



## Legislation Text

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**File #:** 18-051-O, **Version:** 1

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AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD TO THE WESTERN LAKE SUPERIOR SANITARY DISTRICT FOR NOMINAL CONSIDERATION.

### CITY PROPOSAL:

The city of Duluth does ordain:

#### Section 1.

(a) Pursuant to Section 2-176(a) of the Duluth City Code, 1959, as amended (the "Code"), the city council stated its intention to sell or convey certain property as set forth in Resolution 18-0664, which property is legally described as (the "Property"):

That part of Outlot 2 of MARTIN'S SUPPLEMENTARY PLAT OF OUTLOTS in Government Lot 3 SECTION 4 TOWNSHIP 49 North RANGE 14 West of the Fourth Principal Meridian more particularly described as follows:

Commencing at the point of intersection of the center line of 26<sup>th</sup> Avenue West with the North line of said Government Lot 3, thence South 48 degrees 04 minutes 31 seconds East along the center line of 26th Avenue West a distance of 1069.28 feet to a point on the center line of Martin Street; thence North 41 degrees 55 minutes 29 seconds East along the center line of Martin Street a distance of 466.25 feet to a point on the center line of 25<sup>th</sup> Avenue West; thence South 48 degrees 04 minutes 31 seconds East along the center line of 25<sup>th</sup> Avenue West a distance of 368.50 feet to a point on the SE'ly line of Transfer Street; thence North 41 degrees 55 minutes 29 seconds East along the SE'ly line of Transfer Street extended a distance of 246.83 feet to the point of beginning of the parcel of land herein described; thence North 43 degrees 21 minutes 10 seconds West a distance of 460.56 feet to a point; thence North 25 degrees 21 minutes 10 seconds West a distance of 94.14 feet to a point on the South line of Lot 13 Block K Duluth Proper Second Division; thence South 89 degrees 30 minutes 41 seconds East along the South line of Lot 13 Block K Duluth Proper Second Division a distance of 949.92 feet to a point on the United States harbor line; thence South 27 degrees 34 minutes 11 seconds East along the United States harbor line a distance of 1932.46 feet to a point; thence South 46 degrees 19 minutes 29 seconds West along the United States Harbor line a distance of 188.61 feet to a point; thence North 43 degrees 21 minutes 10 seconds West, a distance of 1968.55 feet to the point of beginning, containing 24.857 acres of land, more or less.

All of said lands lying and being in the City of Duluth, County of St. Louis, State of Minnesota.

EXCEPT minerals and mineral rights in all of the above described lands.

(b) Pursuant to Section 2-177.3 of the Code, the city council finds that the conveyance to the Western Lake Superior Sanitary District, a public corporation and political subdivision under the laws of the state of Minnesota ("WLSSD"), of the Property is in the best interests of the citizens of the city and exceeds the needs of the city to retain the property.

(c) Pursuant to Section 2-176(b) of the Code, the city's planning department reviewed the proposed conveyance of the Property for conformity to the city's comprehensive plan and reported that the conveyance of the Property conforms with said comprehensive plan and is surplus to the city's future needs.

(d) Pursuant to Section 2-176(c) of the Code, the St. Louis County Assessor determined that the estimated market value of the Property has a current estimated market value of \$5,100.

Section 2. That the proper city officials are hereby authorized to convey the Property to WLSSD for the sum of \$1.00 and execute the deed and all other documents necessary to effectuate the conveyance of the Property to WLSSD. WLSSD shall be responsible to bear all costs associated with the conveyance of the Property, including but not limited to closing costs, recording fees, any real estate transfer tax or conveyance fees, and title company costs.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to authorize the conveyance of real property legally described above ("Property") to Western Lake Superior Sanitary District, a public corporation and political subdivision under the laws of the state of Minnesota ("WLSSD"). The Property is located adjacent to Western Lake Superior Sanitary District's ("WLSSD") main treatment plant in the Lincoln Park neighborhood. An aerial view of the real property to be sold or conveyed is outlined in red on the attached Exhibit A.

This property is surrounded by WLSSD's main treatment plant and cannot be accessed without crossing WLSSD's property. A majority of the property lies underwater. The City desires to transfer ownership of the real estate to WLSSD. WLSSD intends to use this property to expand its existing flare pit.

The city's planning department reviewed the proposed sale or conveyance for conformity to the city's comprehensive plan and determined that a sale or conveyance of the property conforms with said comprehensive plan and the property is surplus to the city's future needs. The letter of conformity is attached as Exhibit B.

According to the St. Louis County assessor, the real property intended to be sold or conveyed has a current estimated market value of \$5,100. The City would like to convey the Property for nominal consideration because of the public benefit provided by WLSSD's operations.