

Member _____ introduced the following Resolution and moved for its adoption:

RESOLUTION APPROVING CONVEYANCE TO CITY OF DULUTH

WHEREAS, Independent School District No. 709, Duluth (“District”) previously owned a property on E. 7th Street in Duluth, Minnesota, where the Franklin Elementary School was located (the “Property”);

WHEREAS, following the closure of Franklin Elementary School, the District conveyed the Property to the City of Duluth (“City”) in two separate conveyances in the 1970s;

WHEREAS, the City has since operated a park on the Property, presently known as the Hillside Sport Court Park;

WHEREAS, the City recently discovered that the two prior deeds from the District to the City contained a minor omission and inadvertently failed to include a small portion of the Property legally described as Lot 65, East Seventh Street, DULUTH PROPER, FIRST DIVISION (the “Retained Parcel”), resulting in the District retaining record title to that parcel;

WHEREAS, the Retained Parcel is shown in red in the attached Exhibit A;

WHEREAS, the City has requested that, in order to correct this minor omission, the District convey the Retained Parcel to the City;

WHEREAS, although the Retained Parcel was omitted from the legal descriptions in the prior conveyances, the District makes no representation or warranty regarding the nature, extent, validity, or marketability of its interest, if any, in the Retained Parcel and intends to convey only whatever right, title, and interest it may possess by quit claim deed;

WHEREAS, the Retained Parcel has functioned as part of City park property for decades and provides no independent utility to the District;

WHEREAS, the Retained Parcel is no longer needed for the District’s educational needs and it is in the District’s best interest to clear up this title question;

WHEREAS, the Retained Parcel is part of the City's existing Hillside Sport Court Park and will continue to be used for public recreational purposes.

WHEREAS, Minnesota Statutes Section 465.035 states that “[a]ny . . . public corporation may lease or convey its lands for a nominal consideration, without consideration or for such consideration as may be agreed upon to . . . any governmental subdivision . . . for public use when authorized by its governing body.”

NOW, THEREFORE BE IT RESOLVED by the School Board of Independent School District No. 709, Duluth as follows:

1. The School Board hereby authorizes and approves the conveyance of the Retained Parcel via quit claim deed in the form attached hereto as Exhibit B for the nominal sum of \$1.00. The Board Chair and Board Clerk are authorized to sign the deed. The City will be responsible for all costs of recording the deed.
2. The Superintendent or his designee is hereby authorized to take any actions necessary to complete the conveyance described in the Agreement, including but not limited to correction of typographical, scrivener's, legal description, recording, or other non-substantive errors.

The motion for the adoption of the foregoing Resolution was duly seconded by Member _____, and upon vote being taken thereon, the following voted in favor thereof:

The following voted against same:

School Board Chair

ATTEST:

School Board Clerk

Exhibit A

Depiction of Retained Parcel

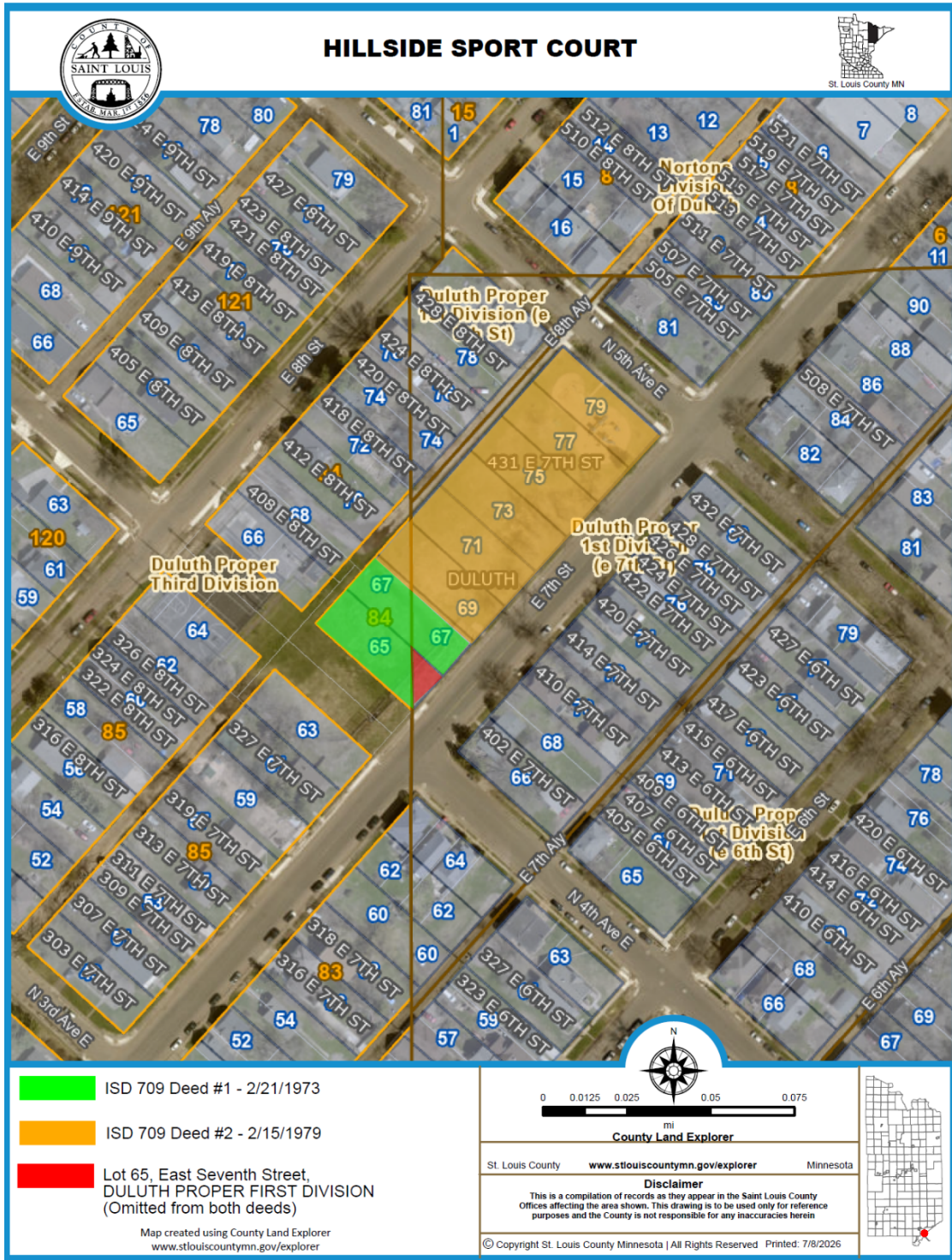


Exhibit B

Deed