

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

D I S T R I C T C O U R T
ELEVENTH JUDICIAL DISTRICT

In the Matter of the Application of
the City of Duluth for Certain Relief
in Relation to Certain Certificates
of Title.

P E T I T I O N

TO THE HONORABLE JUDGES OF THE ABOVE ENTITLED COURT:

Your Petitioner, the CITY OF DULUTH, by Albert R. Scanlon,
Assistant City Attorney of said City, respectfully represents and
shows to the Court:

1. That there is hereto attached original deed dated
May 27, 1943, from the State of Minnesota, by its Commissioner of
Taxation, to the City of Duluth whereby the State of Minnesota
conveyed to said City of Duluth certain tax forfeited lands, pursuant
to Laws 1941, Chapter 511.

2. That among the lots described in said deed under the
designation "TRACT No. 2" are lots 146 to 164, both inclusive; lots
170 to 174, both inclusive; lots 178 to 190, both inclusive; lots
262 to 290, both inclusive; lots 298 to 320, both inclusive; and lots
346 to 356, both inclusive, all in Lake Avenue, Plat of Lower Duluth,
situated in St. Louis County, Minnesota.

3. That at the time application was made by said City of
Duluth to the Commissioner of Taxation of the State of Minnesota,
through the County Board of Commissioners for St. Louis County in
Minnesota, which application was approved by said Board, it was the
intent of the City to acquire from the State of Minnesota only the
even numbered of those lots herein described, all of which even-
numbered lots either border on Lake Superior or are immediately
adjacent thereto.

4. That of the lots herein described the following odd-
numbered lots are registered lands:

Lots 147, 149, 179, 265, 271, 273, 275, 281, 301,
303, 305, 307, 309, 311, 353 and 355;

that it was not intended by said City of Duluth to acquire the lots
in this paragraph described, some or all of which may have been

forfeited to the State of Minnesota for nonpayment of taxes, and therefore your Petitioner does not desire to have said deed registered against Certificates of Title to any of the lots in this paragraph described.

5. That your Petitioner believes it to be expedient and proper to ask of this Court the relief hereinafter prayed for rather than to engage in correspondence with the Commissioner of Taxation for the State of Minnesota for the purpose of acquiring from the State of Minnesota a corrective deed omitting therefrom of the lands described in said "TRACT No. 2" of said deed the odd-numbered lots described therein.

6. That by registering said deed against Certificates of Title in the office of the Registrar of Titles for St. Louis County, Minnesota, to those even-numbered lots described in said "TRACT No. 2" of said deed, the title to the registered odd-numbered lots described in said "TRACT No. 2" of said deed will not be affected.

7. That certain other lands described in said deed are registered lands, and as to such lands it is desired that said deed be registered.

WHEREFORE, Your Petitioner prays for an order of this Court referring this Petition to the Examiner of Titles in and for St. Louis County, Minnesota, to investigate the truth of the allegations set forth in this Petition and to make his report to the Court thereon, and thereafter for an order of this Court authorizing and directing the Registrar of Titles in and for St. Louis County, Minnesota, to register said deed only as to the even-numbered lots which are registered and described in said "TRACT No. 2" of said deed, and in addition thereto to register said deed as to all lands described in said deed as "TRACT No. 1" and "TRACT No. 3" which may be registered lands.

Dated this 15th day of July, 1943.

Harry E. Weinberg and
Albert R. Scanlon,
Attorneys for Petitioner,
400 City Hall Building, 165586
Duluth, Minnesota.

CITY OF DULUTH, PETITIONER,

By Albert R. Scanlon
Albert R. Scanlon
Assistant City Attorney

STATE OF MINNESOTA }
COUNTY OF ST. LOUIS } ss

Albert R. Scanlon, being on oath duly sworn, deposes and says that he is an Assistant City Attorney of the City of Duluth, a municipal corporation in St. Louis County, Minnesota, the Petitioner named in the foregoing Petition; that he has read said Petition and signed the same for said City of Duluth and knows the contents thereof; that said Petition is true except as to matters therein stated on information and belief, and as to such matters, he believes it to be true.

Albert R. Scanlon

Albert R. Scanlon

Subscribed and sworn to before
me this 15th day of July, 1943.

Irene Falk

Irene Falk
Notary Public, St. Louis County, Minn.
My Commission Expires July 29, 1944

IRENE FALK
NOTARY PUBLIC, St. Louis County, Minn.
My Commission Expires July 29, 1944

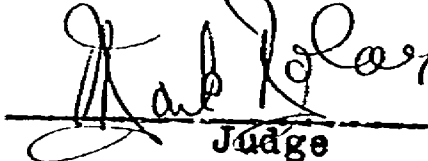
ORDER OF REFERENCE

Upon reading the foregoing Petition,

IT IS HEREBY ORDERED that said Petition be and the same is hereby referred to Frank T. Everhard, Examiner of Titles in and for St. Louis County, Minnesota, to examine into the truth of the facts set forth in said Petition and to make his report thereon to the Court.

Dated this _____ day of _____, 1943.

BY THE COURT


Judge


REPORT OF EXAMINER

TO THE HONORABLE JUDGES OF THE ABOVE ENTITLED COURT:

Pursuant to the foregoing Order of Reference, I, Frank T. Everhard, Examiner of Titles in and for St. Louis County, Minnesota, respectfully represent and show to the Court:

That I have examined into the truth of the facts recited in the foregoing Petition of the City of Duluth, a municipal corporation in St. Louis County, Minnesota, and find that they are true, and recommend that the deed described in and attached to said Petition be registered only as to the even-numbered registered lots described in "TRACT No. 2" of said deed, and in addition thereto, that said deed be registered as to all ^{registered} lands described in said deed as "TRACT No. 1" and "TRACT No. 3" ~~which are registered lands~~.

Dated this _____ day of _____, 1943.


Frank T. Everhard
Examiner of Titles

Mem - None of the lots described in Part of the petition have been forfeited to the State except lot 307 which the State has already sold in contract to the holder of the patent title. The State has in said lots nothing to convey to the City. The registration of said deed upon said lots would only result in rendering unmarketable the title of many innocent persons. FTE

FINAL ORDER

Upon the foregoing Petition of said City of Duluth, the Report to this Court of Frank T. Everhard, Examiner of Titles in and for St. Louis County, Minnesota, and on motion of Harry E. Weinberg and Albert R. Scanlon, Attorneys for said City of Duluth, IT IS HEREBY ORDERED:

That the Registrar of Titles in and for St. Louis County, Minnesota, be and he is hereby authorized and directed to register forthwith the deed from the State of Minnesota to the City of Duluth described in and attached to the foregoing Petition of the City of Duluth as to those lands described in "TRACT No. 1" and "TRACT No. 3" of said deed which ^{may be} ~~are~~ registered lands, and only as to the even-numbered lots described in "TRACT No. 2" of said deed which ^{may be} ~~are~~ registered lands, such registration in each case to be entered as a Memorial upon the Certificates of Title to the lands referred to in this Order.

46
GTR
Dated this 16th day of July, 1943.

BY THE COURT

Frank T. Everhard
Judge

The form of Order next hereinbefore set forth is hereby approved as to form.

Frank T. Everhard
Frank T. Everhard
Examiner of Titles

STATE OF MINNESOTA
DEPARTMENT OF TAXATIONCONVEYANCE OF FORFEITED LANDS
(Issued pursuant to Laws 1941, Chapter 511)

THIS INDENTURE, made this 27th day of May 1943, between the State of Minnesota, as party of the first part, and The City of Duluth, a municipal corporation, of St. Louis County, Minnesota, as party of the second part, WITNESSETH:

WHEREAS, the land hereinafter described was duly forfeited to the State of Minnesota for the nonpayment of taxes, and

WHEREAS, pursuant to Laws 1941, Chapter 511, the party of the second part has applied to the Commissioner of Taxation for the conveyance of lands hereinafter described to be used by it exclusively for public park purposes as to Tract No.1, and for public park, boulevard and municipal forest purposes as to Tracts Nos.2 and 3, and

WHEREAS, the Board of County Commissioners of the County of ST. LOUIS, State of Minnesota, has recommended to the Commissioner of Taxation by resolution adopted on the 11th day of January 1943, that such conveyance be made,

NOW, THEREFORE, The State of Minnesota, pursuant to said laws and in consideration of the premises, does hereby grant, bargain, sell and convey unto the party of the second part, forever, all the tracts or parcels of land lying and being in the County of ST. LOUIS, State of Minnesota, described as follows, to-wit:

TRACT No.1 : The West fifteen (15) feet of Lot two (2), and all of Lots three (3), four (4) and five (5), in Block seven (7), Sterling Division of Duluth.

TRACT No.2 : Lots 122, 124, 126, 134 and 136, and Undivided one-half ($\frac{1}{2}$) of Lots 128, 130 and 132; Lot 140; Lots 146 to 164, both inclusive; Lots 170 to 174, both inclusive; Lots 178 to 190, both inclusive; Lots 262 to 290, both inclusive; Lots 298 to 320, both inclusive; Lots 324, 328, 338, 340 and the North half ($NE\frac{1}{2}$) of Lot 330; Lots 346 to 356, both inclusive; Lots 370, 372, 382 and 386, all in Lake Avenue. Plat of Lower Duluth.

TRACT No.3 : That part of $SE\frac{1}{2}$ of $N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15), beginning 1,475.1 feet east of the northwest corner thereof, running thence south to a point 150 feet north of the south line of said subdivision, thence east to the right-of-way of the D. W. & P. Railway, thence Northeasterly along said right-of-way to the north line of $SE\frac{1}{2}$ of $N\frac{1}{2}$ of $NE\frac{1}{4}$, thence west to point of beginning. 4.66 Acres.

206-26 $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15), except railway right-of-way of 1.35 acres and except that part east and south of the right-of-way. 3.45 Acres.

146-245 $E\frac{1}{2}$ of $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15). 5 Acres.

A That part of $SE\frac{1}{2}$ of $N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15), described as follows: Beginning 1,234.04 feet east of the northwest corner thereof, running thence southeasterly at an angle of 77 degrees, 12 minutes, 52 seconds, 26.92 feet, thence at an angle to the right of 37 degrees, 5 minutes, 146.93 feet, thence at an angle to the right of 25 degrees, 13 minutes, 296.5 feet, thence to the right at an angle of 18 degrees, 45 minutes, 232.40 feet, thence at an angle to the right of 16 degrees, 2 minutes, 450.28 feet, thence at an angle to the right of 70 degrees, 7 minutes, 52 seconds, 28.63 feet, thence east along the north line of said $SE\frac{1}{2}$ of $N\frac{1}{2}$ of $NE\frac{1}{4}$ to point of beginning. 3.10 Acres.

A Undivided one-half of $N\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15). 20 Acres.

S Undivided one-half of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15). 40 Acres.

205-357 $SW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15). 40 Acres.

A Undivided one-half of $SE\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15), except .65 acres for Boulevard. 19.35 Acres.

A Undivided one-half of $SE\frac{1}{2}$ of $NE\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15), except 3 acres for Boulevard. 37 Acres.

196-177
205-262
196-196 Undivided two-thirds of that part of $E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section Twenty-seven (27), Township Forty-nine (49), Range Fifteen (15) lying east of the Boulevard, except a strip 100 feet wide for the roadway. 46.47 Acres.

S $N\frac{1}{2}$ of $SW\frac{1}{4}$ of Section Thirty-four (34), Township Forty-nine (49), Range Fifteen (15), except right-of-way 14.42 acres and except 5.01 acres for Boulevard. 60.57 Acres.

93-74 Lot One (1) in Block Eight (8) except railway right-of-way; all of Block Nine (9); all of Block Ten (10) except railway right-of-way; all in Spirit Lake Addition to Duluth.

A Undivided one-eighth of Lots Fifteen (15), Sixteen (16) and Seventeen (17), Block Five (5), and of Lots Eleven (11) and Twelve (12), Block Twelve (12), Second Division of Kimberly and Stryker's Division of Duluth.

640343

FILED FOR
RECORDMAY 29 1943 AT 7³⁰ A.M. DEED 738 PAGE 625STATE OF MINNESOTA
DEPARTMENT OF TAXATION

DEED 738 PAGE 626

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part so long as it shall continue to use said land for the purposes aforesaid, and upon condition that if such use shall cease said land shall revert to the party of the first part.

IN TESTIMONY WHEREOF, the State of Minnesota, party of the first part, has caused this deed to be executed in its name by the Commissioner of Taxation at the Capitol in the City of St. Paul in said state and day and year first above written.

In presence of:

E. B. Ingold
E. M. MacCraw

STATE OF MINNESOTA)
) SS
COUNTY OF RAMSEY)

THE STATE OF MINNESOTA

By

Commissioner of Taxation

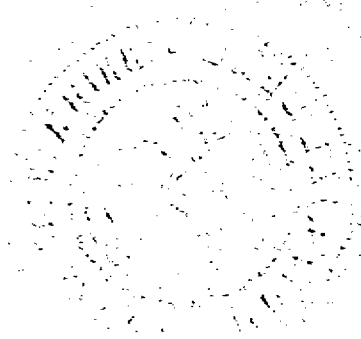
On this 27th day of May 1943, before me personally appeared G. HOWARD SPAETH, Commissioner of Taxation of the State of Minnesota, to me known to be the person who executed the foregoing instrument in behalf of the State of Minnesota, and acknowledged that he executed the same as the free act and deed of said state pursuant to the statutes in such case made and provided.



H. M. MacCraw
H. M. MAC CRAW,
Notary Public, Ramsey County, Minn.
My Commission Expires June 3, 1943.

105586

Transfer entered this
29th day of May 1943
W. H. Burger, County Auditor
J. J. Janney, Deputy



35317

640343

RECORD OF DEEDS FOR THE YEAR

STATE OF MINNESOTA

County of St. Louis

as

I hereby certify that the within Instrument

was duly recorded in this office for record

on May 24-1943 at 9:38 AM

and was duly recorded in Book 738

at Page 635

CHAS. CALHOUN

REGISTER OF DEEDS

By Francis J. [Signature]

DEPUTY

Chas. Calhoun

COPIES ALSO

Comptroller's Office

STATE OF MINNESOTA
COUNTY OF ST. LOUIS

DISTRICT COURT
ELEVENTH JUDICIAL DISTRICT

165586

In the Matter of the Application
of the City of Duluth for Certain
Relief in Relation to Certain
Certificates of Title

PETITION

ORDER OF REFERENCE

REPORT OF EXAMINER

FINAL ORDER

Harry E. Weinberg & Albert R. Scanlon
Attorneys for Petitioner
400 City Hall Building
Duluth, Minnesota

OFFICE OF REGISTRAR OF TITLES
STATE OF MINNESOTA,
County of St. Louis, } ss.

I hereby certify that the within
instrument was filed in this of
fice the 16 day of July 1943
at 2 PM. and was duly registered
in book 238 of Register of Title
page 130.

Ex 243 Pg. 305
Ex 243 Pg. 310
Ex 243 Pg. 315
Ex 243 Pg. 316
Ex 243 Pg. 318
Ex 243 Pg. 320
Ex 243 Pg. 322
Ex 252 Pg. 32
Ex 255 Pg. 336
Ex 258 Pg. 23
Ex 265 Pg. 365
Ex 274 Pg. 120

Charles Caligan,
REGISTRAR OF TITLES
Charles Caligan
Deputy