



Legislation Details (With Text)

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**Title:** RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY ACQUIRED UNDER A CONDITIONAL USE DEED TO THE STATE OF MINNESOTA.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A

Date	Ver.	Action By	Action	Result
10/23/2017	1	City Council	adopted	

RESOLUTION AUTHORIZING THE RE-CONVEYANCE OF CERTAIN PROPERTY ACQUIRED UNDER A CONDITIONAL USE DEED TO THE STATE OF MINNESOTA.

**CITY PROPOSAL:**

WHEREAS, in 1988, the state of Minnesota (“State”) conveyed several parcels of tax-forfeited land to the city of Duluth (“City”) under a conditional use deed exclusively for the expansion of the Western Waterfront Trail (the “Deed”);

WHEREAS, the city has developed a majority of the property acquired under the Deed for the expansion and buffer zone of the Western Waterfront Trail;

WHEREAS, the State requested a formal review of the parcels of tax-forfeited lands conveyed to the City in 1988;

WHEREAS, the City reviewed all tax-forfeited parcels acquired under conditional use deeds in 1988 and determined that two of the lots from the Deed were not being used for their intended purpose;

WHEREAS, Minn. Stat. § 282.01, Subd. 1d requires re-conveyance by a governmental subdivision of any tax-forfeited land acquired under a conditional use deed that is not being used for their intended purpose.

WHEREAS, Section 2-177(f) of the Duluth City Code states that re-conveyance to the State of tax-forfeited property acquired by a conditional use deed shall be by a resolution of the city council.

NOW, THEREFORE, BE IT RESOLVED, that the City council approves the re-conveyance of two lots acquired under the Deed to the state of Minnesota; said lots are legally described as:

Lots 27 and 28, Block 29, Bailey’s Re-arrangement of Block 29 to Hunter’s Grassy Point Addition to Duluth.

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute all documents necessary to effectuate the re-conveyance of the above-described lands to the State.

STATEMENT OF PURPOSE: This resolution authorizes the re-conveyance of two lots to the state of

Minnesota because they are not being used for their intended purpose. The two lots are depicted on the map attached as Exhibit A.

The City acquired the two lots from the state in 1988 under a conditional use deed exclusively for the purpose of expanding the Western Waterfront Trail. The two lots were not necessary for the trail or the buffer around the trail and are separated from both by private property. A state audit identified the current use as potentially noncompliant with the requirements of the deed. Examination by City staff confirmed that the two lots are not being used for their required purpose, are surplus to the city's current and future needs for the Western Waterfront Trail, and should therefore be reconveyed to the state.