Block 3, SHARPS ADDITION TO DULUTH

and;

Whereas, Grantors wish 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 over the Property, the location of which easement is more particularly described as follows:

Beginning at the northwest corner of said Lot 1, Block 3, SHARPS ADDITION TO DULUTH,; thence south along the west line of said Lot 1 a distance of 6.40 feet; then northeasterly to a point on the north line of said Lot 1, said point being 35.20 feet east of the northwest corner of said Lot 1; thence west 35.20 feet along said north line of said Lot 1 to the point of beginning and there terminating.

described easement 113 square feet, more of less.

The easement intended to be granted is more clearly shown on Exhibit A attached hereto and made a part hereof.

“Grantors

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

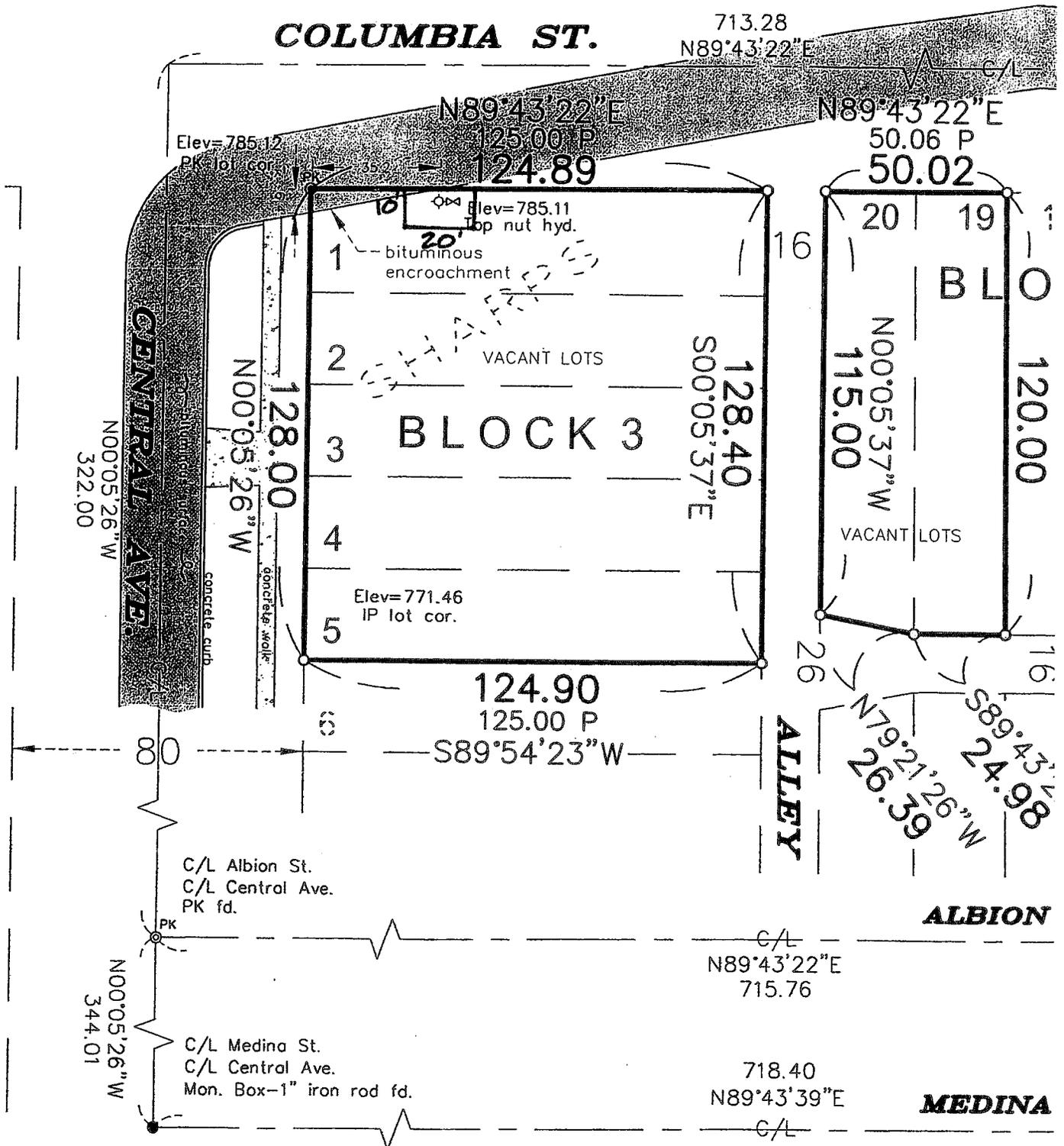
The foregoing instrument was acknowledged before me this __ day of May, 2013 by James G. Sundstrom and Gail A. Sundstrom, husband and wife, Owners.

Notary Public

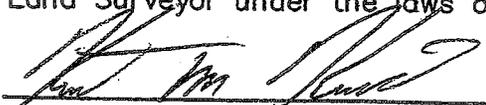
This instrument drafted by:

Robert E. Asleson
Assistant City Attorney
City of Duluth, Minnesota
411 West First Street
Room 410 City Hall
Duluth, MN 55802
(218) 730-5490

Certificate of Survey



I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.


Kurt M. Kisch, MN License No. 23968

December 8, 2005
Date

BOOK
Draw
Revis
Draft
Prc