

CHAPTER 458—H. F. No. 1751

An act to designate as Floyd B. Olson Memorial Highway, the highway commencing at Lyndale avenue north and Sixth avenue north in Minneapolis and extending in a westerly direction through Golden Valley, Buffalo, Maple Lake, Annandale, Kimball and Glenwood.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Floyd B. Olson Memorial Highway.—The following described highway shall be known as the Floyd B. Olson Memorial Highway :

That statutory route No. 55, when permanently established, shall thereafter be known as the Floyd B. Olson Memorial Highway, in addition to its statutory number.

Approved April 24, 1937.

CHAPTER 459—H. F. No. 1757

An act authorizing the executive council to lease, rent, sell or dispose of lands and improvements, which have been acquired in certain cases, and providing for the disposition of funds received in such cases.

Be it enacted by the Legislature of the State of Minnesota :

Section 1. Executive council to acquire and dispose of lands.—In all acquisitions of lands, made by the Executive Council; involving flood control, water supply, water diversion, control of erosion, reforestation, afforestation and recreation and not presently needed for such purpose or purposes, which may be or have been purchased or acquired under the terms of House File No. 182 and/or under Laws 1935, Chapter 51 and/or Extra Session Laws 1935-1936, the Executive Council is hereby authorized to lease, rent, sell, or otherwise dispose of or deal with, upon such terms and conditions as it may deem advisable, any and all of the lands, buildings or improvements thereon so acquired.

Section 2. Receipts to be credited to improvement fund.—Any sum or sums of money received from such leasing, sale or disposition of said lands or improvements thereon shall be credited to the \$2,500,000 fund created by House File No. 182 and re-allocated and expended in the same manner and for the same purposes for which said fund was created.

Section 3. This act shall take effect and be in force from and after its passage.

Approved April 24, 1937.

CHAPTER 460—H. F. No. 1756

An act fixing compensation of county commissioners in certain cases, and legalizing payments heretofore made.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Salaries of county board in certain counties.**—In all counties of this state, now or hereafter having an assessed valuation of not more than \$9,900,000 and not less than \$9,800,000, exclusive of monies and credits, and having a population of not more than 15,425 and not less than 15,000, according to the last Federal census, and having not more than 29 nor less than 27 full or fractional congressional townships, each member of the board of county commissioners shall receive a monthly salary of \$50.00 payable on the first day of each calendar month as salaries of other county officials are paid.

Section 2. **Payments legalized.**—All payments of salaries heretofore made in good faith are hereby legalized.

Section 3. This act shall take effect and be in force from and after its passage.

Approved April 24, 1937.

CHAPTER 461—H. F. No. 1766

An act to provide for the issuance of bonds by independent school districts in counties having a population of not less than 200,000 nor more than 275,000 and containing not less than 200 nor more than 205 full and fractional congressional townships and having an assessed valuation exclusive of monies and credits of not less than \$200,000,000.

By Mayor Snively:

Whereas condemnation price for the land under condemnation by the State of Minnesota for the Minnesota Point Project came to a total of \$165,198.93, and whereas certain lands were included in the condemnation which, while desirable, were not necessary to the project, be it hereby resolved that the City Council approve the abandonment by the State of the property under condemnation between 25th Street and 39th Street, lying east of Lake Avenue with the exception of three blocks centering on Lafayette Square: That part of parcel 98-1 east of the prolongation of Minnesota Avenue and Lots 135, 137, 139, Lake Avenue, Upper Duluth, said property totaling \$26,138.93 of the condemnation award.

Be it further resolved that the City of Duluth, having already purchased all the property of the Park Realty Company, which under the condemnation proceedings was awarded \$25,444.00, agrees also to purchase the land or the necessary right-of-ways through the Minnesota Land Company property, totaling under the condemnation project \$19,427.00, and agrees further to make provision for the leasing or removal of the buildings on Tract 1, Parcels 55, 56 and 57 of the Park Realty Company property, the awards on which amount to \$4,379.96.

Whereas by the above recommended abandonments and by the purchases made or to be made by the City, reductions totaling \$75,398.98 will be made from total condemnation award of \$165,198.93, leaving portion to be purchased by the State of Minnesota \$89,809.04, from which a reduction of \$2,793.80 has already been obtained from negotiations with the Hartley Estate.

Be it resolved that copy of this resolution be sent to the State Executive Council as assurance that the City of Duluth does not expect the State to spend over the \$90,000.00 agreed upon and that the City will acquire all other lands necessary for the consummation of all the work in the Minnesota Point Development Project as originally presented to the Executive Council and the W. F. A.

January 4th, 1937

Mayor Snively moved the adoption of
the resolution and it was declared
adopted upon the following vote:

Commissioners	Bodin ..1...
"	Gulbertsen..1...
"	Farrell..1...
"	Williams..1...
"	Mayor Snively..1...
	5	0

ADOPTED...Jan..6..1937..

APPROVED...Jan..6..1937..

.....
Mayor

PARK DEPARTMENT

City of Duluth

January 5th, 1937

Ordner G. Bundlie
Deputy Attorney General
1246 University Avenue
St. Paul, Minnesota

Dear Mr. Bundlie:

Thank you for your letter of December 30th advising us in regard to the attitude of the Executive Council on the land purchased for the Minnesota Point Development. I am sorry I have not been able to get the necessary information to you sooner, but several members of the City Council have been ill and it has taken some time to get copies of the necessary resolutions. The Council has not yet met but will do so tomorrow morning and a resolution has been drawn which Mr. Smith of your office looked over and thinks will fit the bill.

In the meantime, not to delay longer in answering your letter, I am sending herewith the following papers:

1. A certified copy of letter signed by members of the City Council and representatives of the Taxpayers League and the Duluth Chamber of Commerce, which has served as a basis of the distribution of the Bond Issue and in which \$35,000.00 is allotted to Minnesota Point, called Park Point in the letter.
2. Certified copy of the resolution awarding these bonds to the bank who financed them.
3. Resolution authorizing purchase of the Park Realty Company property.
- 4 & 5. Copies of the Deeds for the Barnes property which have now been properly recorded or registered.
6. Copy of memorandum of meeting of October 24, 1936 of the City Commissioners, Members of the Park Point Project Committee and other City officials, in which the Commissioners agreed to purchase the Park Realty Company property and the Minnesota Point Land Company property at a cost of not to exceed \$20,000.00. This is not a signed copy, but I am quite sure that Mr. Willwerscheid has a signed copy in his file. In such purchases the City intends to forego the payment of back taxes around 90% of which is due the City in bridge assessments and general taxes.

The following accounting of the total condemnation award of \$165,198.93 gives, I hope, a clear picture of how we intend to acquire the necessary property. As you know, we have already gotten the reduction by negotiation with the Hartleys of an additional \$2,700.00 odd so that the cost at the present time to the State would be about \$87,100.00.

Condemnation Award

By City of Duluth:

Park Realty Co. property	25,444.00	
Minn. Land Co. property	19,427.00	
Buildings on Pk. Realty Prop.	<u>4,379.96</u>	
		\$49,250.96

Abandoned:

25th St. to 39th St. exclusive of three blocks centering on Lafayette Square	12,967.60	
Hankins house and lot	6,471.33	
Lots 135, 137, 139, Lake Ave. Upper Duluth	<u>6,700.00</u>	
		\$26,138.93

Total By City or Abandoned \$75,389.89

Original condemnation price 165,198.93

Amount left for purchase by the State 89,809.04

The resolution which I hope to have passed in the morning may take care of the whole matter in a simple manner, but I do believe it will be well for you to have these papers in your files anyway.

Trusting this will give the Executive Council the information they desire,

Very truly yours,

/s/ F. Rodney Paine

FRP:EW

Encl.

July 27th, 1937

To:

Mayor of Duluth
City Council of Duluth
City Comptroller of Duluth
City Treasurer of Duluth

City Hall
Duluth, Minnesota

Gentlemen:

MINNESOTA POINT PROJECT
ST. LOUIS COUNTY

Heretofore the City Council of the City of Duluth passed a Resolution wherein and whereby it agreed to pay for all land to be acquired in this project upon the complete exhaustion of the fund allocated out of State Work Relief funds by the Executive Council of the State of Minnesota for the acquisition of lands in this project.

I have been advised that recently the City of Duluth has issued and sold a Bond Issue of the par value of \$250,000.00 and that out of this fund there has been allocated a sufficient sum in accordance with the terms of the Resolution heretofore mentioned.

The State of Minnesota has by condemnation proceeding condemned certain lands and at the present time is in need of funds from the City of Duluth with which to pay the awards and verdicts covering certain parcels of land by reason of the fact that the fund allocated by the Executive Council has been completely exhausted.

By reason of the fact that the condemnation proceedings are in the name of the State of Minnesota the legal title to said parcels of land will be in the name of the State of Minnesota, notwithstanding the City of Duluth will have paid for the same. By reason of the fact that this project is within the limits of the City of Duluth the State of Minnesota cannot, through any of its agencies, supervise, maintain and care for the same, and it is therefore the intention of the State Executive Council, at some future time when the proceedings are fully completed, to request the State Legislature to pass an act authorizing conveyance of all lands acquired by the State of Minnesota in this project to the City of Duluth to the end that the City of Duluth may supervise and maintain the same.

I have been advised by counsel that in the event the City of Duluth directly pays for these lands the City of Duluth will retain the equitable title to the same with the State of Minnesota holding the legal title thereto in trust for the City of Duluth, and that a Court of Equity would, in a proper proceeding brought for that purpose, require the State of Minnesota to convey said parcels of land to the City of Duluth by deed of proper conveyance.

The acquisition of these lands for this project were directly under my supervision as State Relief Administrator appointed as such by the Executive Council of the State of Minnesota, and I agree that if the City of Duluth will pay directly for such parcels of land as are necessary I will, as such State Relief Administrator, do my utmost toward having the next regular session of the Legislature of the State of Minnesota pass an act authorizing the Governor of the State of Minnesota to transfer the legal title to all of the lands acquired in this project to the City of Duluth and that I will further present and urge the same action on behalf of the State Executive Council.

This letter will be presented under my authority by Norbert Willwerscheid, Special Assistant Attorney General of the State of Minnesota, who performed all of the legal work in connection with the acquisition of the parcels of land necessary for this project.

Respectfully yours,

LPZ:dw
NW

L. P. ZIMMERMAN
Administrator, State Relief Agency

August 2, 1937

Mr. Ordner T. Bundlie
Assistant Attorney General
1246 University Avenue
Saint Paul, Minnesota

Dear Mr. Bundlie:

RE: MINNESOTA POINT PROJECT
ST. LOUIS COUNTY

The Executive Council of the State of Minnesota originally allocated \$90,000.00 for the acquisition of lands necessary for this project. Subsequently the Executive Council would not authorize payments for the acquisition of any of these parcels until and in the event the City Council of Duluth agreed to make up any deficiency and pay for the acquisition of lands over and above \$90,000.00.

The fund appropriated by the Executive Council is practically exhausted, there being a balance of only \$253.75 as of today. Accordingly the City Council of the City of Duluth under date of January 6, 1937 agreed that the City of Duluth would pay any and all sums necessary for the acquisition of lands over the Executive Councils' appropriation in the sum of \$90,000.

There are some appeals to be tried, awards to be paid and agreed amounts in settlement to be paid. Accordingly I visited Duluth on last Wednesday, Thursday and Friday, viz: July 28th, 29th and 30th and arranged with the proper officials for passage of a Resolution allocating \$10,000.00 for the acquisition of lands in this project, to be paid for out of the recent \$125,000 bond issue of the City of Duluth, which has been issued and sold and funds available out of the same since July 1, 1937.

I am today advised by long distance telephone that the City Council did this morning, viz: August 2, 1937 pass such Resolution, so appropriating said \$10,000.00. At the same time as I visited Duluth I arranged for the proper machinery whereby the City funds could be drawn on by this Department. Wednesday, August 4th, an Assistant City Attorney of Duluth will be at this office for the purpose of arranging further details and going over the matter in its entirety.

Yours very truly,



NORBERT WILLWERSCHIED
Special Assistant Attorney General

NW:FB

cc - L.P. Zimmerman - W.F. MacGregor
W.H. Lamson ✓ - J.J. Rachac

COPY

August 19, 1937

Mr. G.A.E. Finlayson
Attorney at Law
510 First National Bank Building
Duluth, Minnesota

Dear George:

RE: MINNESOTA PARK POINT PROJECT
ST. LOUIS COUNTY
PARCEL 40 - Rudolph E. Erickson

You will pardon me for not replying to your letter of August 10, 1937 at an earlier date, but the reason for the delay was due to the fact that I had already requested warrants from the Auditor of the City of Duluth in payment of the above settlement. I may say that I have received the Stipulations properly executed by Rudolph E. Erickson and yourself.

Due to the fact that I had already requested the check I felt that it would delay matters if I tried to comply with the request contained in your letter as to the payees in the check. I now enclose Warrant No. 533 of the City of Duluth, dated August 10, 1937 and payable to Rudolph E. Erickson and G.A.E. Finlayson, Attorney, County of St. Louis and Martin Hughes, First Judge of the Eleventh Judicial District in the sum of \$1,243.37 the amount agreed upon in the Stipulation for Settlement, which is made up of the principal sum of \$1,225.00 in addition to interest from May 17, 1937 to August 17, 1937 at six per cent in the sum of \$18.37. I do sincerely hope that you will have no difficulty in procuring the proper endorsements to this warrant.

Will you please acknowledge receipt of the warrant in the enclosed form of receipt. A stamped, self-addressed envelope is also enclosed for your convenience in replying.

I intend to be in Duluth for the September term of Court and will make it a point to drop in and say "hello" to you.

With kindest personal regards.

Yours very truly,

NORBERT WILLWERSCHIED
Special Assistant Attorney General

NW:FB
Enclosures

COPY

August 19, 1937

Mr. Thomas J. Joyce
Attorney at Law
Duluth, Minnesota

Dear Mr. Joyce:

RE: MINNESOTA PARK POINT PROJECT
ST. LOUIS COUNTY
PARCEL No. 99-A

I am enclosing Warrant No. 534 of the City of Duluth, dated August 10, 1937 in the sum of \$433.67 payable jointly to the order of Alma C. Hadley and Thomas J. Joyce, her Attorney, in full settlement of the award for the taking of the Hadley Building situated on Parcel No. 99-A.

I am enclosing receipt for such warrant and would very much appreciate your executing the same and returning to me.

Yours very truly,

NORBERT WILLWERSCHIED
Special Assistant Attorney General

NW:FB

Enclosures

COPY

August 19, 1937

Mrs. Daniel M. Sinclair
1514 Tower Avenue
Superior, Wisconsin

Dear Mrs. Sinclair:

RE: MINNESOTA POINT PROJECT
ST. LOUIS COUNTY
PARCEL No. 99-A

I am enclosing Warrant No. 535 of the City of Duluth, dated August 10, 1937 and payable to your order in the sum of \$287.37 in full payment and settlement for the taking of the building owned by Daniel M. Sinclair and situated on Parcel No. 99-A.

Would you kindly execute the enclosed form of receipt and return to me in the enclosed stamped, self-addressed envelope.

Yours very truly,

NORBERT WILLWERSCHIED
Special Assistant Attorney General

NW:FB

Enclosures

The State of Minnesota
Office of Attorney General
William S. Ervin, Attorney General
Saint Paul
August 19, 1937

IN REPLY ADDRESS TO
DEPARTMENT OF HIGHWAYS
1246 UNIVERSITY AVENUE
SAINT PAUL

Mr. Stafford King
State Auditor.
Mr. L. P. Zimmermann
Administrator.
Mr. William H. Lamson
Secretary, Executive Council
Mr. J. J. Rachae, Auditor
Division of Finance, SRA.

Dear Sirs:

RE: MINNESOTA PARK POINT PROJECT
ST. LOUIS COUNTY

I am enclosing three copies of letters forwarding warrants of the City of Duluth in payment for the taking of certain parcels of land in the above proceeding.

This is merely for your information and I desire to advise that I succeeded in having the City of Duluth allocate \$10,000.00 for the purpose of acquiring lands condemned by the State in this project after the allocation by the Executive Council had been exhausted.

Yours very truly,



NORBERT WILLWERSCHIED
Special Assistant Attorney General

NW:FB

Enclosures

September 27, 1937

Hon. William S. Ervin
Attorney General, State of Minnesota
State Capitol Building
Saint Paul, Minnesota

Dear Mr. Ervin:

MINNESOTA POINT PROJECT
ST. LOUIS COUNTY
(Parcel #99A-Appeal of Frank Farrell)

We heretofore advised you that the award as to one of three cottages on the above parcel of land, and which was taken by the State, was awarded the sum of \$490.00. Such award was appealed by Frank Farrell, the owner of the building, on the ground that it did not sufficiently compensate for the value of the premises taken. The State also appealed on the ground that the award was excessive.

On September 21 and 22, 1937, both Appeals were tried before Hon. Martin Hughes, First Judge of the District Court of St. Louis County, and a jury. The trial resulted in a verdict of \$257.35, which is \$232.15 less than the amount awarded by the Commissioners, and therefore the verdict is in favor of the State, and the burden of paying costs and disbursements will fall upon the appellant, Frank Farrell.

The case was tried on behalf of the State by Norbert Willwerscheid, Special Assistant Attorney General, who was assisted in the preparation and trial of the same by Abbott G. Smith, Field Engineer, State Relief Agency. The evidence as to value by the State's witnesses varied from \$290.00 to \$350.00. The respondent's witnesses testified to damages ranging from \$1250.00 to \$1850.00. The verdict was arrived at by estimating his damages at \$300.00 as of September 23, 1936, the date of filing the Commissioners' Report, which amount was only \$10.00 above the lowest estimate of damages by one of the State's witnesses. They then allowed interest at six per cent per annum from September 23 to the date of the verdict, September 22, 1937, in the sum of \$18.00, making a total of \$318.00. It appearing, from the evidence, that the respondent Farrell had occupied the premises from the date of the Commissioners'

Mr. W.S. Ervin
September 27, 1937
Page two.

award to the date of trial, the Jury charged him rental at the rate of \$10.00 per month for three months of the summer season, and \$3.25 for nine months, for a total of \$60.15. Deducting this latter sum from \$318.00 leaves the amount of the verdict, viz: \$257.85. The rental was allowed by the Jury at the sum which this department had estimated as being a reasonable rental for the premises, and which we had been endeavoring to collect from Farrell without success.

When the Stay has expired, and in the event no Motion for New Trial is made by the respondent, Mr. Farrell, costs and disbursements will be taxed, Judgment entered, and paid by warrant from the City Treasurer of Duluth.

Yours very truly,

ORDER T. BUNDLIE
Assistant Attorney General

OTB:DW
NW

cc - L.P. Zimmerman
cc - W.H. Lamson ✓
cc - W.F. MacGregor
cc - Earl Sherman
cc - H.W. Lathrop
cc - S.L. Stolte
cc - L.B. Belford