



## Legislation Text

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**File #:** 17-015-O, **Version:** 1

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### AN ORDINANCE DEDICATING A PERMANENT EASEMENT FOR ROADWAY PURPOSES ON PROPERTY ADJACENT TO CONGDON BOULEVARD.

#### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the city of Duluth does hereby dedicate to the general public a perpetual easement for roadway purposes over, under, across part of Government Lot One (1), Section Three (3), Township Fifty (50) North, Range Thirteen (13) West, St. Louis County, Minnesota, according to the US Government survey thereof, lying within the following described real property and as depicted on the map attached as Exhibit A:

Commencing at the Northwest Corner of said Government Lot 1, thence North 89 degrees 54 minutes 51 seconds East, along the north line of said Government Lot 1, a distance of 423.36 feet to the southeasterly line of existing Congdon Boulevard; thence South 53 degrees 59 minutes 21 seconds West along said southeasterly line a distance of 65.93 feet to the POINT OF BEGINNING; thence deflect 90 degrees left in a southeasterly direction 55.00 feet; thence deflect 90 degrees right in a southwesterly direction 115.00 feet; thence deflect 90 degrees right in a northwesterly direction 55.00 feet to the said southeasterly line of Congdon Boulevard; thence North 53 degrees 59 minutes 21 seconds East along said line a distance of 115.00 feet to the Point of Beginning and there terminating.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The city of Duluth will be improving Congdon Boulevard from Brighton Beach/Highway 61 to McQuade Road, which project was ordered and authorized under Resolution 16-0777 (Project No. 1035, S.P. 118-060-011). In addition to assessing the benefitting property owners, funding sources for the road improvement project comes from federal and state sources.

As part of the project, the City needs to work on a culvert that encroaches on city-owned land. In order to use federal and state funding sources for the project, the property must be designated as right-of-way. Therefore, the city needs to grant a roadway easement on the portion of city-owned property that is currently not designated as right-of-way.

The granting of this easement allows the city to use the federal and state funding sources to improve the culvert and permanently dedicates the property the culvert lies on to the public to be used for roadway purposes.