



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

File Number: 16-014-O

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**Agenda
Section:**

Committee: Planning and
Economic
Development

File Created: 03/03/2016

Subject:

Final Action: 03/28/2016

Title: AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

Internal Notes:

Sponsors:

Enactment Date: 03/28/2016

Attachments: EXHIBIT A, Exhibit B, Exhibit C

Enactment Number: 10442

Recommendation:

Hearing Date:

Drafter: derjavec@duluthmn.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	03/14/2016	read for the first time				
1	City Council	03/28/2016	adopted				Pass

Text of Legislative File 16-014-O

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY WITHIN THE CITY OF DULUTH TO INDEPENDENT SCHOOL DISTRICT #709 FOR AN ENTRANCE TO DENFELD HIGH SCHOOL.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1.

(a) Pursuant to Section 2-176(a) of the Duluth City Code, 1959, as amended (the "Code"), the city council stated its intention to sell or convey certain real property as set forth in Resolution 16-0175.

(b) Pursuant to Section 2-177.3 of the Code, the city council finds that the

conveyance to Independent School District #709 ("ISD 709") of that certain real property legally described on the attached Exhibit A and depicted on the attached Exhibit B ("Property") to be utilized by ISD 709 as an entrance to Denfeld High School is in the best interests of the citizens of the city and exceeds the needs of the city to retain the property.

(c) Pursuant to Section 2-176(b) of the Code, the City's planning department reviewed the proposed conveyance of the Property for conformity to the City's comprehensive plan and reported that the conveyance of the Property to ISD 709 conforms with said comprehensive plan, as shown on the attached Exhibit C.

(d) Pursuant to Section 2-176(c) of the Code, the St. Louis County Assessor provided a written estimated market value of the property at \$14,500.

Section 2. That the proper city officials are hereby authorized to execute the deed and all other documents necessary to effectuate the conveyance of the Property to ISD 709 for nominal consideration of \$1.00.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize the conveyance of real property described on the attached Exhibit A and depicted on the attached Exhibit B ("Property") to Independent School District #709 ("ISD 709"). The Property is a part of vacated West 4th Street, and ISD 709 uses the Property as an entrance to Denfeld High School. ISD 709 requested the Property to maintain safe and reasonable access to the Denfeld High School property.

West 4th Street was vacated because it was used as a school entrance and not as a city right-of-way. However, only half of vacated West 4th Street went to ISD 709, while the remaining half of the school's entrance went to a neighboring parcel under different ownership. The city purchased the neighboring parcel in 2015. The city, in partnership with Community Action Duluth, plans to build a greenhouse on the neighboring parcel, and the Property is not needed for the greenhouse project.

The city conducted an internal review of the property and determined that: (a) the property is surplus of the city's future needs, (b) the needs of ISD 709 are greater in importance than the need of the city to retain the property, and (c) the best interests of the citizens of the city will be best served by accomplishing such conveyance.

The Property has an estimated market value of \$14,500. However, the city would like to gift the Property to ISD 709 because of the benefit to the public of maintaining safe and reasonable access to the Denfeld High School property.

EXHIBIT A

Legal Description

The Northwesterly Twenty-five feet (NW'ly 25') of the Southeasterly Forty feet (SE'ly 40') of vacated West 4th Street in the plat of Grand Central Division of Duluth lying between the following described lines: Southwesterly line of Lot One (1) Block 8 extended into the vacated West 4th Street and the Northeasterly line of Lot One (1) Block 8 extended into the vacated West 4th Street.

Said property being Twenty-five feet (25') by One Hundred and Thirty feet (130') in dimension.

AND

The Southeasterly Fifteen feet (SE'ly 15') of the Southeasterly Forty feet (SE'ly 40') of vacated West 4th Street in the plat of Grand Central Division of Duluth lying between the following described lines: the Northeasterly line of Lot One (1) Block 8 extended into the vacated West 4th Street and a line Sixteen feet (16') Southwesterly (SW'ly) and parallel to the Northeasterly line of Lot One (1) Block 8 extended into the vacated West 4th Street.

Said property being Fifteen feet (15') by Sixteen feet (16') in dimension.



EXHIBIT C

DEPARTMENT OF PLANNING & CONSTRUCTION SERVICES
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-723-3559 • www.duluthmn.gov

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MEMO

To: City Council
From: Keith A. Hamre, Director 
Date: March 3, 2016
Re: Land Conveyance and Conformance with the City's Comprehensive Plan

The City is collaborating with several partners to develop a community garden / greenhouse project near Denfeld High School. As property assembly and various approvals have taken place, the City vacated a portion of unbuilt right-of-way. The City was the adjacent property owner to the vacation and so acquired the former right-of-way. A small portion of one of the school driveways is located on a small strip of the former right-of-way. To allow the school district to have full access to the driveway, the City proposes conveyance of a portion of this parcel to the school district.

Section 2-176 of the City Code, Preconditions of Conveyance, requires that the City's Planning Agency "reviews proposals for conveyance for conformity to the City's comprehensive plan and shall have reported its findings in writing to the Council."

The property is owned by the City of Duluth and is guided for "Neighborhood Commercial" uses in the Comprehensive Plan Future Land Use Map. The sale of this strip of land will not affect the ability of the City to conduct the proposed use on the adjacent parcel, nor will it impede the City's ability to sell the property for alternative purposes at some time in the future should that be necessary. The city conducted an internal review of this strip of property and determined that: (a) the property is not necessary for the city's future needs, (b) the needs of the school district outweigh the importance of the City retaining the strip of land, and (c) the best interests of the citizens of the city will be best served by accomplishing the conveyance. Conveyance of the property will implement the following Comprehensive Plan Principles:

Principle #8 – Encourage a mix of activities, uses, and densities – Cities have evolved as a mix of land uses, building types, housing types, and activities. Accommodating choice while protecting investment is a balance to strike in land use regulations. Mixed Uses provide opportunity for a diversity of activity that segregated, uniform uses do not provide.

Principle #11 – Include consideration for education systems in land use actions – For K-12 and higher education both, there is a connection between land use patterns and educational facilities. School locations in neighborhoods and housing opportunities for higher education students require consideration of impacts on transportation systems, housing densities, parking, and non-student uses.

Principle #5 – Strengthen neighborhoods – The present city is an historical amalgam of villages and other independent units of government, contributing to the present condition of Duluth being strongly defined by its neighborhoods. This condition should be reinforced through land use, transportation, and public service delivery patterns which strengthen neighborhood identify.

After reviewing the proposal, the Planning Agency finds that the proposal implements the principles of the Comprehensive Plan, and is in conformance with it.