



## Legislation Details (With Text)

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|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------|
| <b>File #:</b>         | 19-0792R                                                                                                                                                             | <b>Name:</b>         |                                       |
| <b>Type:</b>           | Resolution                                                                                                                                                           | <b>Status:</b>       | Passed                                |
| <b>File created:</b>   | 11/15/2019                                                                                                                                                           | <b>In control:</b>   | Recreation, Libraries and Authorities |
| <b>On agenda:</b>      | 11/25/2019                                                                                                                                                           | <b>Final action:</b> | 11/25/2019                            |
| <b>Enactment date:</b> |                                                                                                                                                                      | <b>Enactment #:</b>  |                                       |
| <b>Title:</b>          | RESOLUTION APPROVING THE CONVEYANCE BY THE DULUTH TRANSIT AUTHORITY TO THE STATE OF MINNESOTA OF A PERPETUAL EASEMENT AS PART OF THE TWIN PORTS INTERCHANGE PROJECT. |                      |                                       |

**Sponsors:**

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**Code sections:**

**Attachments:**

| Date       | Ver. | Action By    | Action  | Result |
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| 11/25/2019 | 1    | City Council | adopted |        |

RESOLUTION APPROVING THE CONVEYANCE BY THE DULUTH TRANSIT AUTHORITY TO THE STATE OF MINNESOTA OF A PERPETUAL EASEMENT AS PART OF THE TWIN PORTS INTERCHANGE PROJECT.

### CITY PROPOSAL:

RESOLVED, that the Duluth city council does hereby approve the conveyance by the Duluth transit authority ("DTA") to the State of Minnesota of a perpetual easement to a new storm water retention pond to be located near I-35 as part of the Twin Ports Interchange Project; said easement is over property located in St. Louis County and legally described as follows:

That part of Tract A described below:

Tract A. That part of the FIRST SUBDIVISION OF DULUTH PROPER, SECOND DIVISION bounded by Line A and Line B which are described as follows: From the point of intersection of the SE'ly line of Michigan Street with the SW'ly line of 25th Avenue West run South 48 degrees 49 minutes 38 seconds East (assumed bearing) along the SE'ly extension of the SW'ly line of said 25th Avenue West 670.27 feet to a point on the NW'ly right of way line of Interstate Highway No. 35, said point being the point of beginning of Line A; thence N'ly and E'ly along a curve to the left with a long chord of 53.41 feet bearing North 27 degrees 37 minutes 10 seconds East, a radius of 1878.86 feet and a central angle of 01 degrees 37 minutes 44 seconds, an arc distance of 53.42 feet along the said highway right of way line to a point; thence North 28 degrees 58 minutes 37 seconds West along said highway right of way line a distance of 59.63 feet to a point; thence N'ly and E'ly along a curve to the left with a long chord of 110.17 feet bearing North 24 degrees 01 minutes 48 seconds East, a radius of 1829.86 feet and a central angle of 03 degrees 27 minutes 00 seconds, an arc distance of 110.18 feet along said highway right of way line to a point; thence North 53 degrees 11 minutes 10 seconds East along said highway right of way line a distance of 57.74 feet to a point; thence North 21 degrees 48 minutes 05 seconds East along said highway right of way line a distance of 42.05 feet to a point; thence North 20 degrees 07 minutes 10 seconds West along highway right of way line a distance of 79.70 feet to a point; thence N'ly and W'ly along a curve to the right with a long

chord of 76.58 feet bearing North 16 degrees 44 minutes 15 seconds West, a radius of 649.12 feet and a central angle of 06 degrees 45 minutes 49 seconds, an arc distance of 76.63 feet along said highway right of way line to a point; thence South 76 degrees 38 minutes 39 seconds West along said highway right of way line a distance of 12.50 feet to a point; thence North 31 degrees 11 minutes 06 seconds West along said highway right of way line a distance of 44.63 feet to a point; thence North 00 degrees 08 minutes 52 seconds East along said highway right of way line a distance of 105.86 feet to a point; thence North 06 degrees 28 minutes 57 seconds East along said highway right of way line a distance of 104.33 feet to a point; thence N'ly and E'ly along a curve to the right with a long chord of 103.82 feet bearing North 12 degrees 44 minutes 39 seconds East, a radius of 661.62 feet and a central angle of 09 degrees 00 minutes 00 seconds, an arc distance of 103.93 feet along said highway right of way line to a point; thence North 72 degrees 45 minutes 21 seconds West 70.46 feet to a point of beginning of Line B; thence South 41 degrees 10 minutes 22 seconds West a distance of 101.43 feet to a point; said point being 50 feet SW'ly from the NE'ly line of 24th Avenue West extended; thence North 48 degrees 49 minutes 38 seconds West a distance of 140.00 feet to a point on the SE'ly line of Michigan Street; thence South 41 degrees 10 minutes 22 seconds West along said SE'ly line of Michigan Street a distance of 449.84 feet to a point on the center line of 25th Avenue West; thence SE'ly on said center line of 25th Avenue West extended to the center line of Huron Street; thence SW'ly along said center line of Huron Street to its intersection with the SW'ly line of 25th Avenue West extended; thence SE'ly along said SW'ly line of 25th Avenue West to its intersection with the SE'ly line of Huron Street; thence NE'ly along the SE'ly line of Huron Street extended a distance of 60 feet to a point on said line 6 feet SW'ly from the NE'ly line of 25th Avenue West extended; thence SE'ly on a line parallel to and 6 feet SW'ly from said NE'ly line of 25th Avenue West a distance of 268 feet, more or less, to the point of intersection with Line A hereinbefore described; and there ending; Subject to a limitation of access in favor of the State of Minnesota along the following described line: Beginning at a point on the SE 'ly extension of the SW'ly line of 25th Avenue West distant 670.27 feet SE'ly of its intersection with the SE line of Michigan Street; thence 53.42 feet on a curve, concave to the NW, having a radius of 1878.86 feet (delta angle 01 degrees 37 minutes 44 seconds) whose long chord bears North 27 degrees 37 minutes 10 seconds East; thence North 28 degrees 58 minutes 37 seconds West 59.63 feet; thence 110.18 feet on a curve not tangent to the last course, concave to the NW, whose radius is 1829.86 feet (delta angle 03 degrees 27 minutes 00 seconds) whose long chord bears North 24 degrees 01 minutes 48 seconds East and there terminating; SUBJECT to an easement in favor of the public over and upon all street, avenues and alleys which are shown upon and dedicated by any of the recorded plats above referred to and which abut upon or are appurtenant to said premises, excepting, however, from the operation and effect of said easement, all such streets, avenues and alleys which are included within the limits set forth in the judgment of vacation made and entered by the District Court on March 10, 1880, certified copy of which judgment was recorded in the office of the Register of Deeds on May 10, 1912, in Book 351 of Deeds, page 459, and EXCEPT so far as the rights of the public are altered by Document No. 44836. Lots 402, 404, 406, 408, 410, 412, 414 and 416 Block 10 DULUTH PROPER SECOND DIVISION, including also the vacated alley in Block 10 and such portions of 25th Avenue West, being now vacated, as are appurtenant to said lots. All of vacated 25th Avenue West abutting on and appurtenant to Lot 401 Block 10 DULUTH PROPER SECOND DIVISION; the title thereto being registered as evidenced by Certificate of Title No. 216735.0;

which lies in that part of the southwesterly  $\frac{1}{2}$  of vacated 24th Avenue West, lying northeasterly of a line run parallel with and 50.00 feet southwesterly of the northeasterly right of way line of said vacated 24th Avenue West extended.

STATEMENT OF PURPOSE: The State of Minnesota through the department of transportation has requested that the DTA give it a perpetual easement to a new storm water retention pond to be located near I-35 as part

of the Twin Ports Interchange Project. Pursuant to the DTA's enabling legislation, Minn. Stat. Chap. 458A.21 et. seq, the conveyance of a permanent easement requires the approval of the Duluth city council. This resolution provides the required approval.