



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Master

**File Number: 15-095-O**

**File ID:** 15-095-O

**Type:** Ordinance

**Status:** Passed

**Version:** 1

**Agenda  
Section:**

**Committee:** Planning and  
Economic  
Development

**File Created:** 11/23/2015

**Subject:**

**Final Action:** 12/15/2015

**Title:** AN ORDINANCE CONFIRMING THE LEGAL DESCRIPTION FOR THE AREA  
SURROUNDING LOWER CONGDON PARK.

**Internal Notes:** Ordinance prepared by John Kelley

**Sponsors:**

**Enactment Date:** 12/14/2015

**Attachments:** Attachment 1, Attachment 2

**Enactment Number:** 10428

**Recommendation:**

**Hearing Date:**

**Drafter:** cstafford@duluthmn.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	12/07/2015	read for the first time				
1	City Council	12/14/2015	adopted				Pass
1	Mayor	12/14/2015	approved				
1	City Clerk	12/14/2015	attested				

### Text of Legislative File 15-095-O

AN ORDINANCE CONFIRMING THE LEGAL DESCRIPTION FOR THE  
AREA SURROUNDING LOWER CONGDON PARK

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the subject properties located on located on the eastern and northeast portions of the City and as more particularly described as follows:  
That part of the Re-Arrangement of Part of East Duluth and of First Addition to East Duluth according to the recorded plat thereof in St. Louis County, bounded by the

following:

Beginning at the intersection of the west line of the Northeast Quarter of Section 13, Township 50 North, Range 50 West and the southeasterly extension of the southwest right of way line of the North 33rd Avenue East as platted in Third Re-Arrangement of Congdon Park Division of the recorded plat thereof;

Thence southeasterly along said southeasterly extension of the southwest right of way line of the North 33rd Avenue East to the southwesterly extension of the center line of East 1st Street, as platted in said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence easterly deflecting to the left 38 degrees to a line that is parallel and offset 66.00 feet southwest of the southwest lines of Lots 7 and 8, Block 6 of said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence southeasterly along said line parallel with southwest lines of Lots 7 and 8 to the northwest right of way of Superior Street as platted in said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence southeast on a line perpendicular to said northwest right of way of Superior Street to the southeast right of way of Superior Street;

Thence northeasterly along said southeast right of way of Superior Street to a line that is parallel and 130.00 feet southwest of the northeast line of Lot 8, Block 10, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence southeasterly along said parallel line 130.00 feet southwest of the northeast line of Lot 8 to a line that is parallel and 150.00 feet southeast of the southeast right of way of Superior Street;

Thence northeasterly along said parallel line 150.00 feet southeast of the southeast right of way of Superior Street 130.00 feet to the west corner of lot 11 of said Block 10;

Thence southeasterly along southwest line of said Lot 11 to the south corner of said Lot 11;

Thence southeasterly to the corner of Lot 7, Block 16 of said Re-Arrangement of Part of East Duluth and of First Addition to East Duluth that is the intersection of the southeast right of way of Greysolon Place and the west line of said Lot 7;

Thence southerly along the west lines of Lots 7-11, Block 16 and southeasterly around the radius of Lot 10 to the northwest right of way of Greysolon Road, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence southwesterly along said northwest right of way of Greysolon Road to the intersection with the northwesterly extension of the northeast right of way of 33rd Avenue East;

Thence southeast along said northwesterly extension of the northeast right of way of 33rd Avenue East to the southeast right of way of Greysolon Road;

Thence southwesterly along southeast right of way of Greysolon Road to the northeast right of way of 32nd Avenue East;

Thence northwesterly to the south corner of Lot 9, Block 17, Re-Arrangement of Part of

East Duluth and of First Addition to East Duluth;

Thence northerly to the south corner of Lot 3 of said Block 17;

Thence northerly along the east line of said Lot 3 to a line that is a southeasterly extension of the northeast line of Lot 27, Block 9, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence northwesterly along said northeast line of Lot 27 and its extension to the east corner of Lot 1 of said Block 9;

Thence northwesterly along the northeast line of said Lot 1 to the north corner of said Lot 1;

Thence northwest to the east corner of Lot 13, Block 7, Re-Arrangement of Part of East Duluth and of First Addition to East Duluth;

Thence northwesterly along northeast line of said Lot 13 to the east corner of Lot 1 of said Block 7;

Thence westerly along the northerly lines of Lots 1 and 2, said Block 7, to said west line of the Northeast Quarter of Section 13;

Thence north along said west line of the Northeast Quarter of Section 13 to the point of beginning.

Be reclassified from Residential-Traditional (R-1) to Park and Open Space (P-1), and that the official zoning map of the City of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows: (See Attachment 1)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: This ordinance confirms the legal description for the area surrounding lower Congdon Park. City council approved the rezoning of Congdon Park on July 27, 2015 per Ordinance 15-056-O. The legal description is necessary to correctly draw the rezoning district boundary.

On June 9, 2015, the Duluth planning commission held a public hearing on the proposal and voted 8 yeas, 0 nays, and 0 abstentions, to recommend that the city council approve the rezoning requested for the following reasons:

- 1) Rezoning to Park and Open Space (P-1) is the zone most reasonably able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map.
- 3) While providing protection for this area, the P-1 zone will also provide flexibility to permitted uses the ability to improve their facilities, via the Special Use Permit process as required by Section 50-37.10, in order to increase their public benefit.
- 4) Material adverse impacts on nearby properties are not anticipated.

On July 27, 2015 Duluth city council unanimously passed Ordinance 15-056-O for the zoning reclassification from R-1 to P-1, for Congdon Park, Longview Tennis Courts, Morley Park, Old Main Park and Waverly Park.

During the map revision process, it was determined that a proper legal description for the area surrounding lower Congdon park was needed to correctly draw the zoning district boundary. This ordinance provides the legal description for the mapping

process.

Date of application: Not Applicable

Action deadline: Not Applicable

Petitioner:

City of Duluth

Planning Division

Room 208

City Hall

Duluth, Minnesota

PL 15-082