

PUBLIC WORKS AND UTILITIES COMMITTEE

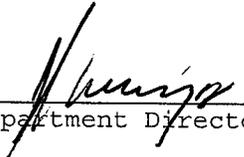
13-0570R

RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT FROM
HARTLEY NATURE CENTER.

CITY PROPOSAL:

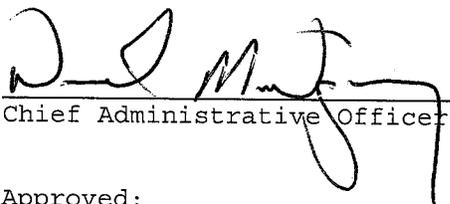
RESOLVED, that the proper city officials are hereby authorized to accept from Hartley Nature Center Corporation, a Minnesota non-profit corporation, the donation of an easement for street and utility purposes as described on Public Document No. _____, said document being on file in the office of the city clerk, over property in the Hartley Nature Center at no cost to the city.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PWU/PRCH/ATTY REA:de 11/13/2013

STATEMENT OF PURPOSE: This resolution authorizes the acceptance of an easement for road and utility purposes over a portion of the property in Hartley Nature Center for Catherine Street as constructed.

Catherine Street is a platted street running through the Hartley Nature Center property and an access road was built on the street right-of-way, but when it was constructed, it was built partly within and partly outside of the right-of-way boundaries. The purpose of this easement is to provide an additional right-of-way so the road as currently traveled is "legal" and can be legally used.

PUBLIC EASEMENT

1. **Grant.** Hartley Nature Center Corporation, a Minnesota non-profit corporation, hereby grants to the City of Duluth, in trust for the general public, a perpetual, fifteen (15) foot wide easement for road and utility purposes, including but not limited to maintenance, located in the City of Duluth, St. Louis County, Minnesota, as depicted on Exhibit A attached hereto and legally described as follows:

The southerly fifteen (15) feet of Lots Sixteen (16) and Seventeen (17), RHODES' DIVISION OF DULUTH, St. Louis County, Minnesota.

2. **Covenants Run with Land.** All of the terms and conditions in this easement shall run with the land and shall be binding upon the grantor and its successors and assigns, and inure to the benefit of the general public and be enforceable by the City of Duluth, Minnesota, on behalf of the general public.

3. **Non-Use.** Non-use or limited use of the easement rights granted herein shall not terminate the easement rights granted herein or prevent the general public from later use of the easement rights to the fullest extent authorized herein.

4. **Governing Law.** This Public Easement shall be construed and enforced in accordance with the laws of the State of Minnesota.

HARTLEY NATURE CENTER CORPORATION, a Minnesota non-profit corporation

Dated: 10/16, 2013

By: Tam O'Leary
10/16/13
Its: Executive Director

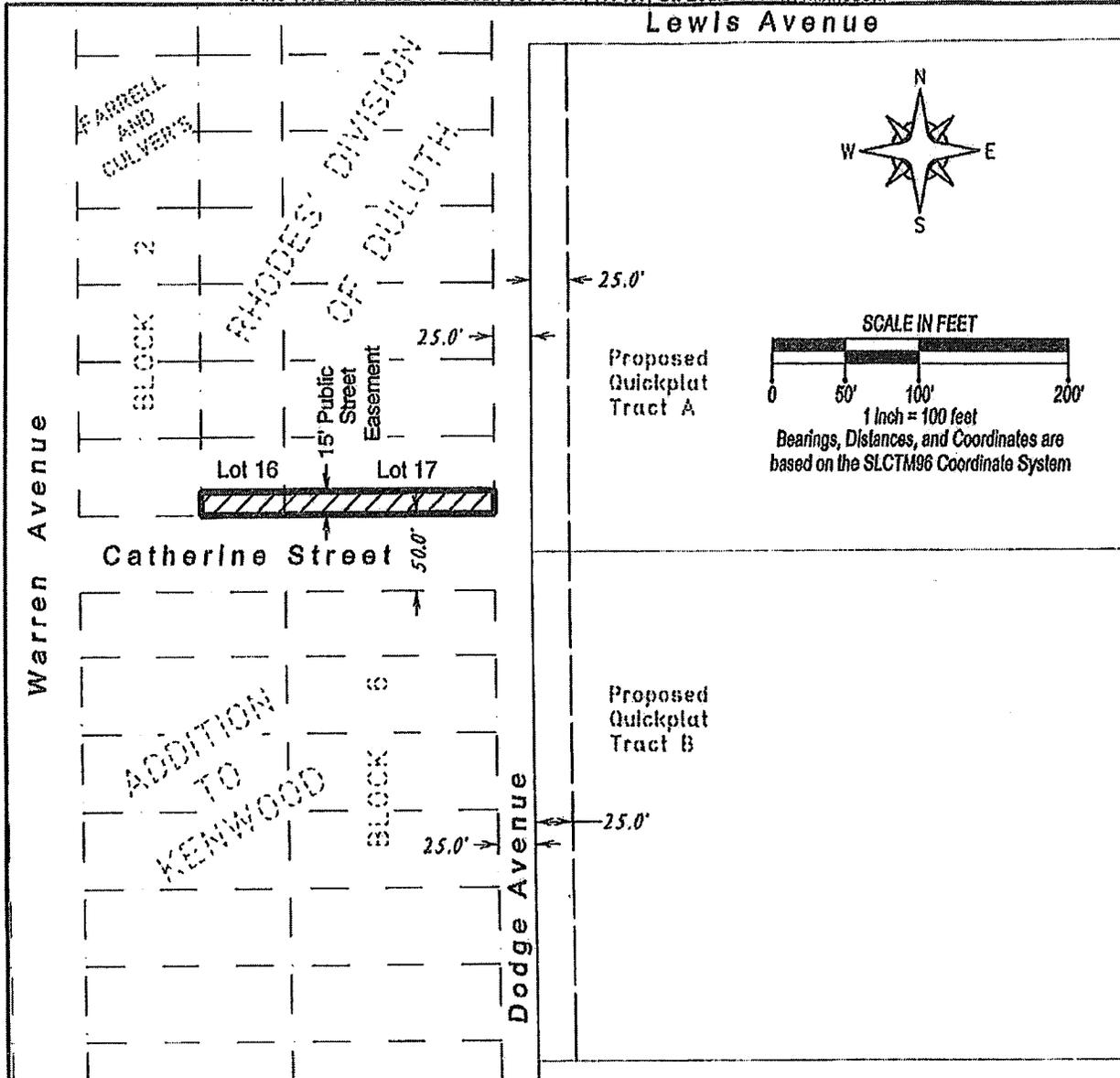
Dated: 10/16, 2013

And By: John Schmidt
10/16/13
Its: Board Chair

EXHIBIT A

Public Street Easement

In the W½ of the E½ of Section 10, T50N, R14W, St. Louis County, Minnesota



Legal Description:

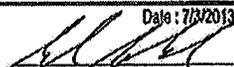
The southerly 15 feet of Lots 16 and 17, Rhodes' Division of Duluth, St. Louis County, Minnesota

Approved by the City Engineer of Duluth, MN

Date: _____ by: _____



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

Date: 7/3/2013

 DAVID SZYSZKOSKI
 MINNESOTA LICENSE NO. 47046



ENGINEERS • SURVEYORS • PLANNERS
SALO ENGINEERING, INC.
 4560 Norway Pines Place - Duluth, MN 55802
 SALO JOB NUMBER: SD0320A ph 218/727-8798

Public Street Easement Exhibit
 For: Cheryl Goldberg