The State of Minnesota Office of Attorney General I. A. A. Burnquist, Attorney General Saint Paul

IN REPLY ADDRESS TO 1246 UNIVERSITY AVENUE SAINT PAUL

June 23, 1939

Mr. Alfred W. Luecke Administrator State Relief Agency Robert Street at Eighth Saint Paul, Minnesota

Dear Mr. Luecke:

Re: State Relief Agency
Minnesota Point Project
St. Louis County
State etc. v. Lydia S. Anneke, et al.
State etc. v. Laura Barnes, et al.

On April 11, 1938, the Executive Council authorized the conveyence to the City of Duluth of the lands which had been acquired for the Minnesota Point Project in the above entitled proceedings. A copy of the Resolution of April 11, 1938, is attached.

A considerable part of the condemned lands is registered, and a proceeding has been completed in the District Court of St. Louis County for the issuance of a Torrens Certificate of Title to the State of Minnesota covering said lands. Such Certificates of Title were within the past few days delivered to this office.

In conformity with the terms of the Resolution of April 11, 1938, we have prepared and are enclosing three Quit Claim Deeds, and recommend that each of the Deeds be signed by the members of the Executive Council, the signatures witnessed and acknowledged, and the Seal of the State of Minnesota affixed to each instrument, and the same should then be returned to this office for delivery to the City of Duluth. The following explanation is made with reference to each of the Deeds, viz: Deed A. All the registered lands contained in the proceedings are described therein. Deed B. The nontorrensed lands in the condemnation proceedings are described therein. Deed C. The lands and easement described therein were purchased pursuant to a settlement authorized by the Executive Council and involving the taking of lands from Mr. Hankins originally in the condemnation proceedings.

When the enclosed Deeds have been fully executed in the manner outlined and returned to this office, in delivering

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the same to the City of Duluth we shall also transmit and deliver the owners' duplicate Certificates of Title now in the name of the State of Minnesota and covering the descriptions contained in Deeds A and C.

Yours very truly,

Sam W. Campbell

Special Assistant Attorney General

S. Rex Green

Engineer of Lands & Right of Way

SWC:LL encs.

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This indentises made this 13th day of santember A. D. 1939, between the State of Einnesota, having its seat of government at the City of St. Paul, Einnesota, and acting by and through its Encoutive Council pursuant to and in accordance with Einnesota Laws of 1937, Chapter 459, party of the first part, and the City of Duluth, a sanicipal corporation under the laws of the State of Einnesota, party of the second parts

Thereas the State of Minnesots, acting by and through its Executive Council, did anthorise the conveyance, by Quit Claim Deed, of the premises hereinafter described, pursuant to its Resolution duly passed and adopted at its meeting held on the 11th day of April, 1938, at the State Capital, St. Faul, Minnesots, in the following form and words, to mile:

of Minnesota, that Min mid Council does hereby authorize the members of mind Council to council to council to putt claim deed, to the City of Duluth, all of the following described lands

County of St. Louis, and State of Minnesota, together with all riparian rights thereto appartaining, acquired by the State of Minnesota, under condemnation proceedings summened and dirried on in the District under condemnation proceedings summened and dirried on in the District Court of the Eleventh Judicial District, during the year 1936 and subsequently, under and by virtue of Chapter 51, of the Session Laws of Minnesota, 1935, and Chapter 101 of Britis Session Laws of Minnesota, 1935, and Chapter 101 of Britis Session by Marry H. Peterson, Attorney General, v. Laura Barnes, et al., and State of Minnesota by Harry H. Peterson, Attorney General, v. Lydia S. Annelse, et al., such conveyance to be executed by the members of the Encoutive Council when all proper papers commetted with said condemnation proceedings shall have been filed for record is the office of the Begister of Deeds in and for the County of St. Louis and State of Minnesota.

"'Said conveyance shall be made upon the condition that the City of Duluth shall use said land for purposes of public recreation and public health and that the facilities provided on said land shall be open upon equal terms to all persons whether residents of the City of Daluth or alsowhere, and that title to said land shall revert to the State and the State shall be entitled to take possession thereof upon breach of the aforesaid conditions."

Now, therefore, pursuant and subject to Minnesotz Laws of 1937, Chapter 159, and in accordance with the terms of the Resolution above set forth, all proper papers connected with the condensation proceedings referred to therein having been filed for record in the affice of the Register of Deeds in and for the County of St. Louis and State at Minnesota, the said party of the first part, in consideration of the sea of the and by 100 boller (\$1.00) and other valuable considerations, to it in hand paid by said party of the second part, the receipt microst is hereby solmon said the best party of the second part,

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and convey unto the said party of the second part, its successors and assigns, forever, all of the treats or parcels of land lying and being in the County of St. Louis and State of Minnesota, described as follows, to-with

A strip of land one and one-half (13) feet in width and lying between the northerly and southerly lines of Lot Two Hundred Twenty-one (221), LAKE AVENUE, UPPER DULUTH, extended easterly and between the easterly line of said lot and a line drawn parellel to and one and one-half (13) feet distant easterly of said easterly line of said lot, according to the recorded Plat of Upper Duluth, Minnesota Point, of record in the Register of Deeds office in and for Bt. Louis County, Btate of Minnesota.

Lot Eighty-four (84) without riperian rights and lot Eighty-six (85) with the riperian rights lying Easterly of and adjacent thereto; LAKE AVENUE, LOWER DULUTH, according to the recorded Plat thereof on file and of record in the office of the Register of Deeds in and for the County of St. Louis, State of Minnesota.

loss numbered One (1), Three (3), Thirteen (13), Piftern (15), Twenty-one (21), Twenty-three (23), Thirty-five (35), Thirty-seven (37), One hundred Thirty-three (133), LAKE AVENUE, UPPER DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for the County of St. Louis, State of Minnesota.

All of the riperies rights lying Easterly of and adjacent to lots numbered the hundred Furty-one (141), the hundred Forty-five (145), the hundred Forty-seven (147), the hundred Furty-nine (149), the hundred Fifty-one (151); the hundred Fifty-three (153), the hundred Sixty-one (161), the hundred Sixty-three (163), the hundred Sixty-seven (167), the hundred Sixty-one (171), the hundred Seventy-three (173), the hundred Seventy-five (175), the hundred Seventy-one (177), the hundred Seventy-one (177), the hundred Seventy-one (183); the hundred Righty-one (185), two hundred Seventeen (217) and the hundred Fineteen (219), the Aventy, three files hundred Fineteen (219), the Aventy, the following the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for the County of St. Louis, State of Kinneeds.

Lots numbered Furty-one (A1), Forty-five (65), Fifty-one (51), Fifty-three (53), Sirty-one (61), Sirty-oine (69), Seventy-oine (71), Seventy-three (73), Seventy-five (75), Seventy-seven (77), Seventy-nine (79), One hundred One (101), One hundred Mine (109), One hundred Eleven (111), One hundred Fifteen (115) and One hundred Twenty-three, and the riparian rights lying Easterly of and adjacent thereto, LAKE AVENUE, UPPER DULUTH, Eccording to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for the County of St. Louis, State of Minnesots.

Lots numbered Eight (8); Ten (10), Twelve (12), Pourteen (14), Sixteen (16), Twenty (20), Twenty-two (22), Twenty-four (24), Twenty-six (26), Twenty-eight (28), Thirty (30), Thirty-two (32), Thirty-four (34), Thirty-six (36), Thirty-eight (38) and Sixty-eight (68), LAKE AVENUE, LOWER DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for the County of St. Louis, State of Minnesots.

Lots numbered Forty-two (42), Forty-four (44); Forty-eight (43), Fifty (50), Fifty-four (54), Fifty-six (56), Fifty-eight (58), Fifty-eight (58), Fifty-eight (58), Fifty-eight (58), Two hundred (100), One hundred Two (102), Two hundred Twenty-four (224), Two hundred Thirty-two (232), Two hundred Tairty-four (234), Two hundred Thirty-aix (236), Two hundred Forty-eight (248), Two hundred Fifty (250), Two hundred Fifty-four (254), Two hundred Sixty (250), and the riperian rights lying Easterly of and adjacent thereto, LAKE AVENUE, LOMER DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Decds in and for the County of St. Louis, State of Minnesots.

Parcels numbered Pourteen (14), Pifteen (15), Twenty-one (21), Twenty-five (25), and the Morth half of the South half of Parcel Sixteen (16) (82.8) Parcel 16) of the RITTRIE'S PLAT OF MINNESOTA FOINT, together with the riperian rights contiguous thereto, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for the County of Str Louis, Str te of Minnesota.

This conveyance is executed and delivered subject to all the terms and conditions of the Resolution of the Executive Council hereinabove specifically set forth, and such conveyance is expressly subject to the reversionary right of the party of the first part, State of Minnesota, and the said party of the first part shall be entitled to insediate possession of the presides described herein upon the breach of any or all of the aforesaid covenants and conditions contained in said Resolution and in this conveyance;

To have and to hold the same, together with all the hereditaments and appartionances thereinto belonging or in anywise appartaining, to the said party of the second part, its successors and assigns, forever.

In testimony whereof the said first party has caused these presents to be executed in its sovereign name by its Executive Council and the Seal of the State of Minnesota to be hereunto affixed the day and year first above written.

In The Fresence Of:

STATE OF MENTER TO STATE

Governor

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stroney teneral

State Austy

State Treasurer

Secretary of State

THE ELECUTIVE COUNCIL

This indenture made this lathday of Bentember . A. D. 1939.

between the State of Minnesota, having its reat of government at the City of St. Paul, Minnesota, and acting by and through its Executive Council pursuant to and in accordance with Minnesota Laws of 1937, Chapter 459, party of the Circle part, and the City of Duluth, a municipal corporation under the laws of the State of Minnesota, party of the second part;

Whereas the State of Mine ta, acting by and through Its Executive Council, did authorize the conveyance, by Quit Claim Deed, of the premises hereinafter described, pursuant to its Resolution duly passed and adopted at its meeting held on the 11th day of April, 1938, at the State Capitol, St. Paul, Minnesota, in the following form and words, to-wit:

of Minnesota, that the said Council does hereby authorize the members of said Council to convey, by quit claim deed, to the City of Duluth, all of the following described land:

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County of St. Louis, and State of Minnesota, together with all riparian rights thereto appertaining, acquired by the State of Minnesota under condemnative proceedings commenced and carried or in the District Court of the Flev. In Judicial District, during the year 1936 and subsequently, under and by virtue of Chapter 51, of the Session Laws of Minnesota, 1935, and Chapter 101 of Extra Session Laws of Minnesota, 1935-1936, under actions entitled State of Minnesota by Harry H. Peterson, Attorney General, v. Laura Barnes, et al., and State of Minnesota by Harry H. Peterson, Attorney General, v. Lydia S. Anneke, et al., such conveyance to be executed by the members of the Executive Council when all proper papers connected with said condemnation proceedings shall have been filed for record in the office of the Register of Deeds in and for the County of St. Louis and State of Minnesota.

of Duluth chall use said land for purposes of public recreation and public health and that the facilities provided on said land shall be open upon equal terms to all persons whether residents of the City of Duluth or elsewhere, and that title to said land shall revert to the State and the State shall be entitled to take possession thereof upon breach of the aforesaid conditions.

Now, therefore, pursuant and subject to Minnesota Laws of 1937, Chapter 459, and in accordance with the terms of the Resolution above set forth, all proper papers connected with the condemnation proceedings referred to therein having been filed for record in the office of the Register of Deeds in and for the County of St. Louis and State of Minnesota, the said party of the first part, in consideration of the sum of One and CO/100 Dollar (\$1.00) and other valuable considerations, to it in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, does hereby grant, bargain, quit claim

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and convey unto the said party of the second part, its successors and assigns,

forever, all of the tracts or parcels of land lying and being in the County of

St. Louis and State of Minnesota, described as follows, to-wit:

Lots or Parcels Seventeen (17) and Ninoteen (19), REFEREE'S PLAT OF MINNESOTA POINT, according to the plat thereof, on file and of record in the office of the Register of Deeds of said St. Louis County.

All of the ripurian rights ing Easterly of and adjacent to Lot One handred Fiftyenton (190), 102 Avianc, urone numera, according to the recorded plat thereof, on Fi and of record in the office of the Register of Deeds in and for St. Hours County and State of Minnesota.

All of the riparian rights lying Easterly of and adjacent to Lot One hundred Fifty-seven (157), on LAKE AVENUE, UPPER DULUTH, according to the recorded plat thereof, on file in the office of the Register of Deeds in and for St. Louis County, Minnesota.

All of the riparian rights lying Fasterly of and adjacent to Lot One hundred fifty-five (155) on LAKE AVENUE, UPPER DULUTH, according to the recorded plat thereof, on file in the office of the Register of Deeds in and for St. Louis County, Minnesota.

Lots One hundred Twenty-five (125) and one hundred Thirty-one (131), LAKE AVENUE, UPPER DULUTH-and Lots Sixty-four (64) and Two hundred Twenty-cix (226), LAKE AVENUE, LOWER DULUTH, according to the recorded plats thereof, on file and of record in the office of the Register of Deeds for said St. Louis County and State of Minnesota.

Lot One hundred Thr. (103) and the riparian rights lying Ensterly of mid adjacent thereto. LAKE AVENUE, UPPER DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Peeds for said St. Louis County and State of Minnesota.

Lots numbered Cne (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (6), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13), and Lots numbered Twenty-eight (26), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39) and Forty (40), in Block numbered Four (4), OATKA BEACH ADDITION TO DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County and State:

The estate in Lots Three (3), Four (4), Five (5), Thirty (30), Thirty-one (31) and Thirty-two (32), in said Block Four (4), is subject to the rights of the Duluth-Superior Transit Company, as defined and preserved by the Final Certificate in the portion thereof dealing with Parcel Ninety-two (92), a certified copy of which certificate is registered in the office of the Registrar of Titles of said County, in Book Seventy-nine (79) of Register of Titles, on Page Two hundred sixty (260), as document No. 141830.

Lots numbered Fourteen (14), Fifteen (15), Forty-one (41) and Forty-two (42) in Block numbered Four (4), OATKA BEACH ADDITION TO DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for raid County and State.

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Lots numbered Sixteen (16), Seventeen (17), Eighteen (18), Forty-three (43), Forty-four (44) and Forty-five (45), in Block numbered Four (4), OATKA BEACH ADDITION TO DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for said County and State.

Lots Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24), Forty-six (46), Forty-seven (47), Forty-eight (48), Forty-nine (49), Fifty (50) and Fifty-one (51), in Block Four (4), OATKA BEACH ADDITION TO DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Beeds, intender and County and State.

Lots numbered Twenty-five (25) and Fifty-two (52), in Block numbered Four (4), DATKA BEACH ADDITION TO DULUTH, according to the recorded plat thereof, on file a sof record in the office of the Register of Deeds in and for sai County and State.

Lots numbered Twenty-six (26), Twenty-seven (27), Fifty-three (53) and Fifty-four (54), in Block Four (4), OATKA BEACH ADDITION TO DULUTH, according to the recorded plat thereof, on file and of record in the office of the Register of Deeds in and for Et. Louis County, Minnesota.

Parcels Five (5), Six (6), Seven (7), Fighteen (18), Twenty (20), Twenty-four (24) and Twenty-six (26), REFEREE'S PLAT OF MINNESOTA FOINT, according to the plat thereof, of record in the office of the Register of Deeds of said St. Louis County.

That part of Parcel Eight (8) of REFEREE'S PLAT OF MINNESOTA POINT, as recorded in Book G of Plats, Page 38, in the office of the Register of Deeds of St. Louis County, Minnesota, on April 14th, 1898, as lies South and Southerly of United States Primary Base Line, shown by soid plat being part of Lot Two (2) in Section Nineteen (19), Township Forty-nine (47). Sunge Thirteen (13) West of the Fourth Princip 1 Mariatan.

All that part of Lot number Three (3) known as parcel Twenty-two (22) of the REFERE'S PLAT OF MINNESOTA POINT, as recorded in the effice of the Register of Deeds of said St. Louis County in Book G of Plats, on page 38, in section Nineteen (19), Township Forty-nine (49), Range Thirteen (13), according to the Government Survey thereof, which said parcel Twenty-two (22) is more particularly described as follows: Beginning at the point where the west boundary line of Government Lot Three (3), Section Nineteen (19) Township Forty-nine (49) North, of Range Thirteen (13), West, intersects the meander line of Eav of Superior, thence along the Bay Shore on the meander line of said Bay, South 41 degrees east (variation 11 degrees east) 250 links to a post, thence north 49 degrees east, 400 links, thence routh 41 degrees east 285 links, thence south 49 degrees west 536 links to the meander line of said Bay, thence along said meander line of said Bay to the place of beginning, containing 1.33 acros.

That part of Lot Three (3), Section Nineteen (19), Township Fortynine (49), north, Range Thirteen (13), west, known as Parcel Twentynthree (23) of REFEREE'S PLAT OF MINNESOTA POINT, as recorded in the office of the Register of Deeds of said County in Book G of Plats, on page 38, including riparion rights. Subject to such rights as may have been acquired by the United States of America by that contain condemnation proceeding, the judgment in which, bearing date June 8, 1893, was recorded in the office of the Register of Deeds of said St. Louis County, on September 5, 1893, in Book 68 of Deeds on page 575, the parcel affected thereby being a square tract fifty (50) feet on each side, taken as the location for a survey monument. The riparian rights incident to said property are subject to the rights of the State of Minnesota in its sovereign capacity.

DEFD 6.97 PAGE SA conveyance is executed and delivered subject to all the terms and conditions of the Resolution of the Executive Council hereinabove specifically set forth, and such conveyance is expressly subject to the reversionary right of the party of the first part, State of Minnesota, and the said party of the first part shall be entitled to immediate possession of the premises described herein upon the breach of any or all of the aforesaid covenants and conditions contained in said Resolution and in this conveyence;

To have and to hold the same, together with all the hereditaments and apportunity ences thereunto belonging or in anywise apportaining, to the enid party of the second part, its successors and assigns, forever.

In testimony whereof the sat first party has caused these presents to be executed in its sovereign name by its Executive Council and the Seal of the State of Minnesote to be hereunte affixed the day and year first above written.

In The Presence Of:

STATE OF MINNESOTA

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State Trensure Secretary of State

THE EXECUTIVE COUNCIL

150400



October 25, 1939

Mr. Stafford King State Auditor State Capitol Saint Paul, Minnesota

Attention: Mr. N. J. Desmond

Dear Sire

Re: S.R.A. Minnesota Point Project - St. Louis County

On May 1, 1938 at the request of Mr. Ordner T. Bundlie, then Assistant Attorney General assigned to the highway department, you forwarded a duplicate original of a deed permanently on file in your office, together with a Certificate of Title covering the lands described therein, to this office. The deed, dated November 14, 1936, was executed by Wallace Hankins and Beatrice Hankins of St. Louis County, to the State of Minnesota, recited a consideration of \$600.00 and conveyed certain lands together with an easement over and across other lands to the State of Minnesota for the Minnesota Point Project.

We are herewith returning said duplicate original of the deed for your files. We are retaining the Certificate of Title.

On April 11, 1938 the state Executive Council authorized the conveyance to the City of Duluth of all lands acquired by the State of Minnesota for the Minnesota Point Project. Under date of September 13, 1939 three deeds were executed by the members of the Executive Council pursuant to said resolution. One of these deeds conveys to the City of Duluth the lands acquired from Wallace Hankins and wife, the second and third deeds convey the lands acquired in the condemnation proceeding entitled State etc. v. Lydia S. Anneke et al and State etc. v. Laura Barnes, et al. A certified copy of the Final Certificate in the consolidated condemnation proceeding, listing the lands acquired by the State of Minnesota thereby and covered in two of the three deeds herein mentioned, is herewith transmitted for your files. You will note that the original of this instrument was filed in the office of the Clerk of District

Court at Duluth, Minnesota on May 3, 1938 (it was signed on April 27, 1938 and approved by Hon. C. R. Magney, Judge of the District Court, on April 29, 1938), certified copy thereof was recorded in the office of the Register of Deeds of St. Louis County on May 3, 1938 at 2:00 P.M. in Book 670 of Deeds, Page 16, as Document No. 571481, and thereafter was filed and registered in the office of the Registrar of Titles of St. Louis County as Document No. 141830 on May 7, 1938 at 3:00 P.M. in Register of Titles Book 14, Page 194 and the following books and pages:

Book	203,	Page	58		Book	178,	Page	163
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Although the lands covered in the deed and in the Final Certificate herewith transmitted have been conveyed to the State of Minnesota, they should, nonetheless, remain on file in your office because under the terms of the conveyances to the City of Duluth the lands will revert to the State of Minnesota in the event the City of Duluth fails to use said lands for purposes of public recreation and public health, with the facilities provided on said land to be open on equal terms to all persons, whether residents of the City of Duluth or elsewhere.

This office is delivering the three deeds mentioned to the City of Duluth and is also delivering the duplicate original Certificates of Title covering the registered lands described in the Final Certificate and in the Hankins deed.

Yours very truly,

Sam W. Campbell Special Assistant Attorney General

SWC:DW Eno. 3JB cc - William H. Lamson V cc - S. Rex Green The State of Minnesota
Office of Attorney General
I. A. A. Burnquist, Attorney General
Saint Paul

IN REPLY ADDRESS TO 1246 UNIVERSITY AVENUE SAINT PAUL

December 5, 1939

Mr. William H. Lamson Secretary, Executive Council State Capitol Saint Paul, Minnesota

Dear Mr. Lamson:

Re: S.R.A. Minnesota Point Project
Saint Louis County

Mr. Albert R. Scanlon, Assistant City Attorney of Duluth, Minnesota has requested a certified copy of the resolution of the executive council of April 11, 1938 authorizing the conveyance to the City of Duluth of the lands acquired by the state for the Minnesota Point Project.

It would be appreciated if you would prepare such a certified copy of said resolution and either mail it to this office or directly to Mr. Scanlon at Duluth.

Yours very truly,

Sam W. Campbell

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Special Assistant Attorney General

SWC:DW

December 8, 1939

Mr. Sam W. Campbell, Special Assistant Attorney General, Highway Department, 1246 University Avenue, Saint Paul, Minnesota

Dear Sir:

As requested in your letter of December 5th, I hand you herewith three certified copies of a resolution adopted by the Executive Council on Apral 11, 1935, authorizing conveyance to the City of Duluth of certain lands acquired by the State for the Minnesota Point Project.

Very truly yours.

Wm.H.Lamson, Secretary

Encs. WHL: DLE