

PUBLIC SAFETY COMMITTEE

14-0223R

RESOLUTION ACCEPTING DEDICATION OF A SHARED USE PATH
FROM INDEPENDENT SCHOOL DISTRICT #709.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept the dedication of a shared use path easement from Independent School District 709 in the form of Public Document No. _____ on file in the office of the city clerk dedicating to the general public a 20 foot wide shared use path easement over the property described therein running from Duluth's Middle Water Reservoir to 13th Street providing public access to the existing shared use path.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

ENG CJV:jh 5/1/2014

STATEMENT OF PURPOSE: The purpose of this resolution is to accept the easement for a shared use path that currently exists on ISD 709 property. The existing path was constructed in 1983 by Mn/DOT. Acceptance of the easement from ISD 709 will ensure that the shared use path will be available to the public for continued use.

EXHIBIT A-1

LEGAL DESCRIPTION:

A 20 foot wide easement over, under and across part of the East Half of Southeast Quarter of Section Twenty One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; lying 20 feet westerly of and parallel with the line described as follows:

Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the east line of said Section 21, a distance of 410.24 feet; thence North 89 degrees 57 minutes 00 seconds West, a distance 451.75; thence North 5 degrees 00 minutes 00 seconds West, a distance of 275.00 feet to the POINT OF BEGINNING of the said line described; thence North 19 degrees 24 minutes 00 seconds East, a distance of 406.63 feet; thence North 36 degrees 04 minutes 33 seconds East, a distance of 311.37 to a point on the Southwest line of Existing Bikeway Path easement Document No.449749 and said line there terminating. Northwesternly sideline of said easement prolonged to said southwest line of said existing bike path easement Document No. 449749.

TOGETHER WITH

A 20 foot wide easement over, under and across part of the East Half of Southeast Quarter of Section Twenty One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; lying 20 feet westerly of and parallel with the line described as follows:

Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the east line of said Section 21, a distance of 410.24 feet; thence North 89 degrees 57 minutes 00 seconds West, a distance 451.75; thence North 5 degrees 00 minutes 00 seconds West, a distance of 275.00 feet to the POINT OF BEGINNING of the said line described; thence South 5 degrees 00 minutes 00 seconds East, a distance of 72.73 feet to the northern most corner of Registered Land Survey Number 65 (RLS No. 65); thence South 13 degrees 12 minutes 48 seconds West along west line of RLS No. 65, a distance of 582.95 feet; thence South 53 degrees 51 minutes 05 seconds East along west line of RLS No.65, a distance of 22.45 feet; thence South 15 degrees 19 minutes 30 seconds West along west line of RLS No. 65, a distance of 99.70 feet to a point on the Southerly line of Section 21 and said line there terminating. Northwesternly sideline of said easement prolonged to said south line of said Section 21.

Containing 30,110 square feet (0.69 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.

Paul A. Vogel

Signed

Date

9/20/13

License No. 44075

EXHIBIT A-2

PERMANENT EASEMENT

LEGAL DESCRIPTION:

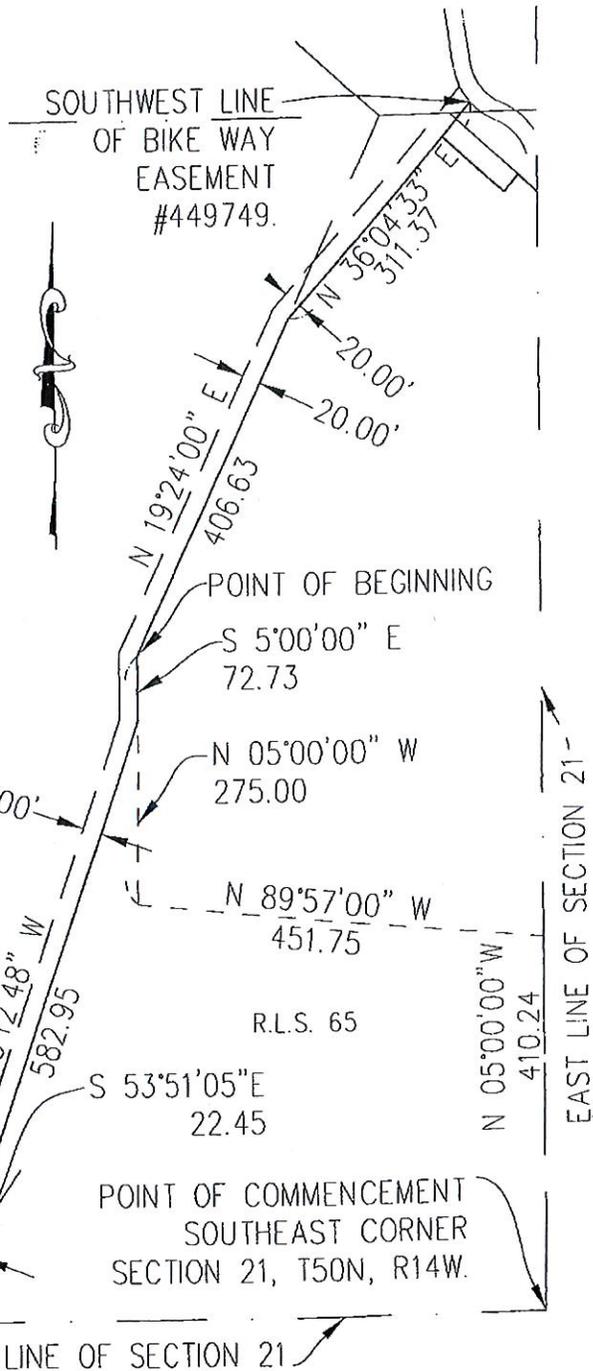
A 20 foot wide easement over, under and across part of the East Half of Southeast Quarter of Section Twenty One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; lying 20 feet westerly of and parallel with the line described as follows:

Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the east line of said Section 21, a distance of 410.24 feet; thence North 89 degrees 57 minutes 00 seconds West, a distance 451.75; thence North 5 degrees 00 minutes 00 seconds West, a distance of 275.00 feet to the POINT OF BEGINNING of the said line described; thence North 19 degrees 24 minutes 00 seconds East, a distance of 406.63 feet; thence North 36 degrees 04 minutes 33 seconds East, a distance of 311.37 to a point on the Southwest line of Existing Bikeway Path easement Document No.449749 and said line there terminating. Northwesterly sideline of said easement prolonged to said southwest line of said existing bike path easement Document No. 449749.

TOGETHER WITH

A 20 foot wide easement over, under and across part of the East Half of Southeast Quarter of Section Twenty One (21), Township Fifty (50) North, Range Fourteen (14) West of the Fourth (4th) Principal Meridian, City of Duluth, St. Louis County, Minnesota; lying 20 feet westerly of and parallel with the line described as follows:

Commencing at the Southeast Corner of Section 21, Township 50 North, Range 14 West; thence North 5 degrees 00 minutes 00 seconds West along the east line of said Section 21, a distance of 410.24 feet; thence North 89 degrees 57 minutes 00 seconds West, a distance 451.75; thence North 5 degrees 00 minutes 00 seconds West, a distance of 275.00 feet to the POINT OF BEGINNING of the said line described; thence South 5 degrees 00 minutes 00 seconds East, a distance of 72.73 feet to the northern most corner of Registered Land Survey Number 65 (RLS No. 65); thence South 13 degrees 12 minutes 48 seconds West along west line of RLS No. 65, a distance of 582.95 feet; thence South 53 degrees 51 minutes 05 seconds East along west line of RLS No.65, a distance of 22.45 feet; thence South 15 degrees 19 minutes 30 seconds West along west line of RLS No. 65, a distance of 99.70 feet to a point on the Southerly line of Section 21 and said line there terminating. Northwesterly sideline of said easement prolonged to said south line of said Section 21.



0 100 200
(SCALE IN FEET)

Basis of Bearing is assumed.

I hereby certify that this plan, specification, 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.

Print Name: Paul A. Vogel License # 44075

Signature: [Signature] Date: 09/20/13

REVISED: 08/20/13
DATE PREPARED: 06/17/13
PROJ NO: 130316
FILE: 130316_vESMT
SHEET 1 of 1 SHEETS

LHB
PERFORMANCE
DRIVEN DESIGN.
LHBcorp.com

21 W. Superior St., Ste. 500 | Duluth, MN 55802 | 218.727.8446

PERMANENT EASEMENT AGREEMENT

This Permanent Easement Agreement is made this 2nd day of April, 2014 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":

Whereas, Grantor is the owner of property in St. Louis County, Minnesota and wishes to convey to the Grantee that Permanent Easement as hereinafter described in Trust for the general public as a Shared Use Path; and

Grantee wishes to accept that Easement as a Shared Use Path for the benefit of the general public subject to the continuing rights of Grantor to the Permanent Easement property as set forth in this Agreement;

Therefore, in consideration of one dollar (\$1) 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 a Shared Use Path out of the property described as follows:

The property described as EXHIBIT A-1 and EXHIBIT A-2 and attached hereto and made a part hereof.

The grant to Grantee of the Permanent Easement includes an easement for the construction, maintenance, inspection, operation, protection, repair, replacement, and/or removal of a Shared Use Path and related appurtenances on, over and under the easement area.

The District reserves the right to use the easement area for purposes that will not interfere with the City's full enjoyment of the rights granted in this Agreement. The rights reserved by the District include, without limitation, the right to install pipes, mains, appurtenances, and related facilities within the Easement Area and the right to construct, reconstruct and improve any roadway, parking lot, curbs, gutters and sidewalks within the Easement Area; provided that the District shall not erect or construct any building or other structure.

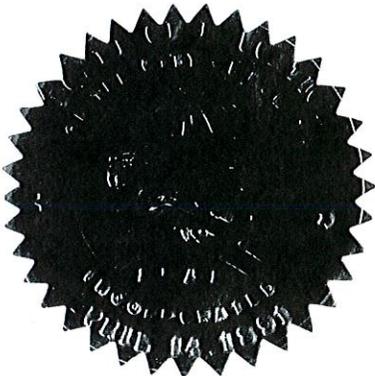
The City shall not assign the Right of Way, or any part thereof or interest therein, or any rights or benefits pursuant to this Agreement, without the prior written consent of the District, which may be granted or denied in the District's sole discretion.

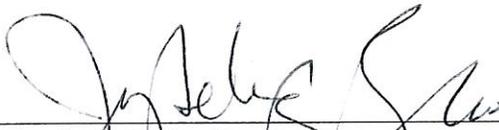
No delay on the part of the District in enforcing any of the terms of this Agreement shall

STATE OF MINNESOTA)
)
COUNTY OF ST. LOUIS)

I, Judy Seliga Punyko, the duly elected, qualified and acting Clerk of the School Board of Independent School District No. 709, a public corporation, located in St. Louis County, Minnesota, do hereby certify that I am the official custodian of the records of the school district, and that I have compared the attached copies with the original records of the school district, and that they are true and correct transcripts taken from the records of the proceedings of a regular meeting of the school board, held at the City of Duluth, in said State, on September 24, 2013, as related to Granting a Pedestrian and Bike Trail Easement to the City of Duluth on the Central High School Property, included therein is a full, true and correct copy of the original thereof.

IN WITNESS WHEREOF I have hereunto set my hand as Clerk and affixed the seal of said Independent School District No. 709, this 1st day of April 2014.





Judy Seliga Punyko
Clerk of the School Board
Independent School District No. 709
St. Louis County, Minnesota



The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.



Duluth GIS Mapping



0 100 200 Feet
1 inch = 200 feet

photo date: 2013
Printed: 5/6/2014

