

PUBLISHED MARCH 11, 2015

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held on Monday, March 9, 2015, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10359

**AN ORDINANCE DEDICATING RIGHT-OF-WAY FOR TRAIL PURPOSES
FOR CERTAIN PROPERTY IN WEST DULUTH.**

The city of Duluth does ordain:

Section 1. That the city of Duluth does hereby dedicate to the general public a perpetual easement for trail right-of-way purposes over, under and upon the following described property in St. Louis County, Minnesota:

Area 1. Plat of Replat of Wilmington Addition to West Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of REPLAT OF WILMINGTON ADDITION TO WEST DULUTH, Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 44 degrees 9 minutes right in a southwesterly direction for a distance of 1477.3 feet to the beginning of a 2 degree tangential curve concave to the southeast having a central angle of 14 degrees 22 minutes; thence southwesterly along said curve for a distance of 126.96 feet to the southerly line of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$; thence continuing along said curve for a distance of 352.30 feet to the westerly line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13 and the point of beginning of the centerline of the easement; thence continuing southwesterly on said 2 degree curve a distance of 239.07 feet to the beginning of a line tangent to said curve; thence southwesterly on said tangent for a distance of 799.62 feet to a point, thence deflect 5 degrees 21 minutes 46 seconds left for a distance of 173.40 feet to the southerly line of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and there terminating. Excepting therefrom lots 6,7,17,and 18, Block 9, said plat of replat of Wilmington Addition of West Duluth.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly and easterly lines of said SW $\frac{1}{4}$ of the NW $\frac{1}{4}$. Subject to restrictions and easements of record. Containing approximately 2.84 acres.

Area 2. Plat of Carlton Place Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of CARLTON PLACE ADDITION TO DULUTH, Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 44 degrees 9 minutes right in a southwesterly direction for a distance of 1477.3 feet to the beginning of a 2 degree tangential curve concave to the southeast having a central angle of 14 degrees 22 minutes; thence southwesterly along said curve for a distance of 126.96 feet to the southerly line of said NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the point of beginning of the centerline of the easement; thence continuing southwesterly along said curve for a distance of 352.30 feet to the westerly line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13 and there terminating. Said point of termination being 278.57 feet southerly of the NW corner of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ as measured along the westerly line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the northerly and westerly lines of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$. Subject to restrictions and easements of record. Containing approximately 0.81 acres.

NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13, T 49 N, R 15 W

A 100 foot wide strip of land for trail purposes over, under, and across that part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW ¼ of the NE ¼ of Section 13, T 49 N, R 15 W a distance of 164.6 feet to the point of beginning of the centerline of the easement; thence deflect 44 degrees 9 minutes right in a southwesterly direction for a distance of 1477.3 feet to the beginning of a 2 degree tangential curve concave to the southeast having a central angle of 14 degrees 22 minutes; thence southwesterly along said curve for a distance of 126.96 feet to the southerly line of said NE ¼ of the NW ¼ and there terminating.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly and easterly lines of said NE ¼ of the NW ¼. Subject to restrictions and easements of record. Containing approximately 3.68 acres.

Plat of Clinton Place Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of CLINTON PLACE ADDITION TO DULUTH, Section 13, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the North Quarter Corner of said Section 13, thence running southerly along the westerly line of the NW ¼ of the NE ¼ thereof a distance of 164.6 feet to the point of beginning of the centerline of the easement; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW ¼ of the NE ¼ and there terminating.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the northerly and westerly lines of said NW ¼ of the NE ¼. Subject to restrictions and easements of record. Containing approximately 0.53 acres.

Plat of Stowells Addition to West Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of STOWELLS ADDITION TO WEST DULUTH, Section 12, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 12, thence running southerly along the westerly line of the NW ¼ of the NE ¼ of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW ¼ of the NE ¼ and the point of beginning of the centerline of the easement; thence continuing northeasterly for a distance of 1374.01 feet to the beginning of a 1 degree 30 minute tangential curve concave to the southeast having a central angle of 2 degrees 42 minutes; thence northeasterly along said curve a distance of 152.02 feet to the southwesterly line of Interstate 35, and there terminating. Excepting therefrom all portions of the above described strip lying within Lot 8, Block 7 of said plat of STOWELLS ADDITION TO WEST DULUTH.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly line of said SW ¼ of the SE ¼ of Section 12 and the southwesterly line of Interstate 35. Subject to restrictions and easements of record. Containing approximately 3.48 acres.

Area 3. Plat of MacFarlanes Grassy Point Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of MACFARLANES GRASSY POINT ADDITION TO DULUTH, Section 12, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 12, thence running southerly along the westerly line of the NW ¼ of the NE ¼ of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW ¼ of the NE ¼; thence continuing northeasterly for a distance of 1374.01 feet to the beginning of a 1 degree 30 minute tangential curve concave to the southeast having a central angle of 2 degrees 42 minutes; thence northeasterly along said curve a distance of 152.02 feet to the southwesterly line of Interstate 35; thence northeasterly along said curve 27.98 feet to the beginning of a 3 degree curve concave to the southeast with a central angle of 19 degrees 44 minutes; thence along said curve a distance of 116.07 feet to the easterly line of the SW ¼ of the SE ¼ of Section 12, thence continuing northeasterly along said curve 124.89 feet to the northeasterly line of Interstate 35 and the point of beginning of the centerline of the easement; thence northeasterly along said curve 99.84 feet to the northerly line of the SE ¼ of the SE ¼ of Section 12 and there terminating. Said point of termination being easterly along said northerly line 179.36 feet from the NW corner of the SE ¼ of the SE ¼.

The sidelines of said easement shall be shortened or prolonged so as to terminate

on the northeasterly line of Interstate 35 and the northerly line of said SE ¼ of the SE ¼. Subject to restrictions and easements of record. Containing approximately 0.23 acres.

Plat of Dodges Addition to Duluth.

A 100 foot wide strip of land for trail purposes over, under, and across that part of the recorded plat of DODGES ADDITION TO DULUTH, Section 12, Township 49 North, Range 15 West, Duluth, MN, more specifically described as follows:

Commencing at the South Quarter Corner of said Section 12, thence running southerly along the westerly line of the NW ¼ of the NE ¼ of Section 13, T 49 N, R 15 W a distance of 164.6 feet; thence deflect 135 degrees 51 minutes left in a northeasterly direction for a distance of 228.69 feet to the northerly line of said NW ¼ of the NE ¼; thence continuing northeasterly for a distance of 1374.01 feet to the beginning of a 1 degree 30 minute tangential curve concave to the southeast having a central angle of 2 degrees 42 minutes; thence northeasterly along said curve a distance of 152.02 feet to the southwesterly line of Interstate 35; thence northeasterly along said curve 27.98 feet to the beginning of a 3 degree curve concave to the southeast with a central angle of 19 degrees 44 minutes; thence along said curve a distance of 116.07 feet to the easterly line of the SW ¼ of the SE ¼ of Section 12, thence northeasterly along said curve 124.89 feet to the northeasterly line of Interstate 35; thence northeasterly along said curve 99.84 feet to the northerly line of the SE ¼ of the SE ¼ of Section 12 and the point of beginning of the centerline of the easement; thence continuing northeasterly along said 3 degree curve a distance of 294.39 feet to the southerly line of Green Street and there terminating.

The sidelines of said easement shall be shortened or prolonged so as to terminate on the southerly line of said NE ¼ of the SE ¼, the southerly line of Green Street, and the westerly line of 63rd Avenue West. Subject to restrictions and easements of record. Containing approximately 0.68 acres.

Section 2. That this ordinance shall take effect 30 days after its passage and publication or upon the city acquiring fee title in the underlying property, whichever is later.

Councilor Sipress moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Krug, Russ, Sipress and President Larson -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed March 9, 2015
Approved March 9, 2015
DON NESS, Mayor