CITY OF DULUTH

REQUEST FOR PROPOSALS FOR

W. 10th and W. 15th Road and Utility Easements

RFP NUMBER 18-0112E

ISSUED June 19, 2018

PROPOSALS DUE July 9, 2018

SUBMIT TO

CITY OF DULUTH
ATTN: PURCHASING DIVISION
CITY HALL, ROOM 100
411 WEST 1ST STREET
DULUTH, MN 55802
PART I - GENERAL INFORMATION

I-1. Project Overview. Prepare legal descriptions and exhibits for recording at the St. Louis County registrar for W. 10th Street south of Orange Street and W. 15th Street east of Orange Street. See attached location maps. Additional detail is provided in Part IV of this RFP.

I-2. Calendar of Events. The City will make every effort to adhere to the following schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline to submit Questions via email to <a href="mailto:purchasing@duluthmn.gov">purchasing@duluthmn.gov</a></td>
<td>July 5, 2018</td>
</tr>
<tr>
<td>Answers to questions will be posted to the City website no later than this date.</td>
<td>July 6, 2018</td>
</tr>
<tr>
<td>Proposals must be received in the Purchasing Office by 4:00 PM on this date.</td>
<td>July 9, 2018</td>
</tr>
</tbody>
</table>

I-3. Rejection of Proposals. The City reserves the right, in its sole and complete discretion, to reject any and all proposals or cancel the request for proposals, at any time prior to the time a contract is fully executed, when it is in its best interests. The City is not liable for any costs the Proposer incurs in preparation and submission of its proposal, in participating in the RFP process or in anticipation of award of the contract.

I-4. Questions & Answers. Any questions regarding this RFP must be submitted by e-mail to the Purchasing Office at purchasing@duluthmn.gov no later than the date indicated on the Calendar of Events. Answers to the questions will be posted as an Addendum to the RFP.

I-5. Addenda to the RFP. If the City deems it necessary to revise any part of this RFP before the proposal response date, the City will post an addendum to its website http://www.duluthmn.gov/purchasing/bids-request-for-proposals/. Although an e-mail notification will be sent, it is the Proposer’s responsibility to periodically check the website for any new information.

I-6. Proposals. To be considered, hard copies of proposals must arrive at the City on or before the time and date specified in the RFP Calendar of Events. The City will not accept proposals via email or facsimile transmission. The City reserves the right to reject or to deduct evaluation points for late proposals.

Proposals must be signed by an official authorized to bind the Proposer to its provisions. If the official signs the Proposal Cover Sheet attached as Appendix A, this requirement will be met. Proposals must remain valid for 60 days or until a contract is fully executed.
Please submit one (1) paper copy of the Technical Submittal and one (1) paper copy of the Cost Submittal.

All materials submitted in response to this RFP will become property of the City and will become public record after the evaluation process is completed and an award decision made.

I-7. Small Diverse Business Information. The City encourages participation by minority, women, and veteran-owned businesses as prime contractors, and encourages all prime contractors to make a significant commitment to use minority, women, veteran-owned and other disadvantaged business entities as subcontractors and suppliers. A list of certified Disadvantaged Business Enterprises is maintained by the Minnesota Unified Certification Program at [http://mnucp.metc.state.mn.us/](http://mnucp.metc.state.mn.us/).

I-8. Term of Contract. The term of the contract will begin once the contract is fully executed and is anticipated to end by December 31, 2018. The selected Proposer shall not start the performance of any work nor shall the City be liable to pay the selected Proposer for any service or work performed or expenses incurred before the contract is executed.

I-9. Mandatory Disclosures. By submitting a proposal, each Proposer understands, represents, and acknowledges that:

A. Their proposal has been developed by the Proposer independently and has been submitted without collusion with and without agreement, understanding, or planned common course of action with any other vendor or suppliers of materials, supplies, equipment, or services described in the Request for Proposals, designed to limit independent bidding or competition, and that the contents of the proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or agent of the Proposer.

B. There is no conflict of interest. A conflict of interest exists if a Proposer has any interest that would actually conflict, or has the appearance of conflicting, in any manner or degree with the performance of work on the project. If there are potential conflicts, identify the municipalities, developers, and other public or private entities with whom your company is currently, or have been, employed and which may be affected.

C. It is not currently under suspension or debarment by the State of Minnesota, any other state or the federal government.

I-10. Notification of Selection. Proposers whose proposals are not selected will be notified in writing when contract negotiations have been successfully completed and the City has received the final negotiated contract signed by the selected Proposer.
PART II - PROPOSAL REQUIREMENTS

Provide cover letter and resumes of staff proposed for project. Provide summary tabulation of work tasks and proposed cost of each task to provide finished legal description and easement dedication exhibits in a recordable form. Suggested task list:

- Meeting to gather information from City.
- Three meetings with City, or adjacent property owners as required dedication limits are developed.
- Provide a minimum of seven exhibits to accompany agreements prepared by City Attorney’s office.

Address in cover letter how extra work cost will be charged. Use cost basis in task list or use hourly rates per staff person and equipment?

PART III - CRITERIA FOR SELECTION

The proposals will be reviewed by City Staff. The intent of the selection process is to review proposals submitted by at least three qualified consultants and make an award based upon qualifications as described therein. A 100-point scale will be used to create the final evaluation recommendations. The factors and weighting on which proposals will be judged are:

<table>
<thead>
<tr>
<th>Cost</th>
<th>50%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resumes of assigned staff</td>
<td>50%</td>
</tr>
</tbody>
</table>

PART IV – PROJECT DETAIL

Portions of W. 15th Street and all of W. 10th Street have been maintained by the city of Duluth without the proper road and utility easements in place. The work to be provided by the selected consultant includes research, survey, mapping and providing legal descriptions and exhibits signed by a land surveyor licensed in the state of Minnesota. The documents would then be included in the easement agreements that would be prepared and executed by the city attorneys’ office, submitted to city council for approval, and then recorded by the city at St. Louis County registrar.

The easements for W. 15th Street have been requested by St. Louis County so they can put the tax forfeit parcels up for sale. The easements for W. 10th Street have been discussed with at least one of the adjacent property owners, Mr. Eric Sommerness. It appears that the existing access was constructed along a telephone easement. See the attached aerial photograph exhibits indicating the proposed easement dimensions and limits.

The City is providing in the Request for Proposal the following documents:
- Duluth Street Railway map
- St. Louis County unofficial certificate for Orange Street 80-foot Easement
• Survey recorded at the county in 2013
• Survey recorded at the county in 1978
• Boundary Survey for Eric Sommerness
• Certificate of title for underground cable
• City GIS aerial photographic mapping of sites indicating property owners and rough sketch of easements required (2 pages)
APPENDIX A - PROPOSAL COVER SHEET
CITY OF DULUTH
RFP# 18-0112E

<table>
<thead>
<tr>
<th>Proposer Information:</th>
</tr>
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<tbody>
<tr>
<td>Proposer Name</td>
</tr>
<tr>
<td>Mailing Address</td>
</tr>
<tr>
<td>Website</td>
</tr>
<tr>
<td>Contact Person</td>
</tr>
<tr>
<td>Contact Person’s Phone Number</td>
</tr>
<tr>
<td>Contact Person’s Fax Number</td>
</tr>
<tr>
<td>Contact Person’s E-Mail Address</td>
</tr>
<tr>
<td>Federal ID Number</td>
</tr>
<tr>
<td>Authorized Signature</td>
</tr>
<tr>
<td>Title</td>
</tr>
</tbody>
</table>
STATE OF MINNESOTA
COUNTY OF ST. LOUIS } SS.

This is to certify that

HIGHLAND COMPANY, WHICH BEGAN ITS CORPORATE EXISTENCE MAY 2, 1904
CITY OF DULUTH, COUNTY OF ST LOUIS, STATE OF MINNESOTA
are now the owners of an estate, to-wit, IN FEE SIMPLE

of and in the following described land situated in the County of St. Louis and State of Minnesota, to-wit:

SE1/4 of SE1/4 of SE1/4 of SW1/4 Section 21 Township 50 North Range
14 West of the Fourth Principal Meridian, EXCEPT so much of said
above described land as formerly constituted and was formerly
described as Lots 11, 12, 13 and 14, Block 8, Lots 8, 9, 10 and 11,
Block 5 and the entire fractional Block 27 Clough's Addition to
Duluth.
All the minerals in, upon or under E1/2 of W1/2 of SW1/4 of SW1/4
Section 21 Township 50 North Range 14 West of the Fourth Principal
Meridian, EXCEPT that part formerly platted as Fractional Block 27
Clough's Addition to Duluth.

All the minerals in, upon or under E1/2 of SW1/4 of SW1/4, W1/2 of
SE1/4 of SW1/4 and NE1/4 of SE1/4 of SW1/4 Section 21 Township 50
North Range 14 West of the Fourth Principal Meridian, EXCEPT so much
of said above described land as formerly constituted and was formerly
described as Lots 11, 12, 13 and 14, Block 8, Lots 8, 9, 10 and 11
Block 5 and the entire fractional Block 27 All in Clough's Addition
to Duluth.
SUBJECT to an easement in favor of the City of Duluth and public for
a right of way for highway purposes over a strip of said land, 80
feet in width and following the tracks of the Duluth Street Railway
Company as now located upon said lands, the center line of which said
80 foot strip is a line running parallel with the land 5 1/2 feet
distant from said north and east of the center line of the tracks of
the said Duluth Street Railway Company.

Subject to encumbrances, liens, and interest noted by memorial underwritten or endorsed hereon: and subject to the following rights or encumbrances subsisting,
as provided in laws 1905, chapter 305, section 24, namely:
(1) Liens, claims, or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record;
(2) Any real property tax or special assessment for which a sale of the land has not been had at the date of the certificate of title;
(3) Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease;
(4) All rights in public highways upon the land;
(5) Such right of appeal or right to appear and contest the application, petition, or other proceeding affecting the title, as is allowed by law;
(6) The rights of any person in possession under deed or contract for deed from the owner of the certificate of title;
(7) Any outstanding mechanics lien rights which may exist under sections 514.01 to 514.17.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office, this January 19, 1979

CLARK A ILSE
Registrar of Titles
in and for the County of St. Louis and State of Minnesota

By R M GRIFFIN, Deputy
### MEMORIAL
of Estates, Easements or Charges on the Land described in the Certificate of Title hereto attached.

<table>
<thead>
<tr>
<th>DOCUMENT NUMBER</th>
<th>KIND OF INSTRUMENT</th>
<th>DATE AND TIME</th>
<th>INSTRUMENT OF REGISTRATION</th>
<th>DATE AND AMOUNT</th>
<th>SIGNATURE OF REGISTRAR</th>
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<tr>
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<td>08/24/1956</td>
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<td>STATE DEED</td>
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<td>06/21/1956</td>
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<td>QUIT CLAIM DEED</td>
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<td>12/12/1962, 1.00</td>
<td>RICHARD V DUMAS By MILDRED KINDBERG Deputy</td>
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<td>298288.0</td>
<td>PETITION SUBSEQUENT</td>
<td>03/27/1963, 9:00 AM</td>
<td>03/22/1963</td>
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<td>299007.0</td>
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<td>06/22/1978, 1.00</td>
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<td>415614.0</td>
<td>CERTIFICATE OF FORFEITURE</td>
<td>09/27/1978, 11:00 AM</td>
<td>07/19/1939</td>
<td>CLARK A ILSE By D GILBERG Deputy</td>
<td></td>
</tr>
</tbody>
</table>

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Certificate Number: 216232.0  LINC Number:17681  11/6/2017  Page 3 of 3
LEGEND

○ IRON SURVEY MARKER SET
□ MONUMENT FOUND

SURVEY OF THE NORTH 1/4 OF THE
58 1/4 OF THE SW 1/4 Lying East
OF ORANGE STREET, SECTION 21,
TOWNSHIP 50 NORTH, RANGE 14
WEST, DULUTH, MINNESOTA.

JACK D. SALO, INC.
CIVIL ENGINEERS AND SURVEYORS
15 EAST 1ST STREET - DULUTH, MINN.

I hereby certify that this survey was prepared by
me or under my direct supervision and that I am a
daily Registered Civil Engineer and Land Surveyor
under the laws of the State of Minnesota.

John F. Salo
Reg. No. 7407
Date: OCT 2, 1978
Job No. 59-465

This survey was filed with the St. Louis County Surveyor's Office in accordance with St. Louis County Ordinance 21.
Certificate of Title

District Court No. 2104
File No. registered day of 19 at o'clock M.

Transfer from part of No. 26593 Originally registered 25th day of August 1916 Volume 85 page 40

REGISTRATION

STATE OF MINNESOTA } ss. This is to certify that FELIX V. MEACHER residing at , in the CITY of MANKAIO of and in the following described land situated in the county of St. Louis and state of Minnesota, to wit.

is now the owner of an estate, to wit. IN FEE SIMPLE

All the minerals in, upon or under Lots Four (4), Five (5) and Six (6), Block Thirty-nine (39), DULUTH HEIGHTS, FIRST DIVISION, according to the plat thereof, on file and of record in the office of the Register of Deeds, St. Louis County, Minnesota.
That the said Felix K. Meagher is of the age of 18 years or older. is married Cora C. Meagher, and under no legal incapacity.  

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office. this 23rd day of February, 1996.

MARK A. MONACELLI  
Registrar of Titles  
in and for the county of St. Louis and state of Minnesota.  
By  
Deputy  

MEMORIAL  
of Estates, Easements or Charges on the Land described in the Certificate of Title hereto attached.

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<th>AMOUNT</th>
<th>SIGNATURE OF REGISTRAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>148416</td>
<td>MORTGAGE</td>
<td>SEC. 1, 1939-5</td>
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<tr>
<td>171759</td>
<td>EASEMENT</td>
<td>OCT. 17, 1944-11</td>
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<tr>
<td>320899</td>
<td>EASEMENT</td>
<td>June 13, 1966-3</td>
<td></td>
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</tbody>
</table>

Perpetual easement for underground cable. Affects other the reg. & unreg. prop. See Doc. No. 320899.

Necessitated by changes in the local area.  

by  
MARK A. MONACELLI  
Registrar of Titles
EASEMENT OVER TAX FORFEITED LANDS

Granted to: Northwestern Bell Telephone Company

Address: 9 West Superior St., PO Box 17
Duluth, Minnesota

Easement No.: 059
Date Effective: October 7, 1965

Purpose of Easement: underground cable
Notion No.: 280

Duration of Easement: perpetual
Receipt No.: 

Pursuant to provisions of Section 282.04, Subdivision 4, Laws of 1981, Minnesota Statutes and Notion No. 280 adopted by the Board of County Commissioners of St. Louis County, Minnesota, for the ST. LOUIS COUNTY TAX FORFEITED LAND DEPARTMENT of the County of St. Louis, State of Minnesota, hereinafter called the Grantor, for and in consideration of $37.00, receipt of which is hereby acknowledged, does hereby grant and convey to Northwestern Bell Telephone Company

a perpetual right-of-way easement to construct and maintain, replace or remove, such: underground cable

at the discretion of the grantee, on the following tax forfeited lands:

To-wit: Duluth Proper Third Division, Lotes 91, 93 and 95, Block 147; and Duluth Heights First Division, Lotes 1, 5 and 6, Blocks 38, Lote 4 thru 9, Block 99; and Lotes 19 thru 22, Block 29.

This easement is granted with the right of ingress and egress over and across the lands of the undesignated and to and from said plot for the purpose of exercising the rights herein granted, and further right to cut, trim or remove trees and brush on the above described lands, subject to the appraised value as set by the ST. LOUIS COUNTY TAX FORFEITED LAND DEPARTMENT of the County of St. Louis, State of Minnesota, of such timber, which timber valuations shall be paid by the grantee under separate billing, and thereafter the right to cut down any adjoining timber which endangers the property of the Grantee.
TO HAVE AND TO HOLD said easement, permanently, unto said

Northwestern Bell Telephone Company

its or their successors and assigns, for such time as the grantee shall
hold in force the rights granted in this easement by the continued use
for which it was intended, subject however to the following provisions:

1. Grantee to pay for the actual cost of the appraisal plus the value
of the timber affected in the easement area.

2. The undersigned Grantor reserves the right to cancel the said
easement, by resolution of the County Board, after reasonable
notice, for any substantial breach of the terms and provisions
contained herein.

3. If upon termination of this easement brought about by the non-use
of the area affected under this agreement, and such non-use by
the grantee for the purpose which this easement was granted,
discontinues the use of the lease premises for a period of in
excess of two years, this easement shall automatically terminate
and all rights vested in fee to the land involved in the easement
shall revert to the owner of the adjoining properties.

4. The Grantee, by the acceptance hereof, and in consideration of
the granting of this easement, agrees to save the County, its officials
and employees, free and harmless from any and all damages, claims
or actions which may arise by reason of the negligence of

Northwestern Bell Telephone Company

his or its employees or agents in the use or maintenance of the
land heretofore described, including damages resulting from
chemicals when used for brush and weed control.

IN TESTIMONY WHEREOF, the County of St. Louis, State of Minnesota, has
caused this instrument to be executed in its name by the County Auditor
this 23rd day of May, 1986.

Signed, Sealed and Delivered
in the presence of:

[Signature]

[Signature]

STATE OF MINNESOTA )
COUNTY OF ST. LOUIS )

On this 23rd day of May, 1986, before me, a Notary
Public in and for said County, personally appeared Andrew Korda, County
Auditor of St. Louis County, to me personally known to be the person who
executed the foregoing instrument on behalf of the County of St. Louis and
acknowledged that he so executed the same in his official capacity as his
free act and deed pursuant to and in compliance with Notion No. 200
promulgated by the St. Louis County Board on the 23rd day of
May, 1986.

Notary Public, St. Louis County
State of Minnesota

My Commission expires
Feb. 25, 1986
May 25, 1966

The following motion was adopted by the Board of County Commissioners of the County of St. Louis, Minnesota, at its meeting held on May 23, 1966:

Upon motion of Commissioner Anderson, the County Auditor was authorized to execute, as Agent for the State of Minnesota, a power of attorney for underground cable to Northern Telco Telephone Company across Lots 91, 93 and 95, Block 147, Duluth Proper Third Division and Lots 19 through 22, Block 29, Lots 4, 5 and 6, Block 38, and Lots 31 through 37, Block 39, Duluth Heights First Division, tax-forfeited land, for the total consideration of $80.00 per easement No. 959.

Yours very truly,

ANDREW KORDA, County Auditor

[Signature]

Clerk of County Board

320899

Address YOUR REPLY TO — ANDREW KORDA, COUNTY AUDITOR, Court House, Duluth 2, Minn.
OFFICE OF REGISTER OF DEEDS
STATE OF MINNESOTA
County of St. Louis
I hereby certify that the within instrument was filed in this office the
day of JUN 13 1906
at 12 M and was duly recorded
in Book 81 at Page 6237
CHAS A. BLOWINSKI
Register of Deeds

ALSO

Archimandrite Theophylact C.

873/95
10/1/193

Archimandrite Theophylact C.

Engineering Dept.

3311 7th St.

Frick Hall

3508