

COUNCIL ORDER

84-0889R

RESOLUTION APPROVING CHAPTER 390, LAWS OF MINNESOTA, 1984, CHANGING THE BOUNDARIES OF THE TRACTS OF LAND ADMINISTERED BY THE SPIRIT MOUNTAIN RECREATION AREA AUTHORITY, AND DEDICATING BUFFER ZONE EASEMENTS OVER PORTIONS OF THE LAND INCORPORATED INTO THE SKI AREA BY SAID LAW.

BY COUNCILOR KAHN:

RESOLVED, that the Duluth City Council hereby approves Chapter 390 of Laws of Minnesota, 1984;

RESOLVED FURTHER, that the City Clerk shall notify the Secretary of State of said approval pursuant to the provisions of Minnesota Statutes 645.021, subdivision 1;

BE IT FINALLY RESOLVED, that the City of Duluth hereby dedicates buffer zone easements in which no clearing or construction shall occur on City-owned property under the jurisdiction of the Spirit Mountain Recreation Area Authority lying:

1. Northerly of the following line:
A line perpendicular to Grand Avenue beginning at the intersection of the west Norton Park boundary and the center line of French Street and terminating at the intersection of said line with the Duluth, Winnipeg & Pacific Railroad right-of-way.
2. Southerly of the following line:
Beginning at the southeast corner of Lot 13, Block 13, Ironton Division, and proceed in a northwesterly direction to the intersection of the center lines of Warwick Street and Riverside Drive; then proceed in a westerly direction along the center line of Warwick Street to the east line of the Duluth, Winnipeg & Pacific Railroad right-of-way, and there terminate.

RESOLUTION 84-0889R
 ADOPTED DEC 17 1984
 [Signature]

Approved:

Department Director

Approved for presentation to Council:

Administrative Assistant

Approved as to form:

Assistant City Attorney

Approved:

Chairman, Committee 2
(Recreation & Libraries)

Approved:

STATEMENT OF PURPOSE:

In late 1983, the Spirit Mountain Authority requested that the boundaries of the Recreation Area be amended to include certain City-owned property below the DW&P right-of-way and above Grand Avenue. This request was made in anticipation of the conveyance of the DW&P right-of-way to the City (which has now been accomplished, and accepted by Resolution 84-0808) and as a part of a long-term plan to extend ski runs and lifts, and to construct an entrance to the Ski Area and parking facilities at the foot of the hill off Grand Avenue.

A draft of legislation implementing these was prepared by the City Attorney's Office and made available for review and comment, and approval by the Park and Recreation Board and the Planning Commission, as required by the special law which created the Authority. This draft would also have incorporated into the Recreation Area approximately 80 acres of property owned by the City of Duluth, which is located within the corporate limits of the City of Proctor, as requested by the Authority. In the Planning Commission review process, owners of property in the Norton Park and Upper Riverside neighborhoods requested that "buffer areas", in which no clearing or substantial construction could take place, be written into the legislation, and the Planning Commission approved the proposed legislation with that condition.

The draft legislation was amended accordingly, and distributed to interested parties including the Office of the Revisor of Statutes, which puts all proposed legislation in final and proper form before it is introduced in either the House or the Senate. It appears that something went astray as this matter was considered by the Legislators. Either the description of the 80 acres of land in Proctor was cut from the second draft as was the buffer zone language, or alternatively, the Legislature may never have seen the second draft, and the first draft was amended by excising the 80 acres in Proctor. In any event, Chapter 390 of Laws of Minnesota, 1984, did not create the buffer zones recommended by the Planning Commission, nor did it include the Proctor property.

This resolution approves Chapter 390 of Laws of Minnesota, 1984, as passed, and dedicates buffer zone easements over portions of the land which is being incorporated into the Recreation Area by Chapter 390. A certified copy of this resolution will be filed with the St. Louis County Recorder, which will make the buffer zone easements a matter of permanent record. This solution has been reviewed and approved by the Planning Staff and a neighborhood spokesperson.

COUNCIL CHARTER

VACATED HOMPSON ST

- Area incorporated into SMRA by Chapter 390
- Buffer Zones Established by Resolution

