

PUBLIC WORKS & UTILITIES COMMITTEE

13-0269R

RESOLUTION AUTHORIZING PURCHASE OF UTILITY EASEMENTS  
FROM PROPERTY OWNERS ON LAKESIDE COURT AT A TOTAL COST  
OF \$3,734.40.

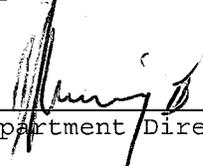
CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to acquire from the persons specified below utility easements as described on Public Document No. \_\_\_\_\_ on file in the office of the city clerk, over property adjacent to Lakeside Court in the total amount of \$3,734.40, payable from Fund 530, Department 500, Division 1905, Object 5535 (Sanitary Sewer Fund, Public Works & Utilities, Capital, Non-Capital Improvements); Project No. 1150:

<u>Name</u>	<u>Description</u>	<u>Amount</u>
LAKESIDE COURT		

Jana I. Ulland	Lot 1, Block 2	\$1,001.40
Kaylor R. & Karen Pagenkopf Teig	Lot 2, Block 2	\$ 911.00
Charles H. & Mary Ann Howard	Lot 3, Block 2	\$ 911.00
Jeannine Marie Brodin	Lot 4, Block 2	\$ 911.00

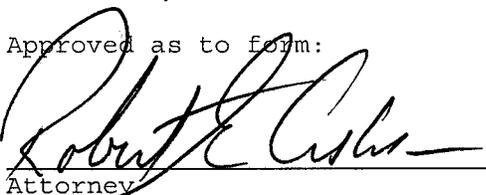
Approved:

  
\_\_\_\_\_  
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 utility

easements across property adjacent to Lakeside Court to allow the installation of a public sewer to serve the properties.

Lakeside Court is a short development located between London Road and Lake Superior at about 55 Avenue East. It consists of eight properties, four on each side, facing a central utility easement. The properties are currently served by a private sewer which is in need of replacement and the property owners have petitioned for its replacement and agreed to be assessed for the cost.

In order to install the new public sewer in the existing easement, the easement needs to be widened by ten feet. The property owners on the east side of the existing easement have agreed to convey the necessary property rights to the City for the project but considered it fair that the property owners on the west side of the easement bear a share of the burden.

Therefore the City will pay the owners on the east side the value of the easements that they are giving up for the project and that value will be added to the cost of the project which will be assessed against all benefitted properties on both sides of the easement. All of the property owners on both sides of the easement have agreed to this proposal.

### EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this 6 day of May, 2013, by and between JANA I. ULLAND, a single person, "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"):

Lot One (1), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof.

and;

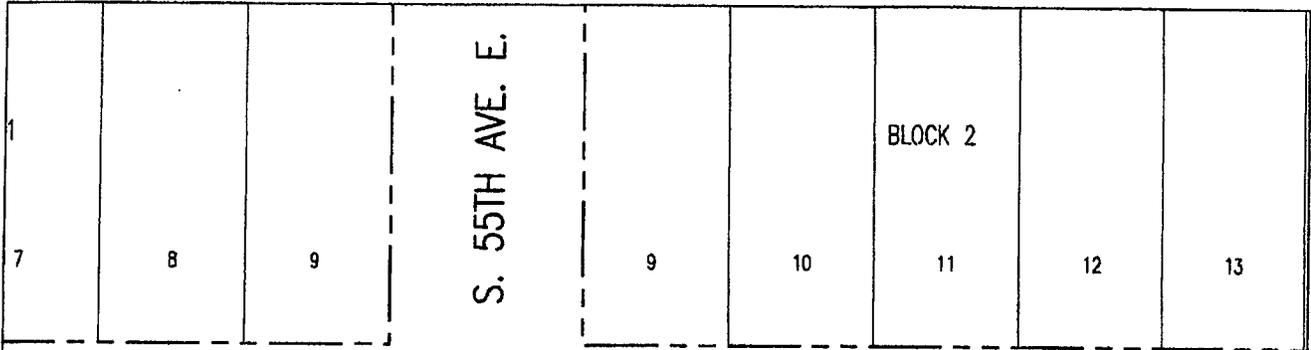
Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for utility purposes over the Property for the benefit of the Property.

NOW THEREFORE, in consideration of One Thousand One and 40/100s (\$1,001.40) Dollars, 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, including the installation and maintenance of utilities, over the Property, the location of which easement is more particularly described as follows:

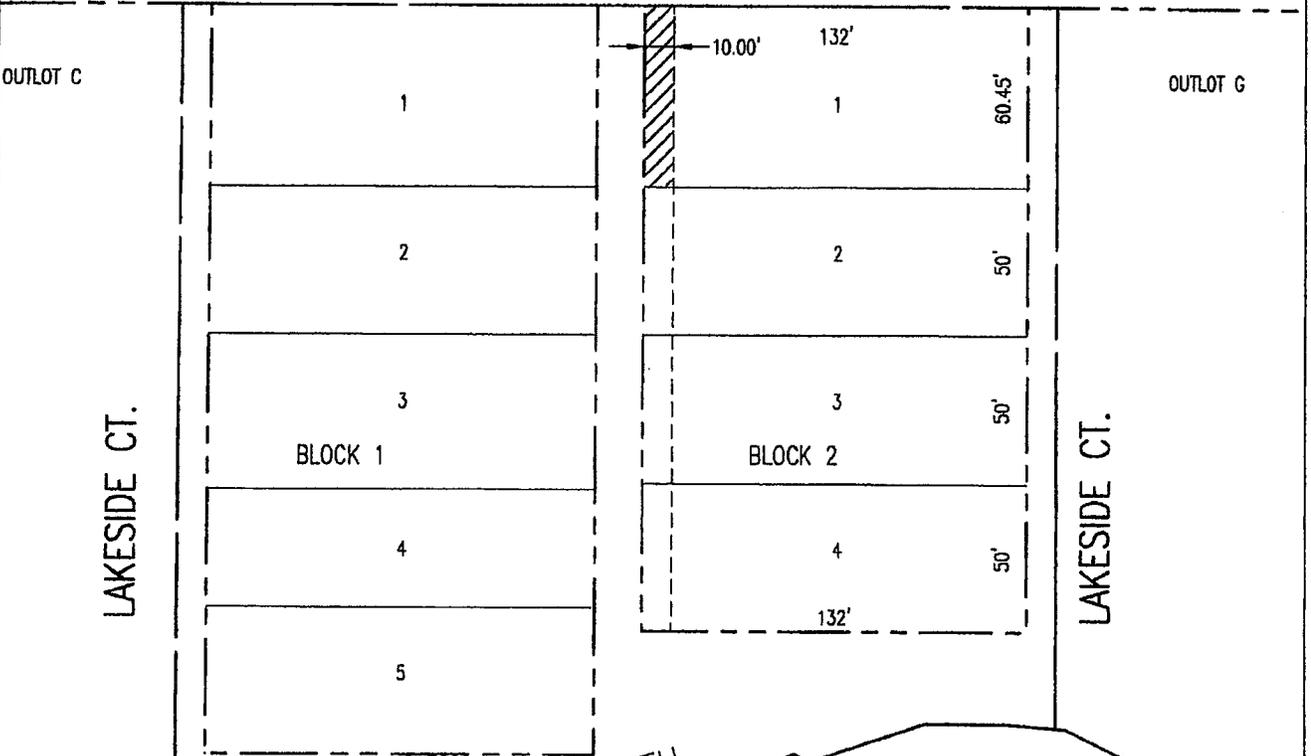
The Southwesterly Ten Feet (SW 10') of Lot One (1), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof

The easement intended to be granted is more clearly shown on Exhibit A attached hereto

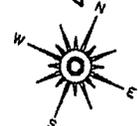
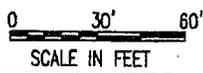




LONDON RD.

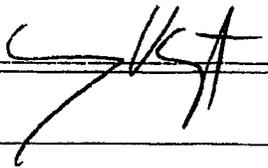


LAKESIDE COURT DULUTH



Plat showing dedication of a utility easement in the Westerly 10.00 feet of Lot 1, Block 2, Lakeside Court, according to the recorded plat thereof in St. Louis County, Minnesota.

The portion to be dedicated as utility easement is shown  on the above plat.

CITY ENGINEER 

DATE 9-18-12

## EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this 2<sup>nd</sup> day of May, 2013, by and between KAYLOR R. TEIG and KAREN PAGENKOPF TEIG, 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"):

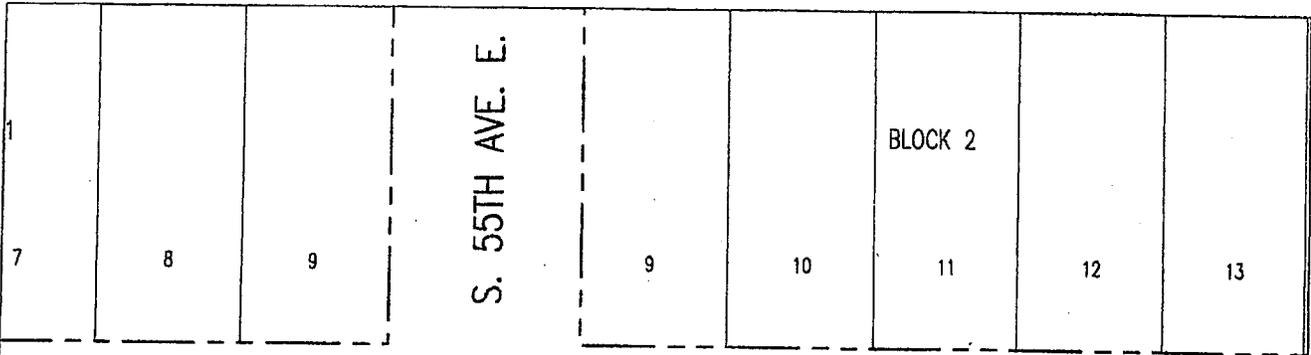
Lot Two (2), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof.

and;

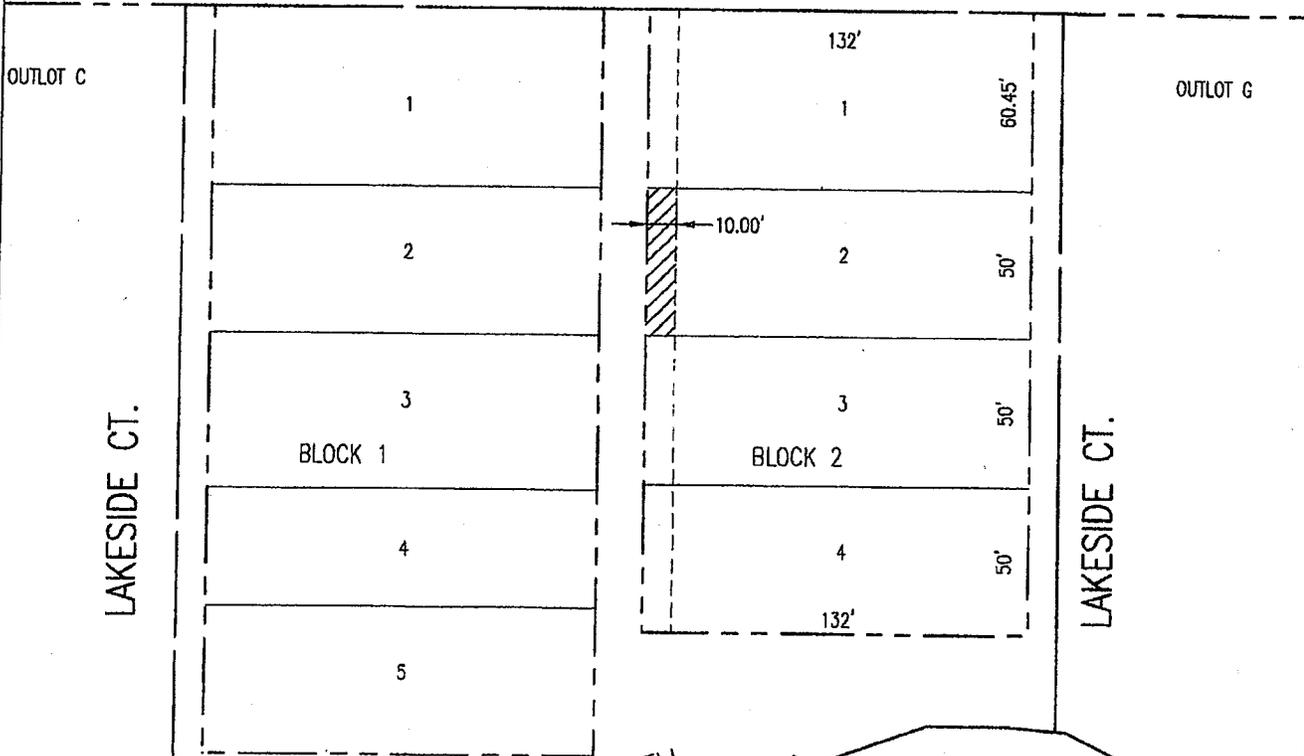
Whereas, Grantors wish to convey to the Grantee an easement as hereinafter described for utility purposes over the Property for the benefit of the Property.

NOW THEREFORE, in consideration of Nine Hundred Eleven (\$911.00) Dollars, 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, including the installation and maintenance of utilities, over the Property, the location of which easement is more particularly described as follows:

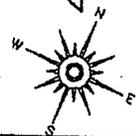
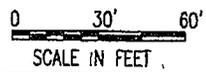
The Southwesterly Ten Feet (SW 10') of Lot Two (2), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof



LONDON RD.

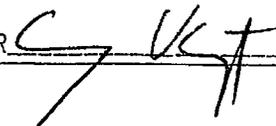


LAKESIDE COURT DULUTH



Plat showing dedication of a utility easement in the Westerly 10.00 feet of Lot 2, Block 2, Lakeside Court, according to the recorded plat thereof in St. Louis County, Minnesota.

The portion to be dedicated as utility easement is shown  on the above plat.

CITY ENGINEER 

DATE 9-18-12

## EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this 10 day of May, 2013, by and between CHARLES H. HOWARD and MARY ANN HOWARD, 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 Three (3), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof.

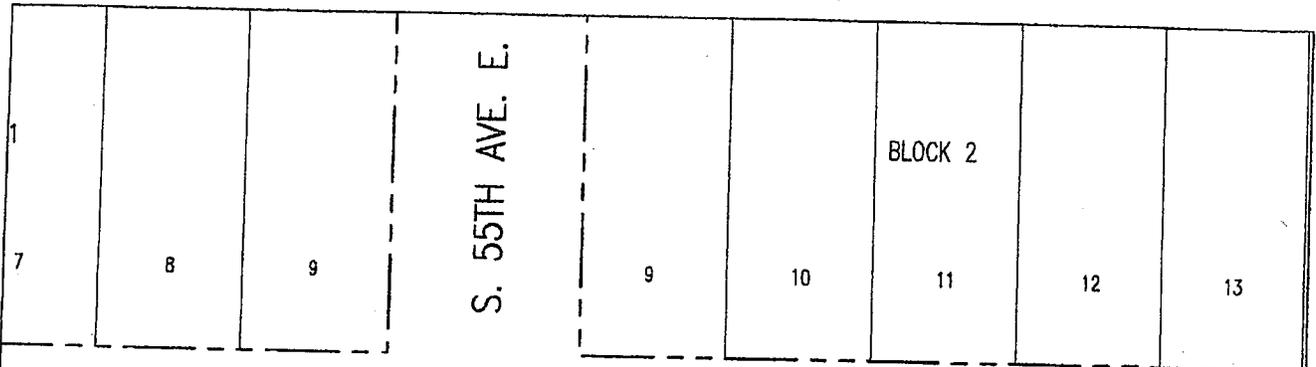
and;

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.

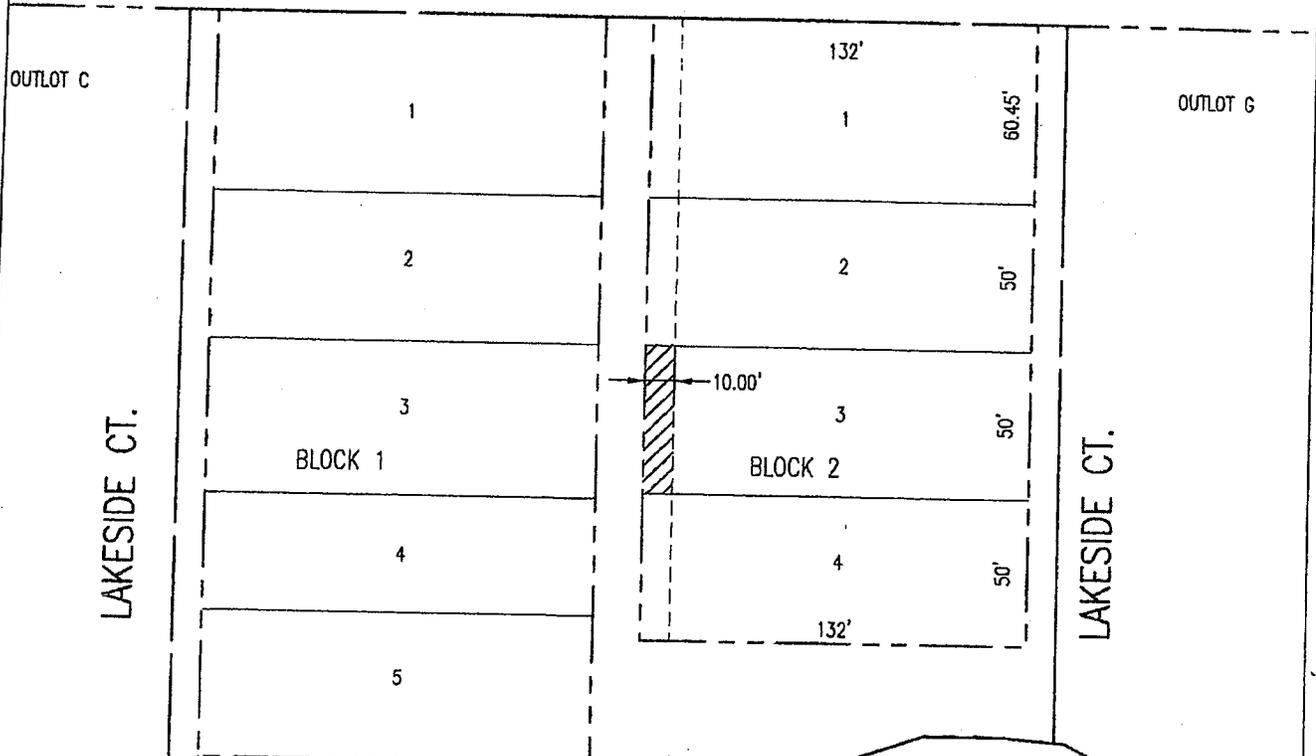
NOW THEREFORE, in consideration of Nine Hundred Eleven (\$911.00) Dollars, receipt of which is hereby acknowledged, Grantor does grant, sell, bargain and convey to Grantee in trust for the general public a permanent, perpetual and exclusive easement for utility purposes, including the installation and maintenance of utilities, over the Property, the location of which easement is more particularly described as follows:

The Southwesterly Ten Feet (SW 10') of Lot Three (3), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof

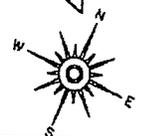
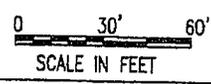




LONDON RD.

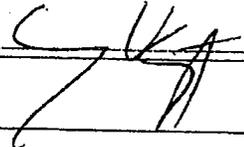


LAKESIDE COURT DULUTH.



Plat showing dedication of a utility easement in the Westerly 10.00 feet of Lot 3, Block 2, Lakeside Court, according to the recorded plat thereof in St. Louis County, Minnesota.

The portion to be dedicated as utility easement is shown  on the above plat.

CITY ENGINEER 

DATE 9-18-12

### EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this <sup>24</sup> day of May, 2013, by and between JEANNINE MARIE BRODIN, a single person, "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"):

Lot Four (4), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof., except a fractional parcel thereof, described as follows: commencing on the Northeasterly line of Lot 4, Block LAKESIDE COURT a distance 35.27 feet southerly from the Northeast corner of said Lot and extending a distance of 14.73 feet from said point in southerly direction along said Lot line to the Southeast corner of said Lot; thence along the southerly line of said Lot a distance of 8.5 feet to a point on said Lot line; thence at right angles in a Northerly direction a distance of 915 feet to a point; thence at right angles in an easterly direction a distance of 6.41 feet to a point/ thence in a straight line in a northeasterly direction for a distance of 5.63 feet to the point of beginning.

and;

Whereas, Grantor wishes to convey to the Grantee an easement as hereinafter described for utility purposes over the Property for the benefit of the Property.

NOW THEREFORE, in consideration of Nine Hundred Eleven (\$911.00) Dollars, 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, including the installation and maintenance of utilities, over the Property, the location of which

easement is more particularly described as follows:

The Southwesterly Ten Feet (SW 10') of Lot Four (4), Block Two (2), LAKESIDE COURT, according to the recorded plat thereof

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

*Jeanine Marie Brodin*  
JEANNINE MARIE BRODIN

"Grantor"

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

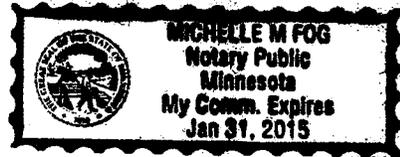
*JMB*

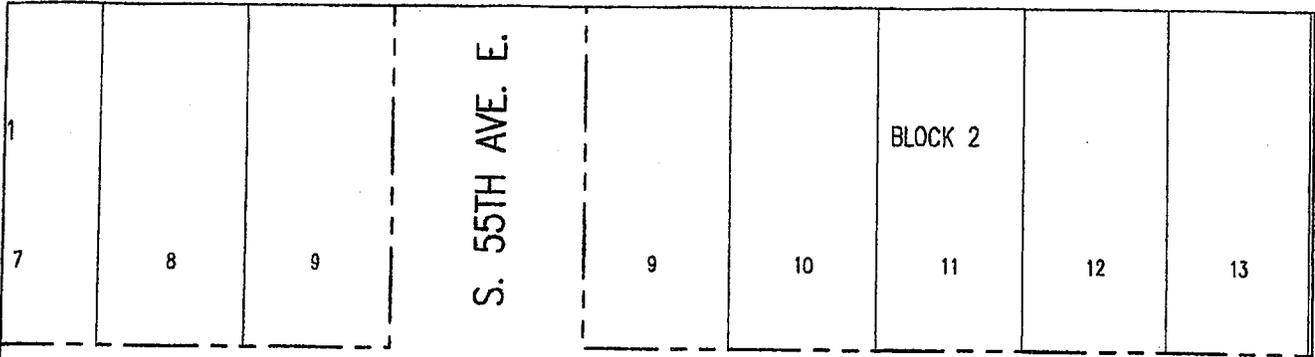
The foregoing instrument was acknowledged before me this <sup>8<sup>th</sup></sup> day of May, 2013, by Jannine Marie Brodin, a single person.

*Michelle M Fog*  
Notary Public

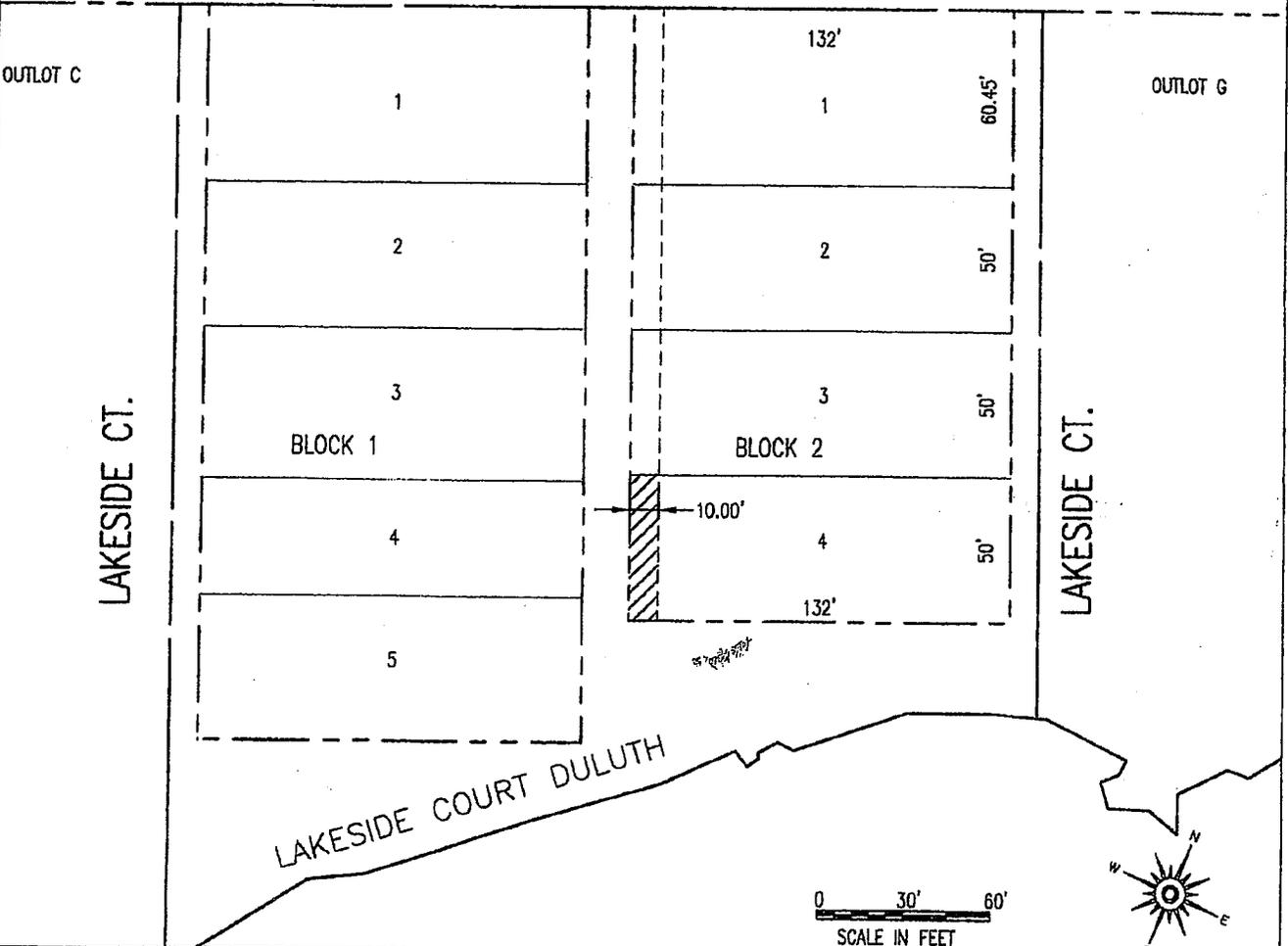
This instrument drafted by:

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



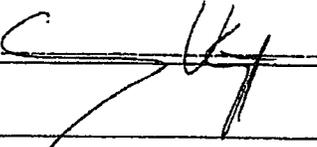


LONDON RD.



Plat showing dedication of a utility easement in the Westerly 10.00 feet of Lot 4, Block 2, Lakeside Court, according to the recorded plat thereof in St. Louis County, Minnesota.

The portion to be dedicated as utility easement is shown  on the above plat.

CITY ENGINEER 

DATE 9-18-12