

PUBLIC WORKS AND UTILITIES COMMITTEE

14-016-O

REPLACEMENT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY ON RICES POINT TO THE DULUTH SEAWAY PORT AUTHORITY FOR \$102,747.75.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That pursuant to section 2-176 of the Duluth city code, 1959, as amended (the "Code"), the city council finds that:

(a) The manager of the city's physical planning division has reviewed the proposed conveyance of the property herein described (the "Property") to the Duluth Seaway Port Authority (the "Authority") and found conveyance thereof to be in conformity with the city's comprehensive land use plan;

(b) The St. Louis County assessor, acting as city assessor, has provided an estimate of the market value of the Property in an amount of \$102,747.75; and

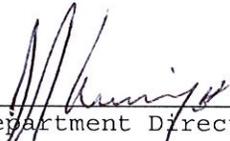
(c) The property described in section 3 below is hereby determined to be surplus to the city's future needs and is therefore appropriate for sale;

Section 2. That as provided for in section 2-177.3 of the Code, the council finds that the needs of the Authority are greater in importance than the need of the city to retain said property and that the best interests of the citizens of the city will be best served by accomplishing such conveyance.

Section 3. That the proper city officials are hereby authorized to sell and convey the Property in St. Louis County, Minnesota, legally described in public document no. \_\_\_\_\_, on file in the office of the city clerk, by quit claim deed, to the Duluth Seaway Port Authority, a port authority under Minnesota statutes chapter 469, for the amount of \$102,747.75 to be deposited into Fund 450 Capital Improvements; Revenue Source 4640 Sale of Land, and further to execute all documents necessary with regard to said conveyance.

Section 4. That this ordinance shall take effect 30 days after its passage and publication.

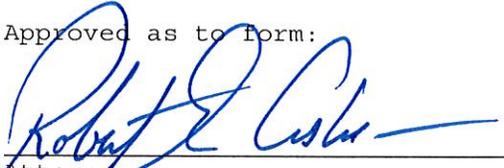
Approved:

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

Approved for presentation to council:

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

Approved as to form:

  
\_\_\_\_\_  
Attorney

Approved:

  
\_\_\_\_\_  
Auditor

PWU/ATTY REA:de 03/19/2014

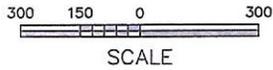
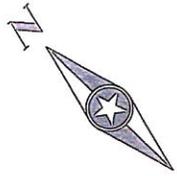
STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize the sale and conveyance of certain property on Rice's Point to the Duluth Seaway Port Authority (the "Authority") for \$102,747.75.

In 2006, the City of Duluth acquired ten relatively small parcels of land on Rice's Point from the Soo Line Railroad Company, doing business as the Canadian Pacific Railroad, for the construction of Helberg Drive. The ten parcels totaled approximately 136,000 square feet in size. The acquisition actually included more property than the City needed for the road, but the railroad presented it as a "package deal". The City paid approximately \$84,000 for the property. Aside from the road, the City has no need for the property.

The Authority does have need for a portion of the property to facilitate the development of new loading and unloading facility at the Authority and also owns other property in the area. Without this property, the Authority will not be able to implement its development proposal and will lose access to a \$10 million federal grant that is being made available for a \$16 Million Port improvement project.

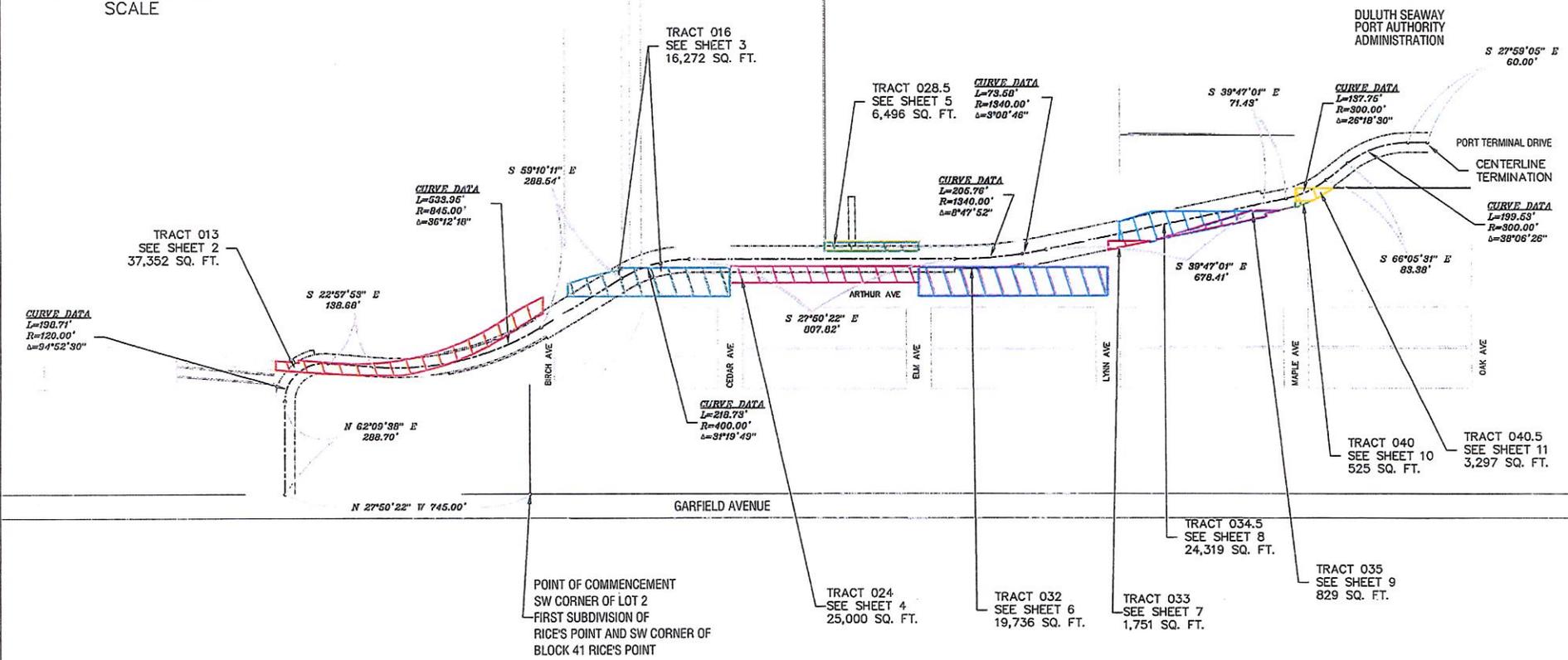
The Authority has offered to purchase the property from the City for \$102,747.75, an amount which will at least equal its present market value. This ordinance would authorize the sale.

Tax base impact statement: As the property is being conveyed to another governmental entity, there will be no tax impact resulting from this sale.



# HELBERG DRIVE CITY OF DULUTH PARCELS TO BE SOLD TO DULUTH SEAWAY PORT AUTHORITY

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DRAWN BY:	CTL/KLA	1	CTL	12/3/03	GENERAL REVISIONS
DESIGNER:	FAK	2	CTL	1/9/04	GENERAL REVISIONS
CHECKED BY:	HJB	3	CTL	7/16/04	EASEMENT DESCRIPTION
DESIGN TEAM		4	KLA	2/8/14	GENERAL REVISIONS/ADDED CENTERLINE CALL OUTS
		NO.	BY	DATE	REVISIONS

**SEH**  
 PHONE: 218.370.3000  
 410 W. SUPERIOR ST. STE. 200  
 DULUTH, MN 55802-1912  
 www.sehinc.com

**DULUTH,  
MINNESOTA**

**HELBERG DRIVE  
EASEMENT TRACTS**

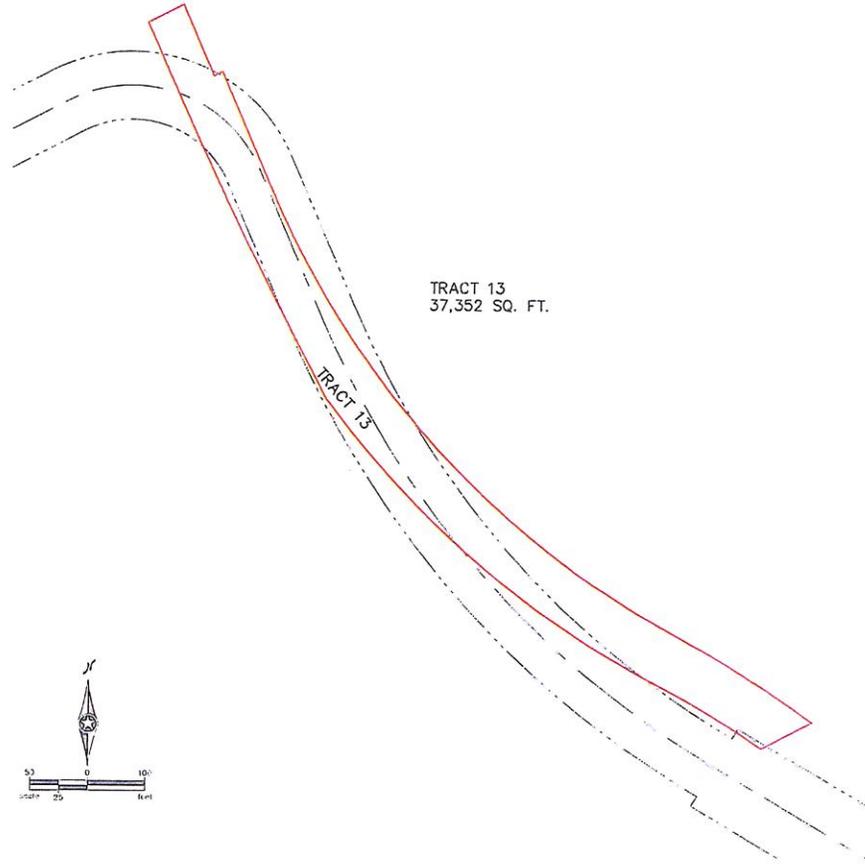
**EXHIBIT A  
ROADWAY EASEMENT**

FILE NO.	DUSPA010201	1
DATE	07/13/05	11

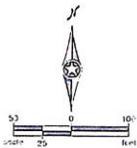
PROPERTY DESCRIPTION TRACT 013

That part of Lots 2 and 3, FIRST SUBDIVISION OF RICE'S POINT, City of Duluth, St. Louis County, Minnesota, described as follows:

Commencing at an iron monument which is located on the dividing line between Lots 24 and 25 in BLOCK F, DULUTH PROPER SECOND DIVISION, City of Duluth, St. Louis County, Minnesota, which line is produced East into Lot 2 of FIRST SUBDIVISION OF RICE'S POINT, 387.32 feet from and measured at right angles with the Easterly line of Garfield Avenue; thence easterly along the production of said line between Lots 24 and 25 aforesaid, a distance of 29.23 feet; thence southerly at an angle to the right of 94 degrees, 56 minutes and 37 seconds, a distance of 68.85 feet; thence easterly at an angle to the left of 94 degrees, 56 minutes and 37 seconds, a distance of 110.53 feet, to an iron monument, which iron monument is the beginning of a curve to the left having a radius of 801.58 feet, said radius being at right angles to said last described line at the point of beginning of said curve; thence along said curve through an angle of 38 degrees, 56 minutes and 30 seconds, and for a distance of 544.63 feet to an iron monument, which iron monument is the end of curve just traversed and the beginning of a curve to the right having a radius of 897.45 feet, said radius being at right angles to the tangent of the curve at the last named point, thence along said curve for a distance of 132.95 feet through an angle of 8 degrees, 29 minutes and 34 seconds to an iron monument which is located on the center line of Birch Avenue, 609.31 feet easterly from a distance of 49.45 feet to an iron monument. From this point at an angle to the right of 62 degrees 41 minutes which is the tangent of a curve to the left at this point, whose radius is 852.45 feet; said radius being at right angles to the tangent line of the curve at said last described point; thence northerly along said curve for a distance of 104.90 feet through an angle of 7 degrees, 03 minutes and 17 seconds, to an iron monument, which is the beginning of a curve to the right, having a radius of 846.58 feet, said radius being at right angles to the tangent of the curve at said last described point, thence northerly along said curve for a distance of 387 feet, through an angle of 26 degrees, 12 minutes and 22 seconds to an iron monument, which marks the intersection of said last described curve with the easterly property line of the Northern Pacific Railway Company's survey as is described in the deed from the Duluth, Land and Warehouse Company to the Northern Pacific Railway Company, dated November 17, 1902, and which was recorded in Book 202 of Deeds on page 56; thence northerly along said easterly property line of said Northern Pacific Railway Company at an angle of 8 degrees and 35 minutes to the right from the tangent of said last named curve at said last named point, a distance of 46.60 feet to a point; which is the beginning of a curve to the right, having a radius of 3812.33 feet, said radius being at right angles to the last named line at the point of beginning curve; thence along said curve through an angle of 4 degrees and 04 minutes to an iron monument; thence on a line tangent to said curve at said last named point for a distance of 48.10 feet, to an iron monument, which is the point of beginning of the tract of land above described.



TRACT 13  
37,352 SQ. FT.



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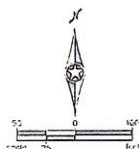
PROPERTY DESCRIPTION TRACT 015

All that part of Block 6 of MUNGER-PECK REARRANGEMENT OF LOT 1, FIRST SUBDIVISION OF RICE'S POINT, City of Duluth, St. Louis County, Minnesota, described as follows:

That part of southwesterly 100.00 feet lying northeasterly of a line described as follows: Commencing on the center line of Nelson Avenue, produced and 704.00 feet east from and at right angles to easterly line of Garfield Avenue, thence northerly parallel with northerly line of Arthur Avenue for a distance of 232.50 feet to an iron monument which is the beginning of a curve to the left having a radius of 716.80 feet, thence along said curve through an angle of 28 degrees 34 minutes and for a distance of 357.24 feet to an iron monument which is located on the center line of Birch Avenue 616.52 feet Easterly from East line of Garfield Avenue.

TRACT 16  
16,272 SQ. FT.

TRACT 16



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SURVEYED BY:				
CHECKED BY:				
SURVEY TEAM	NO.	BY	DATE	REVISIONS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A duly LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Date: 3/16/14 Scale: AS SHOWN



PLS. 215-279-2003  
216 W. SUPERIOR ST. SUITE 200  
DULUTH, MN 55802-1512  
www.sehinc.com

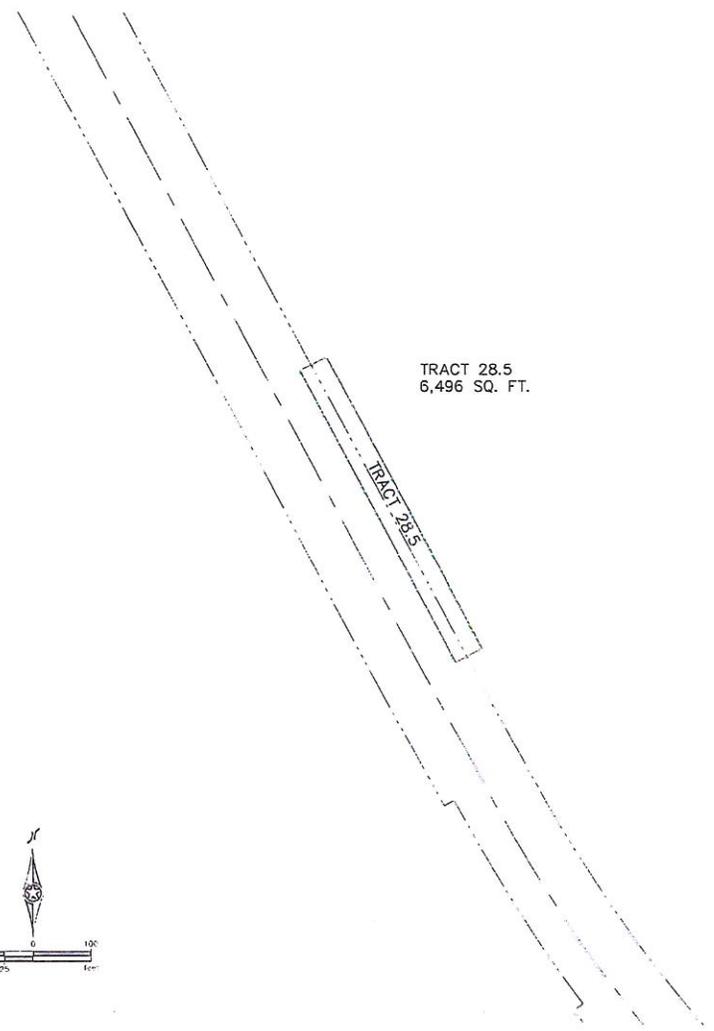
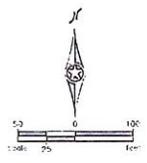
DULUTH,  
MINNESOTA

TRACT 16

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TRACT 28.5  
6,496 SQ. FT.

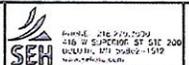
PROPERTY DESCRIPTION TRACT 028.5

All that part of the THIRD SUBDIVISION OF RICE'S POINT, City of Duluth, St. Louis County, Minnesota, which prior to the vacation of the Plat of RICE'S POINT, City of Duluth, St. Louis County, Minnesota, was known as the northeasterly 20.00 feet of the south half of Block 76 in said RICE'S POINT.

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SURVEY TEAM	NO.	BY	DATE

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 3/18/14



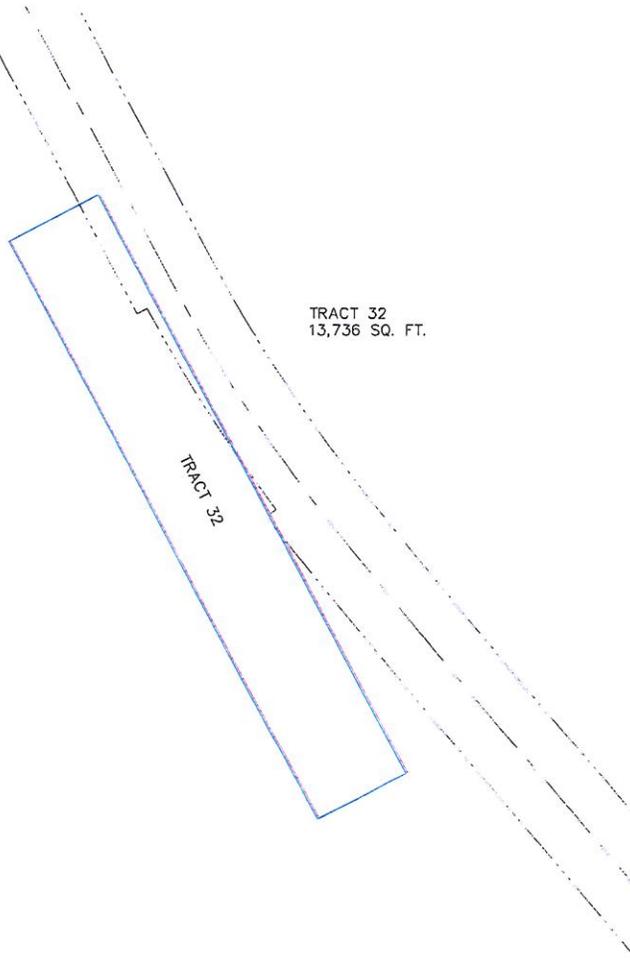
DULUTH,  
MINNESOTA

TRACT 28.5

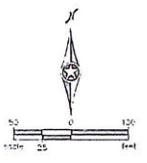
FILE NO. 126819	5
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PROPERTY DESCRIPTION TRACT 032

All those portions of Lots 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, and 200, Block 75, RICE'S POINT, City of Duluth, St. Louis County, Minnesota, EXCEPT the northeasterly 70.00 feet thereof, together with vacated streets and alleys.



TRACT 32  
13,736 SQ. FT.



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SURVEY TEAM	NO	BY	DATE	REVISIONS

I HEREBY CERTIFY THAT THE PLANS AND INSTRUMENTS BY ME OR UNDER MY SUPERVISION AND UNDER THE LAWS OF THE STATE OF MINNESOTA  
 Date: 3/16/14 Title: L.S. Exp. No. 22250

PHONE 218.279.1000  
 218.279.1000 AT DULUTH  
 DULUTH, MN 55802-1910  
 WWW.SEH.MN.COM

DULUTH,  
MINNESOTA

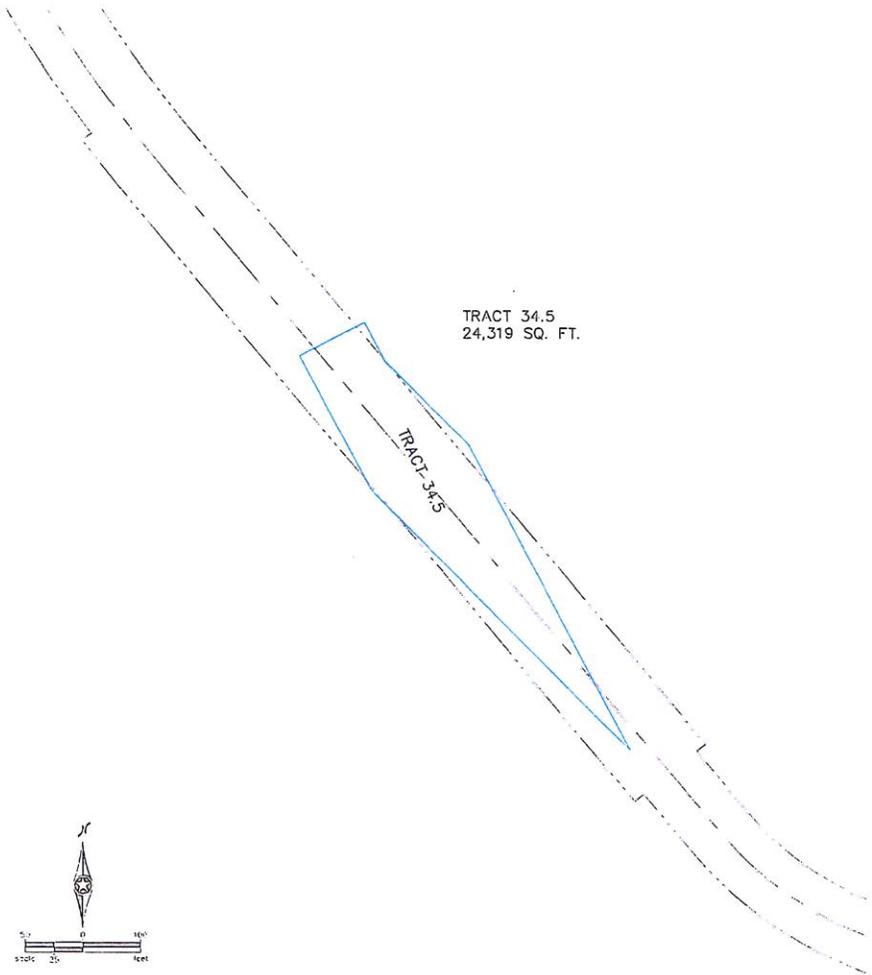
TRACT 32

FILE NO.  
126819

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**PROPERTY DESCRIPTION TRACT 034.5**

All that part of Block 85, RICE'S POINT, City of Duluth, St. Louis County, Minnesota: Except the northeasterly 32.00 feet of Block 85, RICE'S POINT, City of Duluth, St. Louis County, Minnesota, including part of adjoining vacated streets except that part lying northeasterly of a line described as follows: Commencing at a point on the centerline of Lynn Avenue distant 177.83 feet northeasterly from the northeasterly line of Arthur Avenue, running thence southeasterly to a point on the southwesterly line of Block 94 distant 484.89 feet from the centerline of Lynn Avenue;

And Except: All that portion of Block 85, and of the streets adjacent thereto as shown upon the original plat of said RICE'S POINT, City of Duluth, St. Louis County, Minnesota, described as follows: Beginning at a point in the center line of Lynn Avenue, distant 177.83 feet northeasterly from the northeasterly line of Arthur Avenue; thence northeasterly along the centerline of Lynn Avenue a distance of 149.17 feet to a point which is the point of intersection with the northeasterly line of what was, prior to the vacation thereof, known as Culpepper Street; thence southeasterly along the northeasterly line of said Culpepper Street a distance of 484.89 feet to a point; thence northwesterly in a straight line to the point of beginning. SUBJECT, however, to the rights of the public, if any, in and to Lynn Avenue;

And Except: All that part of Block 85, except the northeasterly 32.00 feet thereof, RICE'S POINT, City of Duluth, St. Louis County, Minnesota, lying southwesterly of the following described line: Commencing at a point on the north line of Lot 162 in Block 75 of RICE'S POINT, City of Duluth, St. Louis County, Minnesota, distant 50.00 feet easterly from the easterly line of Arthur Avenue; thence southwesterly on a line parallel with and distant 50.00 feet from the easterly line of Arthur to a point in Lot 188 in said Block 75, distant 4.15 feet southerly from the northerly line of said Lot 188; thence southeasterly on a curve to the left, said curve having a radius of 637.25 feet through an angle of 17 degrees and 06 minutes, for a distance of 190 feet; thence southeasterly on a tangent to said curve for a distance of 584.71 feet to a point on the north line of Maple Avenue, which point is 2.00 feet west of the west line of Culpepper Street; including all street and alleys adjacent thereto.

DRAWN BY:				
SURVEYED BY:				
CHECKED BY:				
SURVEY TEAM	NO.	BY	DATE	REVISIONS

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

DATE: 2/18/15

SEH  
PHONE: 718 275 7000  
418 W SUPERIOR ST STE 200  
DULUTH, MN 55805-1310  
www.sehinc.com

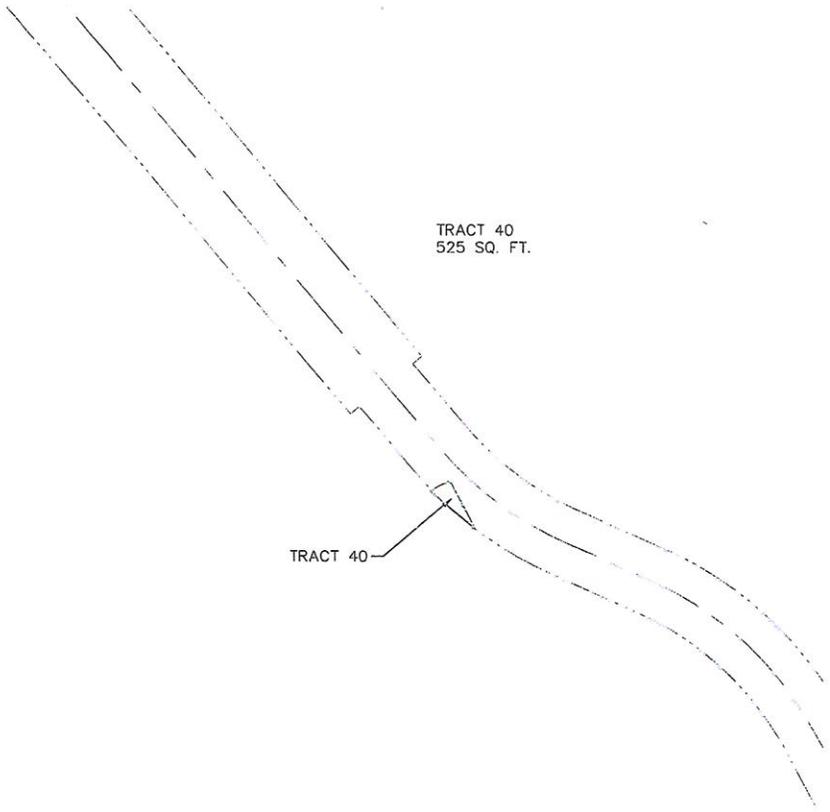
**DULUTH, MINNESOTA**

TRACT 34.5

FILE NO. 126819

8 / 11





**Tract 40**

Block Eighty-six (86), Rice's Point, City of Duluth, St. Louis County, Minnesota, together with vacated streets and alleys. EXCEPT the Northeasterly two (2) feet therefrom; and lying within 30.00 feet of the following described lines:

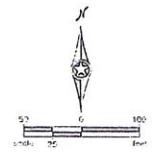
Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT; thence on an assigned bearing of North 27 degrees 50 minutes 22 seconds West along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning; thence North 62 degrees 09 minutes 38 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 53 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

And beginning at the terminus of the previously described centerline; thence South 59 degrees 10 minutes 11 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 50 minutes 22 seconds East 807.82 feet and said centerline there terminating.

And beginning at the terminus of the above-described line; thence 205.76 feet along a tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating.

And beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 degrees 47 minutes 01 seconds East 678.41 feet; and said centerline there terminating.

And beginning at the terminus of the above-described line; thence continuing South 39 degrees 47 minutes 01 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave northeast, having a radius of 300.00 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 05 minutes 31 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 59 minutes 05 seconds East 60.00 feet and said centerline there terminating. Containing 525 Sq. Ft.

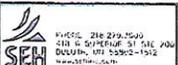


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DRAWN BY:				
SURVEYED BY:				
CHECKED BY:				
SURVEY TEAM	NO.	BY	DATE	REVISIONS

I HEREBY CERTIFY THAT THE DATA WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULUTH LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Date: 3/15/14 Scale: 1" = 50'



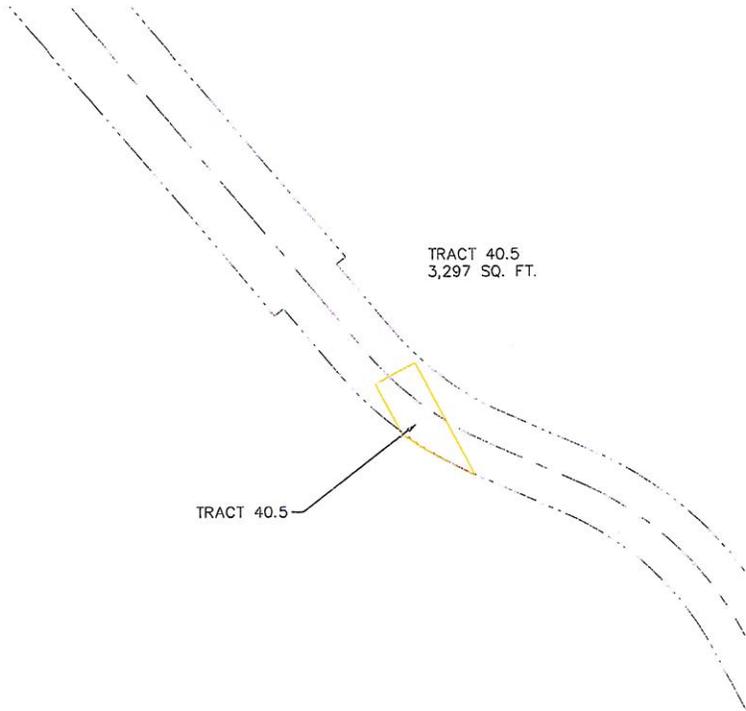
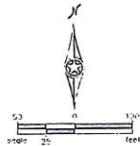
**DULUTH, MINNESOTA**

**TRACT 40**

FILE NO.  
128819

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11

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**Tract 40.5**

All that part of the Northeasterly two (2) feet of Block Eighty-six (86) and vacated adjoining road, Rice's Point, City of Duluth, St. Louis County, Minnesota, lying within 30 feet of the following described lines:

Commencing at the southwest corner of Lot 2, First Subdivision of RICE'S POINT; thence on an assigned bearing of North 27 degrees 50 minutes 22 seconds West along the westerly line of said Lot 2 and its extension 745.00 feet to the point of beginning; then North 62 degrees 09 minutes 38 seconds East 288.70 feet; thence 198.71 feet along a tangential curve, concave southwest, having a radius of 120.00 feet and a central angle of 94 degrees 52 minutes 30 seconds; thence South 22 degrees 57 minutes 53 seconds East 138.68 feet; thence 533.95 feet along a tangential curve, concave northeast, having a radius of 845.00 feet and a central angle of 36 degrees 12 minutes 18 seconds and said center line there terminating.

And beginning at the terminus of the previously described centerline; thence South 59 degrees 10 minutes 11 seconds East 288.54 feet; thence 218.73 feet along a tangential curve, concave southwest, having a radius of 400.00 feet and a central angle of 31 degrees 19 minutes 49 seconds; thence South 27 degrees 50 minutes 22 seconds East 807.82 feet and said centerline there terminating.

And beginning at the terminus of the above-described line; thence 205.76 feet along a tangential curve, concave northeast, having a radius of 1340.00 feet and said line there terminating.

And beginning at the terminus of the above-described line, thence 73.58 feet along a continuation of the above-described curve; thence South 39 degrees 47 minutes 01 seconds East 678.41 feet; and said centerline there terminating.

And beginning at the terminus of the above-described line; thence continuing South 39 degrees 47 minutes 01 seconds East 71.43 feet; thence 137.75 feet along a tangential curve, concave northeast, having a radius of 300 feet and a central angle of 26 degrees 18 minutes 30 seconds; thence South 66 degrees 05 minutes 31 seconds East 83.38 feet; thence 199.53 feet along a tangential curve, concave southwest, having a radius of 300.00 feet and a central angle of 38 degrees 06 minutes 26 seconds; thence South 27 degrees 59 minutes 05 seconds East 60.00 feet and said centerline there terminating. Containing 3,297 Sq. Ft.

DRAWN BY: --			
SURVEYED BY: --			
CHECKED BY: --			
SURVEY TEAM	NO. BY	DATE	REVISIONS

I HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A DULUTH LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Date: 3/15/14



**DULUTH, MINNESOTA**

**TRACT 40.5**

FILE NO. 126819

11