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Title:	RESOLUTION APPROVING THE CONVEYANCE BY THE DULUTH TRANSIT AUTHORITY TO WESTERN LAKE SUPERIOR SANITARY DISTRICT OF A PERMANENT WATER LINE EASEMENT.		

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RESOLUTION APPROVING THE CONVEYANCE BY THE DULUTH TRANSIT AUTHORITY TO WESTERN LAKE SUPERIOR SANITARY DISTRICT OF A PERMANENT WATER LINE EASEMENT.

CITY PROPOSAL:

RESOLVED, that the Duluth city council does hereby approve the conveyance by the Duluth Transit Authority ("DTA") to Western Lake Superior Sanitary District ("WLSSD") of a permanent water line easement over property located in St. Louis County, Minnesota, and legally described as follows:

Legal description for utility easement #1 over PID NO. 010-1080-01412

An easement for utility purposes lying over, under and across that part of Tract 2, FIRST SUBDIVISION OF DULUTH PROPER, SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the point of intersection of the Southeasterly line of Michigan Street with the Southwesterly line of 25th Avenue West; thence on an assumed bearing of South 48 degrees 49 minutes 38 seconds East, along the Southeasterly extension of the Southwesterly line of said 25th Avenue West 670.27 feet to a point on the Northwesterly right of way line of Interstate Highway No. 35; thence Northerly and Easterly 53.42, along said Northwesterly right of way line and along a non-tangential curve, concave to the left, having a radius of 1878.76 feet and a central angle of 01 degree 37 minutes 44 seconds, the chord of said curves bears North 27 degrees 37 minutes 10 seconds East for a chord distance of 53.41 feet; thence North 28 degrees 58 minutes 37 seconds West along said Northwesterly right of way line 59.63 feet; thence Northerly and Easterly 110.18 feet, along said Northwesterly right of way line and along a non-tangential curve, concave to the left, having a radius of 1829.86 and a central angle of 03 degrees 27 minutes 00 seconds, the chord of said curve bears North 24 degrees 01 minutes 48 seconds East for a chord distance of 110.17 feet; thence North 53 degrees 11 minutes 10 seconds East along said Northwesterly right of way line 57.74 feet; thence North 21 degrees 48 minutes 05 seconds East along said Northwesterly right of way line 42.05 feet to the point of beginning of the easement herein described; thence North 20 degrees 07 minutes 10 seconds West along said Northwesterly right of way line 79.70 feet; thence Northerly and Westerly 76.63 feet, along said Northwesterly right of way line and along a non-tangential curve to the right, having a radius of 649.12 feet and a central angle of 06 degrees 45 minutes 49 seconds, the chord of said curve bears North 16 degrees 44 minutes 16 seconds West for a chord distance of 76.58 feet; thence South 76 degrees 38 minutes 39 seconds West along said

Northwesterly right of way line 12.50 feet; thence South 22 degrees 15 minutes 59 seconds East 69.05 feet; thence South 15 degrees 33 minutes 01 seconds East 58.89 feet; thence South 20 degrees 07 minutes 10 seconds East 41.05 feet to the Northwesterly right of way line of said Interstate Highway No. 35; thence North 21 degrees 48 minutes 05 seconds East, along said Northwesterly right of way line 14.97 feet to the point of beginning. Said utility easement contains 1,372 Sq. Feet or 0.03 Acres.

Legal description for utility easement #2 over PID NO'S. 010-1080-01412 AND 010-1110-00010

An easement for utility purposes lying over, under and across that part of Tract 2, FIRST SUBDIVISION OF DULUTH PROPER, SECOND DIVISION, according to the recorded plat thereof, St. Louis County, Minnesota described as follows:

Commencing at the point of intersection of the Southeasterly line of Michigan Street with the Southwesterly line of 25th Avenue West; thence on an assumed bearing of South 48 degrees 49 minutes 38 seconds East, along the Southeasterly extension of the Southwesterly line of said 25th Avenue West 670.27 feet to a point on the Northwesterly right of way line of Interstate Highway No. 35; thence Northerly and Easterly 53.42, along said Northwesterly right of way line and along a non-tangential curve, concave to the left, having a radius of 1878.76 feet and a central angle of 01 degree 37 minutes 44 seconds, the chord of said curves bears North 27 degrees 37 minutes 10 seconds East for a chord distance of 53.41 feet; thence North 28 degrees 58 minutes 37 seconds West along said Northwesterly right of way line 59.63 feet; thence Northerly and Easterly 110.18 feet, along said Northwesterly right of way line and along a non-tangential curve, concave to the left, having a radius of 1829.86 and a central angle of 03 degrees 27 minutes 00 seconds, the chord of said curve bears North 24 degrees 01 minutes 48 seconds East for a chord distance of 110.17 feet; thence North 53 degrees 11 minutes 10 seconds East along said Northwesterly right of way line 57.74 feet; thence North 21 degrees 48 minutes 05 seconds East along said Northwesterly right of way line 42.05 feet; thence North 20 degrees 07 minutes 10 seconds West along said Northwesterly right of way line 79.70 feet; thence Northerly and Westerly 76.63 feet, along said Northwesterly right of way line and along a non-tangential curve to the right, having a radius of 649.12 feet and a central angle of 06 degrees 45 minutes 49 seconds, the chord of said curve bears North 16 degrees 44 minutes 16 seconds West for a chord distance of 76.58 feet; thence South 76 degrees 38 minutes 39 seconds West along said Northwesterly right of way line 12.50 feet; thence North 31 degrees 11 minutes 06 seconds West along said Northwesterly right of way line 44.63 feet; thence North 00 degrees 08 minutes 52 seconds East along said Northwesterly right of way line 66.70 feet to the point of beginning the utility easement herein described; thence North 00 degrees 08 minutes 52 seconds East along said Northwesterly right of way line 39.16 feet; thence North 06 degrees 28 minutes 57 seconds East along said Northwesterly right of way line 72.92 feet; thence North 03 degrees 01 minutes 49 seconds West 68.85 feet; thence North 31 degrees 30 minutes 18 seconds West 28.02 feet; thence North 46 degrees 47 minutes 56 seconds West 56.94 feet, more or less, to a line which is parallel with and distant 140.00 feet Southeasterly of the Southeasterly right of way line of Michigan Street; thence South 41 degrees 10 minutes 22 seconds West, along said parallel line 20.01 feet; thence South 46 degrees 47 minutes 56 seconds East 53.55 feet; thence South 31 degrees 30 minutes 18 seconds East 20.26 feet; thence South 03 degrees 01 minutes 49 seconds East 124.02 feet; thence South 09 degrees 31 minutes 19 seconds East 51.10 feet to the point of beginning. Said utility easement contains 4,041 Sq. Feet or 0.09 Acres.

STATEMENT OF PURPOSE: There is presently a water line running from Michigan Street over DTA property near the DTA Operations Center which services Western Lake Superior Sanitary District ("WLSSD") facilities south of I-35, but for which WLSSD does not have a recorded easement. WLSSD and the City of Duluth (the "City") have agreed that it is appropriate for the City to own the water line, and the water line easement will subsequently be assigned to the City, but the City has asked WLSSD to initially acquire the easement. The DTA approved the conveyance of the water line easement at its January 29, 2020, board meeting. Pursuant to the DTA's enabling legislation, Minn. Stat. Chap. 458A.21 e.t seq., the conveyance of a permanent easement requires the approval of the Duluth city council. This resolution provides the required approval.