

RESOLUTION

Authorizing the Use of Eminent Domain to Acquire All or a Portion of Parcel Number 010-2454-00012 for School District Purposes

WHEREAS, the School Board by Resolution B-6-07-2452 adopted a Long-range Facilities Plan for the District, and therein also directed the District's administrative staff to commence with the identification and negotiation of land to be acquired as identified in the Plan; and

WHEREAS, the Administration working with Johnson Controls and the District's Legal Counsel have identified certain property and have been unable to successfully negotiate the acquisition of said Parcel; and

WHEREAS, the School District is authorized to acquire property for public purposes pursuant to Minn. Statute Section 123B.74 and Minn. Statute Chapter 117;

WHEREAS, said property will be used for school purposes including the purposes set forth in Minnesota Statute Section 123B.51; and

WHEREAS, construction on the school building immediately adjoining the property described herein has already commenced, and the property described herein is needed for sloping, grade, parking and access to the new school building.

NOW, THEREFORE, BE IT RESOLVED that the School Board hereby determines that it is in the public interest and necessary for purposes of proceeding with construction of the project described above to acquire through negotiation with the property owner or by eminent domain this Parcel known as Assessor's Parcel No. 010-2454-00012, is further described as That part of Lot One (1), Huseby's Division First Addition, described as follows; Beginning at the NW corner of said Lot 1, thence South, along the East line of Lot 2, Huseby's Division First Addition, for a distance of 122.67 feet; thence South 50 degrees 01 minute 15 seconds East, along the Northeast line of Lot 3, Huseby's Division, First Addition for a distance of 86.00 feet; thence North 18 degrees 40 minutes, 42 seconds East for a distance of 187.66 feet to the South line of Ensign Street, thence North 89 degrees 56 minutes West along the South line of Ensign Street for a distance of 126.00 feet to the point of beginning, City of Duluth, in St. Louis County. Said parcel containing 15,246.624 square feet; and

BE IT FURTHER RESOLVED that for the reasons set forth herein and because of a concern that delays in acquisition of the property will delay this construction project, the School Board hereby deems it necessary to proceed without delay under Minn. Stat. §117.042.

BE IT FURTHER RESOLVED that the School District's legal counsel shall be requested to file the necessary petitions therefore and prosecute said actions to successful conclusions, or until they are abandoned, dismissed or terminated by the School Board or the District Court.