

PUBLIC WORKS & UTILITIES COMMITTEE

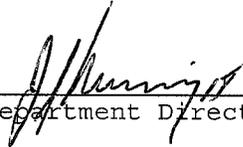
13-0498R

RESOLUTION AUTHORIZING PURCHASE OF A UTILITY EASEMENT
FROM RONALD A. AND MARIE A. WEBER FOR \$4,000.

CITY PROPOSAL:

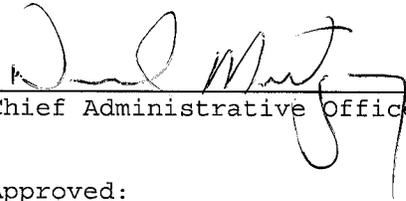
RESOLVED, that the proper city officials are hereby authorized to acquire from Ronald A. Weber and Marie A. Weber a utility easement as described on Public Document No. _____, said document being on file in the office of the city clerk, over property in Riverside at the end of Industrial Avenue in the total amount of \$4,000, payable from Fund 535, Division 1905, Object 5533, Project No. 0699SN/TR (Stormwater Fund, Public Works & Utilities, Capital, Capital Improvements-Revenue).

Approved:



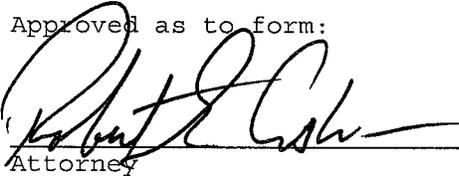
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PWU/PRCH/ATTY REA:de 09/30/2013

STATEMENT OF PURPOSE: This resolution authorizes the acquisition of a utility easement over property in the Riverside neighborhood from its owners, Ronald and

Marie Weber, for \$4,000 as part of the Riverside utility reconstruction project.

In the course of doing the project it was realized that, at some point in the past, a City storm sewer had been installed on the Webers' property without having secured an easement for it. The Webers are willing to convey the necessary easement to the City and after negotiation it was determined that the fair market value of the needed easement was at least \$4,000. This resolution authorizes acquiring the necessary easement.

EASEMENT AGREEMENT

This EASEMENT AGREEMENT, entered into this 5th day of September, 2013, by and between RONALD A. WEBER and MARIE A. WEBER, husband and wife, as joint tenants, "Grantors" and the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota, "Grantee":

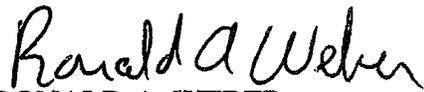
WITNESSETH:

Whereas, Grantors are the owners of the property in St. Louis County, Minnesota legally described on Exhibit A attached hereto and made a part hereof (the "Property") 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 Four Thousand and no/100s (\$4,000.00) Dollars and other good and valuable consideration, receipt of which is hereby acknowledged, Grantors do grant, sell, bargain and convey to Grantee in trust for the general public a permanent, perpetual and exclusive easement for utility purposes over the Property, the location of which easement is more particularly described on Exhibit B attached hereto and made a part hereof.

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


RONALD A. WEBER


MARIE A. WEBER

"Grantors"

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

The foregoing instrument was acknowledged before me this ^{5th} day of September, 2013 by Ronald A. Weber and Marie A. Weber, husband and wife..

Doreen A. Johnson
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

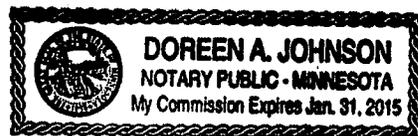


EXHIBIT A

Parcel ID 010-3970-02050 – Outlot 1 Excluding 25 feet by 183.30 feet at the NW Corner and Including Vacated Industrial Avenue

A 20 foot wide easement for storm drain purposes over, under, and across the following described property:

Part of Outlot 1 of Riverside Plat located in the Southeast Quarter of the Southwest Quarter of Section 23, Township 49 North, Range 15 West, City of Duluth, St. Louis County, Minnesota.

Commencing at a 2 inch iron pipe at the intersection of the centerline of Industrial Avenue and the centerline of Riverside Drive (also known as 85th Avenue); Thence South 37 degrees 19 minutes 54 seconds West along said centerline of Industrial Drive, 422.78 feet to a found nail marking the intersection of the centerline of Industrial Avenue and the centerline of Spring Street; Thence continuing South 37 degrees 19 minutes 54 seconds West along said centerline of Industrial Drive, 600.02 feet to a point on the northeasterly line of Outlot 1 of the Riverside Plat, said point being the POINT OF BEGINNING; thence South 59 degrees 06 minutes 36 seconds East along said northeasterly line of Outlot 1, 17.42 feet; thence South 38 degrees 30 minutes 34 seconds West 53.99 feet; thence South 20 degrees 06 minutes 35 seconds East 121.86 feet; thence South 69 degrees 53 minutes 25 seconds West 20.00 feet; thence North 20 degrees 06 minutes 35 seconds West 133.09 feet; thence North 38 degrees 30 minutes 34 seconds East 62.54 feet to said northeasterly line of Outlot 1; thence South 59 degrees 06 minutes 36 seconds East along said northeasterly line of Outlot 1, 2.76 feet to the POINT OF BEGINNING.

Said easement contains 3715 square feet of 0.09 acres, more or less.

EXHIBIT B

EXHIBIT C

UTILITY EASEMENT SKETCH for RONALD AND MARIE WEBER



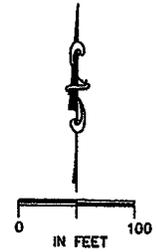
Legal Description

A 20 foot wide easement for storm drain purposes over, under, and across the following described property:

Part of Outlot 1 of Riverside Plat located in the Southeast Quarter of the Southwest Quarter of Section 23, Township 49 North, Range 15 West, City of Duluth, St. Louis County, Minnesota.

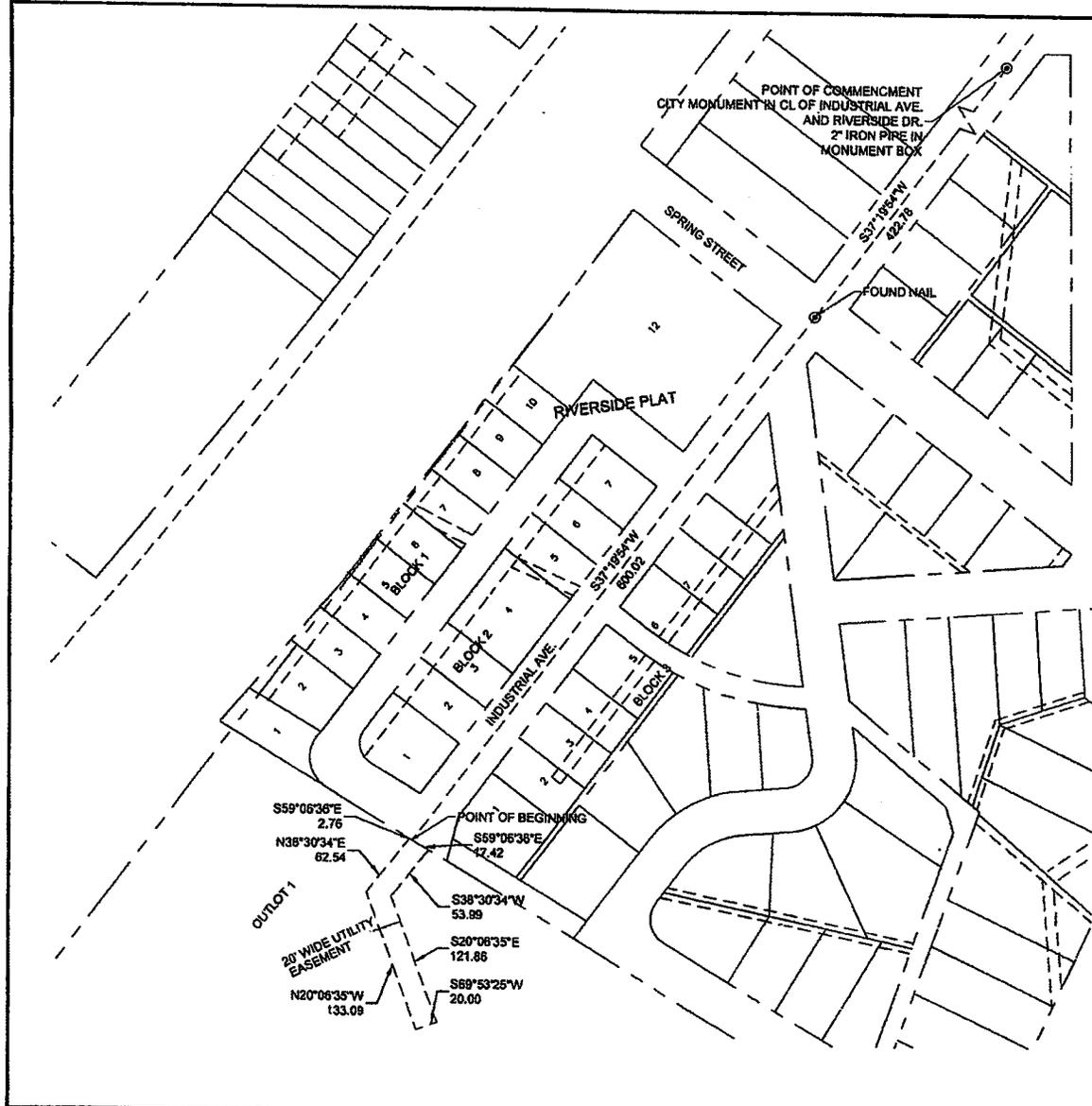
Commencing at a 2 inch iron pipe at the intersection of the centerline of Industrial Avenue and the centerline of Riverside Drive (also known as 85th Avenue); Thence South 37 degrees 19 minutes 54 seconds West along said centerline of Industrial Drive, 422.78 feet to a found nail marking the intersection of the centerline of Industrial Avenue and the centerline of Spring Street; Thence continuing South 37 degrees 19 minutes 54 seconds West along said centerline of Industrial Drive, 600.02 feet to a point on the northeasterly line of Outlot 1 of the Riverside Plat, said point being the POINT OF BEGINNING; thence South 69 degrees 06 minutes 36 seconds East along said northeasterly line of Outlot 1, 17.42 feet; thence South 38 degrees 30 minutes 34 seconds West 53.89 feet; thence South 20 degrees 06 minutes 35 seconds East 121.86 feet; thence South 69 degrees 53 minutes 25 seconds West 20.00 feet; thence North 20 degrees 06 minutes 35 seconds West 133.09 feet; thence North 38 degrees 30 minutes 34 seconds East 62.54 feet to said northeasterly line of Outlot 1; thence South 69 degrees 06 minutes 36 seconds East along said northeasterly line of Outlot 1, 2.76 feet to the POINT OF BEGINNING.

Said easement contains 3715 square feet of 0.09 acres, more or less.



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

J. M. Ingram
JASON M. INGRAM
Date 1-11-2013 REG. NO. 48635



RECORD

LOCATED IN
PLAT OF RIVERSIDE
CITY OF DULUTH, MN

SHEET	DATE	BY	CHKD
1	12/17/12	JM	JM
PROJECT	DATE	FILE	RECORD
	27-013		J