



Planning & Development Division
Planning & Economic Development Department

Room 160
411 West First Street
Duluth, Minnesota 55802



218-730-5580

planning@duluthmn.gov

File Number	PL 24-053	Contact	Kyle Deming	
Type	Minor Subdivision	Planning Commission Date		May 14, 2024
Deadline for Action	Application Date	April 26, 2024	60 Days	June 25, 2024
	Date Extension Letter Mailed	May 3, 2024	120 Days	August 24, 2024
Location of Subject	800 E Central Entrance (part of former Central High School site)			
Applicant	Incline Plaza Development LLC / Luzy Ostreicher	Contact	On file	
Agent	Jennifer Carey / Terri Crossmon, Hanft Fride P.A.	Contact	On file	
Legal Description	Part of Lot 3, Block 1, Central Overlook Division (PID # 010-0430-00031), See Attached			
Site Visit Date	May 3, 2024	Sign Notice Date	N/A	
Neighbor Letter Date	N/A	Number of Letters Sent	N/A	

Proposal

Applicant is requesting a phased Minor Subdivision to create 2 new parcels at Incline Village.

Recommended Action: Staff recommends approval.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	MU-P	Vacant school site	Business Park
North	MU-P	Office and warehousing	Business Park
South	MU-P, R-1	Vacant	Traditional Neighborhood
East	MU-P, R-P	Vacant, residential	Business Park, Urban Residential
West	MU-P, R-1	Vacant, broadcast tower	Business Park, Traditional Neighborhood

Summary of Code Requirements

50-33.1 General: All subdivision plats and replats, and all registered land surveys, shall create lots, streets and walkways and open spaces consistent with the requirements of the zone district within which the land is located.

50-37.5, D 1. The planning commission shall approve the application if it determines that: (a) The lot or lots to be subdivided or combined have frontage on an improved public street; (b) Each proposed lot meets the minimum zoning requirements of the district that it is in; (c) If an existing structure on a lot complies with the requirements of this Chapter, then after the minor subdivision structures on each of the resulting lots will still comply with the requirements of this Chapter; and (d) If one or more of the existing lots, or a structure on one or more of those lots, does not comply with the requirements of this Chapter, the proposed relocation will not create any new nonconformity or increase any existing nonconformity between the requirements of this Chapter.

Comprehensive Plan Governing Principle and/or Policies and Current History (if applicable):

Principle #1. Reuse previously developed lands. Directs new investment to sites which have the potential to perform at a higher level than their current state. This strengthens neighborhoods and is preferred to a dispersed development pattern Site preparation or building modification costs are offset by savings in existing public infrastructure such as streets and utilities, and transit, fire, and police services.

Future Land Use: Business Park - Primarily office and light industrial areas developed in a unified manner, with standards for site design and circulation patterns, signage, landscaping, and building design.

History: Central High School at the top of the hill was built in 1971 as a replacement for the downtown Historic Old Central High School (HOCHS). The school terminated operations in 2011, and the building was closed. The school building was demolished in November 2022 and the 53-acre property was purchased by the current owner in March 2023.

In 2012 (PL 11-141) the future land use designation was changed. The site rezoned twice in 2013 (PL 13-037 and PL 13-117), in accordance with the previous future land use change. In 2014 it was rezoned again (PL 14-063) to a planned development, MU-P (Mixed Use Planned). As part of a planned development, a concept plan was required showing the proposed land uses to be allowed on the site, maximum density, and maximum height of structures.

At the June 2021 Planning Commission meeting, the commission recommend approval of the amendment to the concept plan (PL 21-069). A preliminary plat (PL 21-097) and final plat (PL 21-174) was approved by the Planning Commission (11/9/2021). Vacation of streets and easements in the plat area (PL 21-176) was approved by City Council 3/28/2022 and subsequently recorded. A wetland delineation (PL 21-124) was approved 9/7/2021 for the property and is in effect for 5 years.

In September 2023 Planning Commission approved a minor subdivision of Lot 3, Block 1, Central Overlook Division to create two parcels from the one platted lot (PL 23-145).

An Alternative Urban Areawide Review (AUAR) has been conducted over the site and is proposed for final adoption by the Planning Commission May 14, 2024 (PL 23-127).

Review and Discussion Items

Staff finds that:

1. Applicant is preparing the site for two actions to further the first phase of site development. The first action (see Exhibit A) is to create a parcel that will represent the land subject to Tax Increment Financing (TIF) District No. 37, a new TIF district being created for the first phase of site development. State statute requires this parcel exist separate from others at time of TIF district certification, which is anticipated for June, 2024. The second action (see Exhibit B) further subdivides the new parcel for TIF District No. 37 into two parcels to prepare for construction of the first two buildings on the site.
2. For the first action, applicant is requesting to divide one 26.69-acre parcel into two parcels, Parcel A (for the TIF district) to be 10.23 acres and Parcel B to be 16.46 acres as shown on attached Exhibit A.
3. Parcel A contains most of the former high school building site (demolished) and remaining parking lot. Parcel B contains the east half of the former high school building site and the sloped area below the former football field. The two portions of Parcel B are connected by a 1-foot wide strip.
4. The second action, shown on Exhibit B, is to further subdivide the 10.23 ac. parcel (the one with a pan-handle) from the first action into two parcels. On Exhibit B, the subdivision is splitting it into Parcel B (5.20 ac.) and Parcel C (5.03 ac.).
5. All of the subject parcels are zoned MU-P with the required concept plan showing a mix of mixed use, multi-family residential and open space. The lot development shown in the MU-P regulating plan is compliant with the proposed subdivision and will not create any UDC nonconformities.
6. One parcel will have street frontage along H. Courtney Drive, but two of the created parcels will not have street frontage, which is acceptable in a MU-P district due the Regulating Plan showing private streets providing parcel access.
7. The Duluth Traverse multi-use trail crosses through two parcels within an easement dedicated for trail purposes. The minor subdivision will not affect its function.
8. The attached exhibits demonstrate compliance with Minnesota statutes 462.358 and 505 or 508, as applicable.
9. Approval of this Minor Subdivision signifies that City of Duluth UDC standards are met. St. Louis County may have additional requirements. This subdivision approval lapses if deeds are not recorded with St. Louis County within 180

days. Applicant must provide the City with proof of recording.

10. In order to accomplish the creation of a parcel for TIF district certification and its further subdivision for the two buildings to be constructed, if Planning Commission approves, staff will process the applicant's final paperwork authorizing the parcel subdivisions in the phases described above. Both actions will need to be recorded within 180 days of Planning Commission approval.

Staff Recommendation

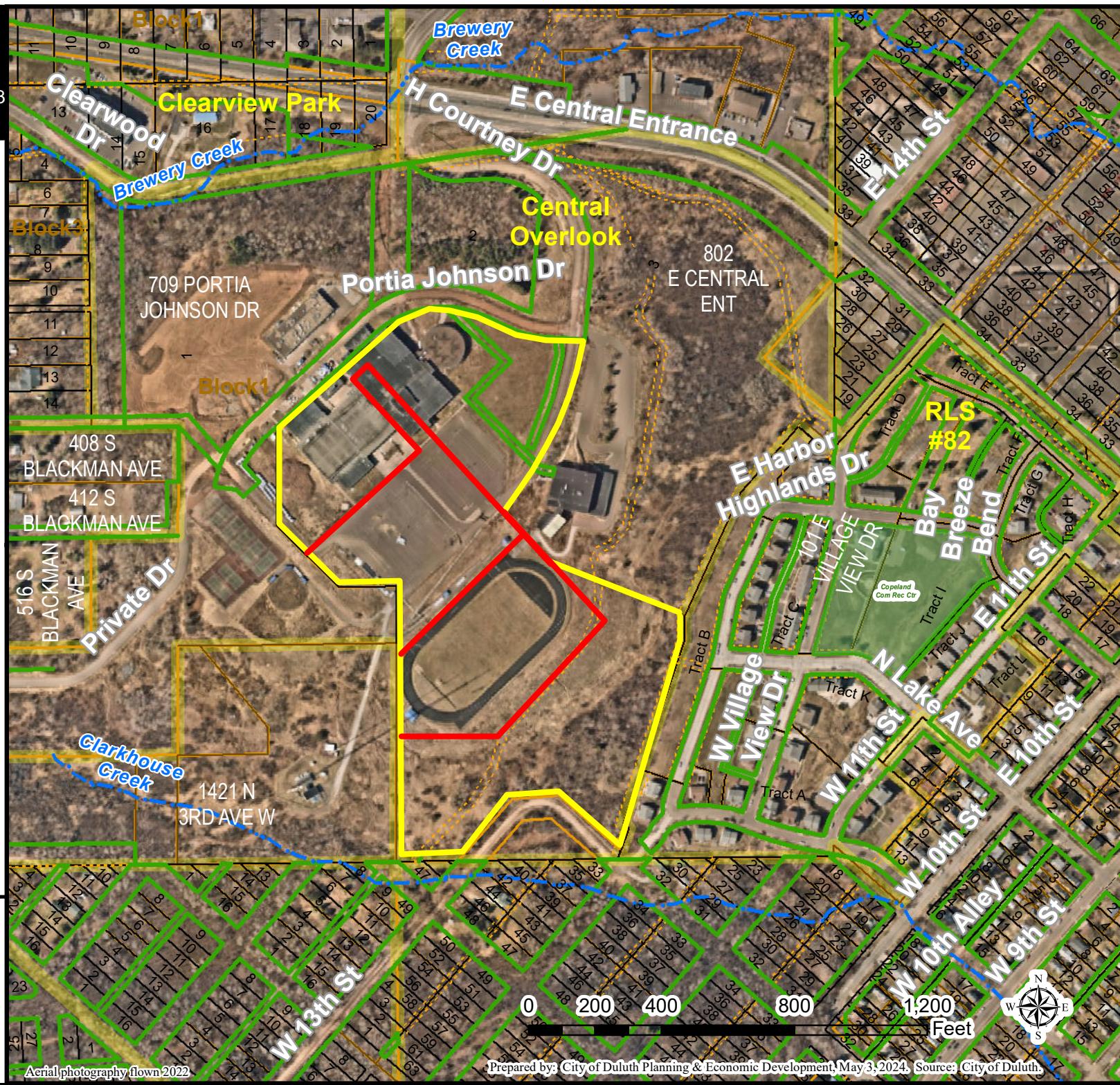
Based on the above findings, staff recommends that Planning Commission approve the Minor Subdivision with the following conditions:

1. Appropriate deeds to accomplish each phase of land subdivision be filed with St. Louis County within 180 days. Prior to recording the deeds that result from these adjustments, the Planning Division will need to stamp the deeds, indicating compliance with the local zoning code.
2. Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.



PL 24-053
Minor Subdivision
Central Overlook Div, Block 1, Lot 3
Incline Plaza Development LLC

Area Map





PL 24-053
Minor Subdivision
Central Overlook Div, Block 1, Lot 3
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Future Land Use Map

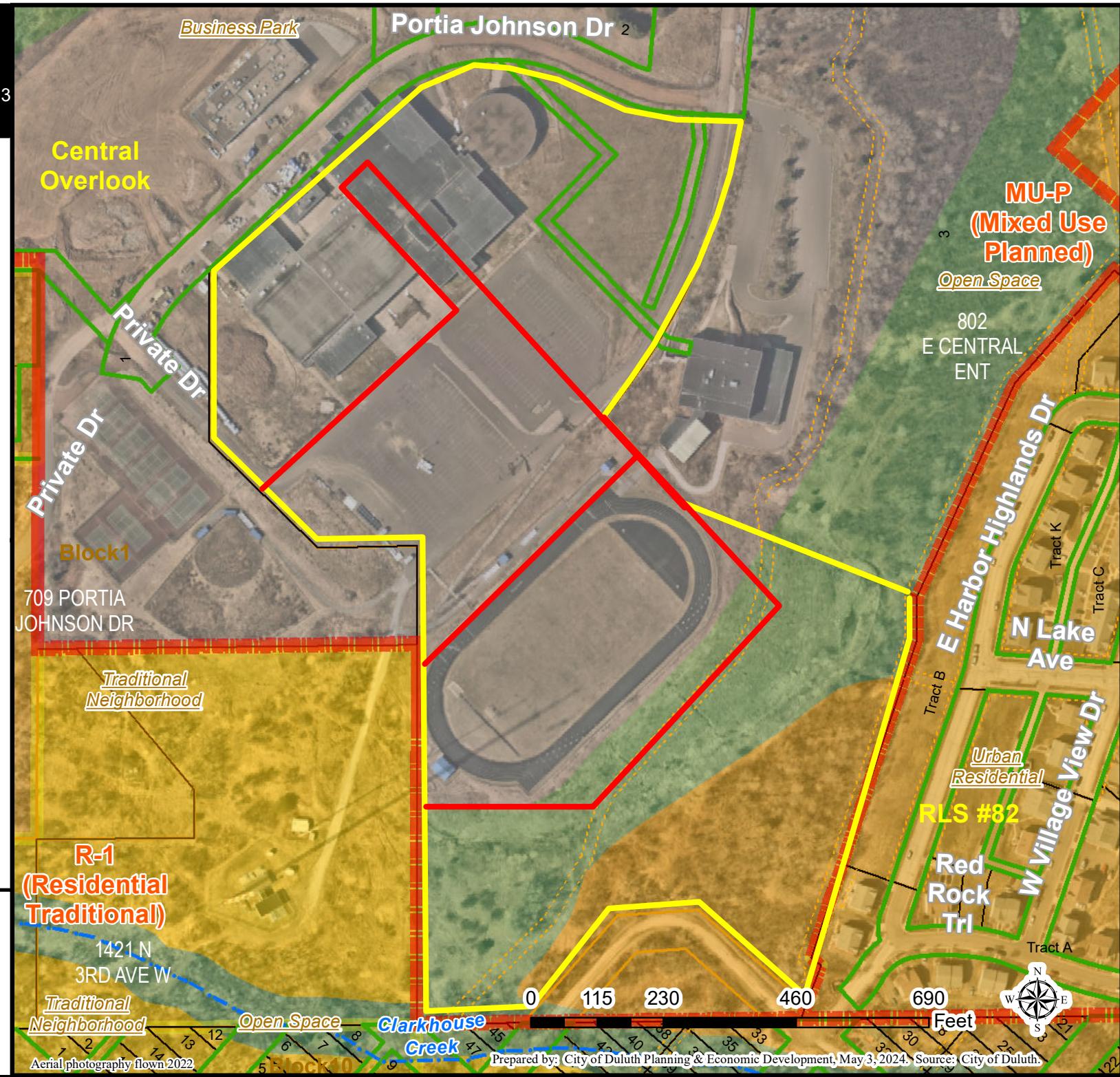


EXHIBIT A

PARENT LEGAL DESCRIPTION OF PID NO. 010-0435-00031 PER CERTIFICATE OF TITLE NO. 364743

Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, EXCEPT that part described as follows:

Beginning at the Northwest corner of said Lot 3 and the intersection of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence on an assumed bearing of North 81 degrees 28 minutes 12 seconds East, along the North line of said Lot 3 for a distance of 82.93 feet; thence South 80 degrees 52 minutes 09 seconds East, along said North line 478.11 feet; thence Southeasterly 396.75 feet, along said North line, along a non-tangential curve, concave to the Southwest, said curve having a radius of 699.02 feet and a delta angle of 32 degrees 31 minutes 12 seconds, the chord of said curve bears South 64 degrees 37 minutes 53 seconds East for a chord distance of 391.44 feet; thence South 48 degrees 22 minutes 17 seconds East, along said North line 232.31 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 312.73 feet to a Northeasterly line of said Lot 3; thence South 48 degrees 21 minutes 39 seconds East, along said Northeasterly line 275.69 feet to an Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 88.00 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 29.64 feet to an Easterly line of said Lot 3; thence South 41 degrees 01 minutes 22 seconds West, along said Easterly line 24.61 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 94.62 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 262.02 feet; thence South 24 degrees 57 minutes 45 seconds West, along said Easterly line 406.63 feet; thence North 67 degrees 44 minutes 01 seconds West 437.54 feet; thence North 43 degrees 05 minutes 27 seconds West 200.00 feet; thence Northerly and Northerly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears North 25 degrees 28 minutes 14 seconds East for a chord distance of 572.05 feet to the intersection of the East line of said H Courtney Drive and the South line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 05 degrees 37 minutes 41 seconds East, along the East line of said H Courtney Drive 230.60 feet; thence Northerly and Northerly 521.80 feet, along an East line and Northeasterly line of said H Courtney Drive, along a tangential curve, concave to the Southwest, said curve having a radius of 305.00 feet and a delta angle of 98 degrees 01 minutes 24 seconds, the chord of said curve bears North 43 degrees 23 minutes 01 seconds West for a chord distance of 460.45 feet; thence South 87 degrees 36 minutes 17 seconds West, along a Northerly line of said H Courtney Drive 34.89 feet to the point of beginning.

Said Parcel contains 1,162,450 square feet or 26.69 acres.

PARENT LEGAL DESCRIPTION OF PID NO. 010-0435-00030 PER CERTIFICATE OF TITLE NO. 364744

That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota, described as follows:

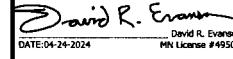
Beginning at the Northwest corner of said Lot 3 and the intersection of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence on an assumed bearing of North 81 degrees 28 minutes 12 seconds East, along the North line of said Lot 3 for a distance of 82.93 feet; thence South 80 degrees 52 minutes 09 seconds East, along said North line 478.11 feet; thence Southeasterly 396.75 feet, along said North line, along a non-tangential curve, concave to the Southwest, said curve having a radius of 699.02 feet and a delta angle of 32 degrees 31 minutes 12 seconds, the chord of said curve bears South 64 degrees 37 minutes 53 seconds East for a chord distance of 391.44 feet; thence South 48 degrees 22 minutes 17 seconds East, along said North line 232.31 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 312.73 feet to a Northeasterly line of said Lot 3; thence South 48 degrees 21 minutes 39 seconds East, along said Northeasterly line 275.69 feet to an Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 88.00 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 29.64 feet to an Easterly line of said Lot 3; thence South 41 degrees 01 minutes 22 seconds West, along said Easterly line 24.61 feet to a Northeasterly line of said Lot 3; thence North 48 degrees 21 minutes 39 seconds West, along said Northeasterly line 94.62 feet to an Easterly line of said Lot 3; thence South 41 degrees 38 minutes 21 seconds West, along said Easterly line 262.02 feet; thence South 24 degrees 57 minutes 45 seconds West, along said Easterly line 406.63 feet; thence North 67 degrees 44 minutes 01 seconds West 437.54 feet; thence North 43 degrees 05 minutes 27 seconds West 200.00 feet; thence Northerly and Northerly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears North 25 degrees 28 minutes 14 seconds East for a chord distance of 572.05 feet to the intersection of the East line of said H Courtney Drive and the South line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 05 degrees 37 minutes 41 seconds East, along the East line of said H Courtney Drive 230.60 feet; thence Northerly and Northerly 521.80 feet, along an East line and Northeasterly line of said H Courtney Drive, along a tangential curve, concave to the Southwest, said curve having a radius of 305.00 feet and a delta angle of 98 degrees 01 minutes 24 seconds, the chord of said curve bears North 43 degrees 23 minutes 01 seconds West for a chord distance of 460.45 feet; thence South 87 degrees 36 minutes 17 seconds West, along a Northerly line of said H Courtney Drive 34.89 feet to the point of beginning.

Said Parcel contains 791,506 square feet or 18.17 acres.

SURVEYOR'S NOTES

1. BIKEWAY EASEMENT PER TORRENS DOCUMENT NO. 436177.
2. BIKEWAY EASEMENT PER TORRENS DOCUMENT NO. 436177 & 449749. THE LEGAL DESCRIPTIONS IN THESE DOCUMENTS ARE CONTIGUOUS FOR THE AREA SHOWN HEREON.
3. TRAIL EASEMENT PER TORRENS DOCUMENT NO. 1058934.
4. SHARED USE PATH EASEMENT PER TORRENS DOCUMENT NO. 946969.
5. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT OR TITLE OPINION. A TITLE SEARCH FOR RECORDED OR UNRECORDED EASEMENTS WHICH MAY BENEFIT OR ENCUMBER THIS PROPERTY HAS NOT BEEN COMPLETED BY ALTA LAND SURVEY COMPANY. THE SURVEYOR ASSUMES NO RESPONSIBILITY FOR SHOWING THE LOCATION OF RECORDED OR UNRECORDED EASEMENTS OR OTHER ENCUMBRANCES NOT PROVIDED TO THE SURVEYOR AS OF THE DATE OF THE SURVEY.
6. BEARINGS ARE BASED ON THE ST. LOUIS COUNTY TRANSVERSE MERCATOR COORDINATE SYSTEM OF 1996. (NAD 83 2011)
7. BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL & VERTICAL PLACEMENT OF STRUCTURE ONLY. SEE ARCHITECTURAL PLAN FOR BUILDING FOUNDATION DIMENSIONS.
8. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

CERTIFICATE OF SURVEY

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.		CLIENT: NCE	REVISIONS:	VALTA LAND SURVEY COMPANY	
		ADDRESS: 802 EAST CENTRAL ENTRANCE DULUTH, MN 55811	PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTAANDSURVEYDULUTH.COM	DATE: 04-24-2024	
DATE: 04-24-2024		ADDRESS: 802 EAST CENTRAL ENTRANCE DULUTH, MN 55811	PHONE: 218-727-5211 LICENSED IN MN & WI WWW.ALTAANDSURVEYDULUTH.COM	JOB NO: 23-255 SHEET 1 OF 3	

LEGAL DESCRIPTION OF PARCEL A

That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southwest corner of said Lot 3; thence on an assumed bearing of North 00 degrees 33 minutes 08 seconds East, along the West line of said Lot 3 for a distance of 375.96 feet to the point of beginning of the parcel herein described; thence North 88 degrees 36 minutes 30 seconds East 304.09 feet; thence North 46 degrees 09 minutes 10 seconds East 471.29 feet; thence North 43 degrees 05 minutes 27 seconds West 1094.13 feet; thence South 46 degrees 54 minutes 33 seconds West 79.00 feet; thence South 43 degrees 05 minutes 27 seconds East 309.63 feet; thence South 46 degrees 54 minutes 33 seconds West 439.29 feet to a Westerly line of said Lot 3; thence South 45 degrees 17 minutes 43 seconds East, along said Westerly line 142.80 feet to a Southerly line of said Lot 3; thence North 89 degrees 42 minutes 17 seconds East, along said Southerly line 173.42 feet to the West line of said Lot 3; thence South 00 degrees 33 minutes 08 seconds West, along said West line 453.16 feet to the point of beginning.

Said parcel contains 445,482 square feet or 10.23 acres.

LEGAL DESCRIPTION OF PARCEL B

That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southwest corner of said Lot 3; thence on an assumed bearing of North 00 degrees 33 minutes 08 seconds East, along the West line of said Lot 3 for a distance of 375.96 feet to the point of beginning of the parcel herein described; thence North 88 degrees 36 minutes 30 seconds East 304.09 feet; thence North 46 degrees 09 minutes 10 seconds East 471.29 feet; thence North 43 degrees 05 minutes 27 seconds West 1094.13 feet; thence South 46 degrees 54 minutes 33 seconds West 79.00 feet; thence South 43 degrees 05 minutes 27 seconds East 309.63 feet; thence South 46 degrees 54 minutes 33 seconds West 439.29 feet to a Westerly line of said Lot 3; thence North 45 degrees 17 minutes 43 seconds West, along said Westerly line 118.32 feet to a Westerly line of said Lot 3; thence North 00 degrees 13 minutes 34 seconds East, along said Westerly line 295.76 feet to the Southeasterly line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 46 degrees 45 minutes 32 seconds East, along said Southeasterly line 403.70 feet; thence Northeasterly, Easterly and Southeasterly, along the Southerly line of said Portia Johnson Drive 368.36 feet, along a tangential curve, concave to the South, said curve having a radius of 302.00 feet and a delta angle of 69 degrees 53 minutes 05 seconds; thence South 63 degrees 21 minutes 23 seconds East, along said Southerly line 70.95 feet; thence Easterly, along said Southerly line 111.75 feet, along a tangential curve, concave to the North, said curve having a radius of 283.00 feet and a delta angle of 22 degrees 39 minutes 32 seconds; thence South 85 degrees 58 minutes 54 seconds East, along said Southerly line 121.79 feet to the intersection of the South line of Portia Johnson Drive and the East line of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence Southwesterly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears South 25 degrees 28 minutes 14 seconds West for a chord distance of 572.05 feet; thence South 43 degrees 05 minutes 27 seconds East 200.00 feet; thence South 67 degrees 44 minutes 01 seconds East 437.54 feet to the Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 72.75 feet; thence South 18 degrees 46 minutes 31 seconds West, along said Easterly line 582.95 feet; thence South 48 degrees 17 minutes 22 seconds East, along said Easterly line 22.45 feet; thence South 20 degrees 53 minutes 13 seconds West, along said Easterly line 71.56 feet to a Southerly line of said Lot 3; thence North 48 degrees 21 minutes 35 seconds West, along said Southerly line 249.36 feet to a Southerly line of said Lot 3; thence South 86 degrees 38 minutes 26 seconds West, along said Southerly line 140.19 feet to a Southerly line of said Lot 3; thence South 41 degrees 38 minutes 26 seconds West, along said Southerly line 249.10 feet to the South line of said Lot 3; thence South 89 degrees 42 minutes 12 seconds West, along said South line 185.16 feet to the Southwest corner of said Lot 3; thence North 00 degrees 33 minutes 08 seconds East, along the West line of said Lot 3 for a distance of 375.96 feet to the point of beginning.

Said parcel contains 716,969 square feet or 16.46 acres.

CERTIFICATE OF SURVEY

CLIENT: NCE

REVISIONS:

ADDRESS: 802 EAST CENTRAL ENTRANCE
DULUTH, MN 55811

DATE: 04-24-2024 JOB NO: 23-255 SHEET 2 OF 2

VALTA
LAND SURVEY COMPANY

PHONE: 218-777-5211
LICENSED IN MN & WI
WWW.ALTAANDSURVEYDULUTH.COM

Exhibit A -

First Action:
Create parcel
for TIF District
Certification
(Parcel A)

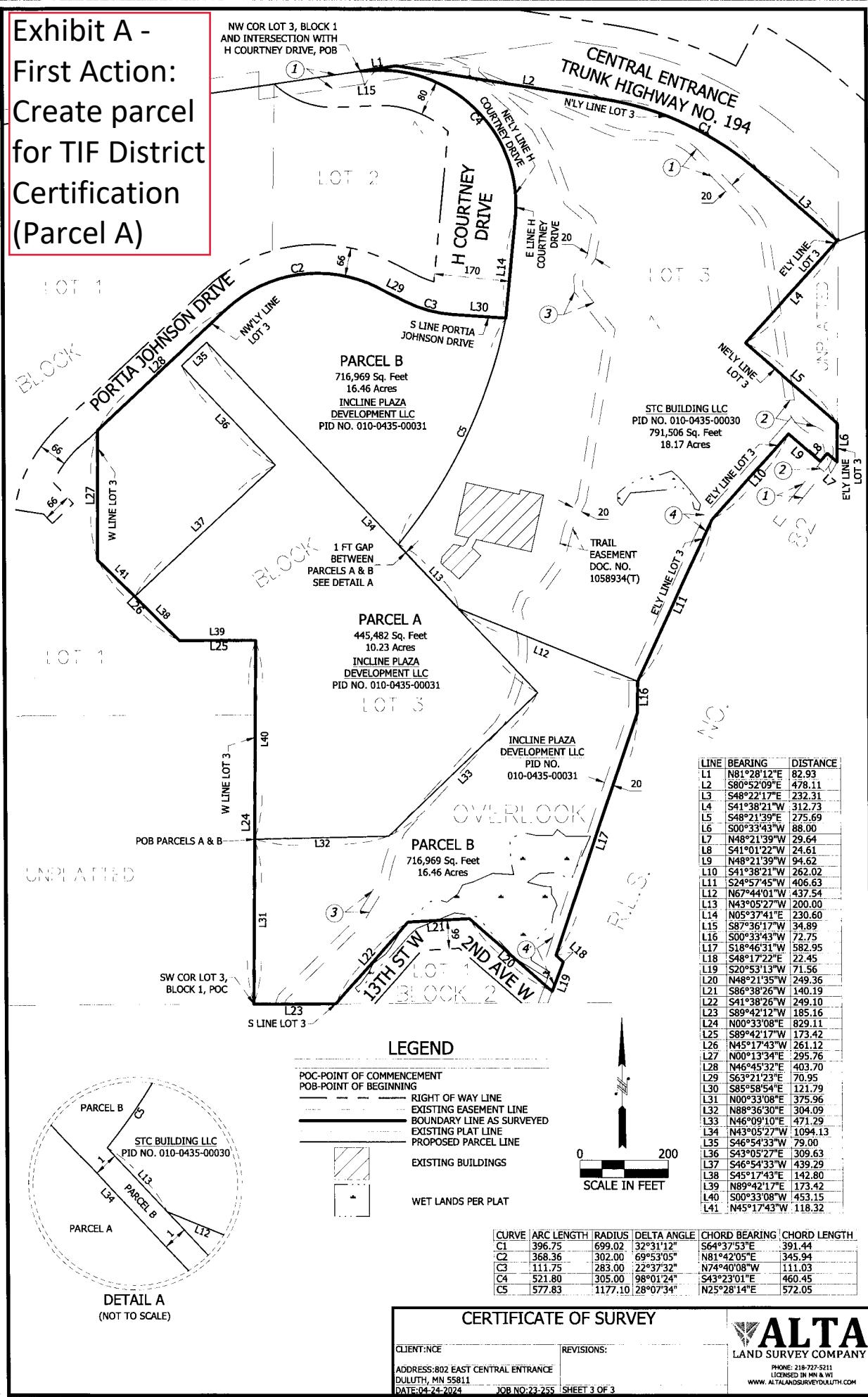


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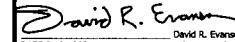
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8. NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY ALTA LAND SURVEY COMPANY. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC STRUCTURE PROPOSED IS NOT THE RESPONSIBILITY OF ALTA LAND SURVEY COMPANY OR THE SURVEYOR.

CERTIFICATE OF SURVEY

<small>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.</small>  David R. Evanson DATE: 04-24-2024 MN License #49505	<small>CLIENT: NCE</small> ADDRESS: 802 EAST CENTRAL ENTRANCE DULUTH, MN 55811 DATE: 04-24-2024	<small>REVISIONS:</small> JOB NO: 23-355 SHEET 1 OF 3	 PHONE: 218-727-9211 LICENSED IN MN & WI WWW.ALTAANDSURVEYLULUTH.COM
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LEGAL DESCRIPTION OF PARCEL A

That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southwest corner of said Lot 3; thence on an assumed bearing of North 00 degrees 33 minutes 08 seconds East, along the West line of said Lot 3 for a distance of 375.96 feet to the point of beginning of the parcel herein described; thence North 88 degrees 36 minutes 30 seconds East 304.09 feet; thence North 46 degrees 09 minutes 10 seconds East 471.29 feet; thence North 43 degrees 05 minutes 27 seconds West 1094.13 feet; thence South 46 degrees 54 minutes 33 seconds West 79.00 feet; thence South 43 degrees 05 minutes 27 seconds East 309.63 feet; thence South 46 degrees 54 minutes 33 seconds West 439.29 feet to a Westerly line of said Lot 3; thence North 45 degrees 17 minutes 43 seconds West, along said Westerly line 118.32 feet to a Westerly line of said Lot 3; thence North 00 degrees 13 minutes 34 seconds East, along said Westerly line 295.76 feet to the Southeasterly line of Portia Johnson Drive, as dedicated on said CENTRAL OVERLOOK; thence North 46 degrees 45 minutes 32 seconds East, along said Southeasterly line 403.70 feet; thence Northeasterly, Easterly and Southeasterly, along the Southerly line of said Portia Johnson Drive 368.36 feet, along a tangential curve, concave to the South, said curve having a radius of 302.00 feet and a delta angle of 69 degrees 53 minutes 05 seconds; thence South 63 degrees 21 minutes 23 seconds East, along said Southerly line 70.95 feet; thence Easterly, along said Southerly line 111.75 feet, along a tangential curve, concave to the North, said curve having a radius of 283.00 feet and a delta angle of 22 degrees 37 minutes 32 seconds; thence South 85 degrees 58 minutes 54 seconds East, along said Southerly line 121.79 feet to the intersection of the South line of Portia Johnson Drive and the East line of H Courtney Drive, as dedicated on said CENTRAL OVERLOOK; thence Southwesterly 577.83 feet, along a non-tangential curve, concave to the Northwest, said curve having a radius of 1177.10 feet and a delta angle of 28 degrees 07 minutes 34 seconds, the chord of said curve bears South 25 degrees 28 minutes 14 seconds West for a chord distance of 572.05 feet; thence South 43 degrees 05 minutes 27 seconds East 200.00 feet; thence South 67 degrees 44 minutes 01 seconds East 437.54 feet to the Easterly line of said Lot 3; thence South 00 degrees 33 minutes 43 seconds West, along said Easterly line 72.75 feet; thence South 18 degrees 46 minutes 31 seconds West, along said Easterly line 582.95 feet; thence South 48 degrees 17 minutes 22 seconds East, along said Easterly line 22.45 feet; thence South 20 degrees 53 minutes 13 seconds West, along said Easterly line 71.56 feet to a Southerly line of said Lot 3; thence North 48 degrees 21 minutes 35 seconds West, along said Southerly line 249.36 feet to a Southerly line of said Lot 3; thence South 86 degrees 38 minutes 26 seconds West, along said Southerly line 140.19 feet to a Southerly line of said Lot 3; thence South 89 degrees 42 minutes 12 seconds West, along said South line 185.16 feet to the Southwest corner of said Lot 3; thence North 00 degrees 33 minutes 08 seconds East, along the West line of said Lot 3 for a distance of 375.96 feet to the point of beginning.

Said parcel contains 716,969 square feet or 16.46 acres.

LEGAL DESCRIPTION OF PARCEL B

That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southwest corner of said Lot 3; thence on an assumed bearing of North 00 degrees 33 minutes 08 seconds East, along the West line of said Lot 3 for a distance of 375.96 feet to the point of beginning of the parcel herein described; thence North 88 degrees 36 minutes 30 seconds East 304.09 feet; thence North 46 degrees 09 minutes 10 seconds East 471.29 feet; thence North 43 degrees 05 minutes 27 seconds West 375.59 feet; thence South 46 degrees 45 minutes 32 seconds West 528.40 feet to the West line of said Lot 3; thence South 00 degrees 33 minutes 08 seconds West, along said West line 246.17 feet to the point of beginning.

Said parcel contains 226,452 square feet or 5.20 acres.

LEGAL DESCRIPTION OF PARCEL C

That part of Lot 3, Block 1, CENTRAL OVERLOOK, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the Southwest corner of said Lot 3; thence on an assumed bearing of North 00 degrees 33 minutes 08 seconds East, along the West line of said Lot 3 for a distance of 375.96 feet; thence North 88 degrees 36 minutes 30 seconds East 304.09 feet; thence North 46 degrees 09 minutes 10 seconds East 471.29 feet; thence North 43 degrees 05 minutes 27 seconds West 375.59 feet to the point of beginning of the parcel herein described; thence continue North 43 degrees 05 minutes 27 seconds West 718.54 feet; thence South 46 degrees 54 minutes 33 seconds West 79.00 feet; thence South 43 degrees 05 minutes 27 seconds East 309.63 feet; thence South 46 degrees 54 minutes 33 seconds West 439.29 feet to a Westerly line of said Lot 3; thence South 45 degrees 17 minutes 43 seconds East, along said Westerly line 142.80 feet to a Southerly line of said Lot 3; thence North 89 degrees 42 minutes 17 seconds East, along said Southerly line 173.42 feet to the West line of said Lot 3; thence South 00 degrees 33 minutes 08 seconds West, along said West line 206.98 feet; thence North 46 degrees 45 minutes 32 seconds East 528.40 feet to the point of beginning.

Said parcel contains 219,030 square feet or 5.03 acres.

CERTIFICATE OF SURVEY

CLIENT:NCE

REVISIONS:

ADDRESS:802 EAST CENTRAL ENTRANCE
DULUTH, MN 55811
DATE:04/24/2024

JOB NO:23-255 SHEET 2 OF 2

ALTA
LAND SURVEY COMPANY

PHONE: 218-727-5211
LICENSED IN MN & WI
WWW.ALTAANDSURVEYDULUTH.COM

Exhibit B -
Second Action:
Further
subdivide TIF
parcel into two
parcels (B & C)

