PLAN COMMISSION Agenda
WEDNESDAY, March 20, 2024–4:00 p.m.
Government Center Room 201
*with overflow seating available in room 270*

Microsoft Teams Meeting ID: 223 069 663 551  Passcode: 6oWwZY

Direct Link: [LINK TO MEETING](#)

Or call in (audio only) 1-872-242-8028

Phone Conference ID: 472 210 618#

MISSION STATEMENT: To guide and coordinate development including harbor related issues in accordance with existing and future needs. City Code 98-2.

COMMITTEE MEMBERS: Jim Paine (chair), Brent Fennessey (vice-chair), Lindsey Graskey, Brian Finstad, Garner Moffat, Anne Porter

1  ROLL CALL

2  APPROVAL OF MINUTES

2.1  Plan Commission Minutes (February 21, 2024)

3  OLD BUSINESS

4  NEW BUSINESS

4.1  Minnesota Power Vacation Request Review and Plan Commission Recommendation

4.2  Minnesota Power Rezone Request Review and Plan Commission Recommendation

4.3  Comprehensive Plan Amendment Recommendation

5  ADJOURNMENT

Notice is hereby given that a majority of the members of the Common Council may be present at the meeting, and although this may constitute a quorum of the Common Council, the Council will not take any action at this meeting.

Pursuant to the Americans with Disabilities Act of 1990, if you are in need of an accommodation to participate in the public meeting process, please call (715) 395-7200 by 4:30 p.m. on the day prior to the scheduled meeting date (OR dial 711 for Telecommunications Relay Service). The City will attempt to accommodate any request depending on the amount of notice received.

In compliance with Wisconsin Open Meetings Law, this agenda was posted on 3/14/2024 at the following locations: Superior Government Center, Douglas County Courthouse, Superior Public Library, and online at [https://www.ci.superior.wi.us/agendacenter](https://www.ci.superior.wi.us/agendacenter). It was also emailed the Superior Telegram.
ROLL CALL

PRESENT: Jim Paine, Brent Fennessey, Brian Finstad, Garner Moffat, Lindsey Graskey
VIRTUAL: Anne Porter
ABSENT:
CITY STAFF PRESENT: Director Serck, Tech Beeken, Chief of Staff Scherf, Clerk Blunt, Jeff Skrenes
OTHERS PRESENT: Shelly Nelson, Jenny Van Sickle, Mark Johnson (online), Charmaine Swan (online), Pat McKone (online), Todd Burlet (online), Craig Sutherland (online)
Jennifer Zehm, Dan Olson, Kyle Buchovich

APPROVAL OF MINUTES

2.1 Plan Commission Minutes from January 17, 2024
MOTION to approve January 17, 2024, minutes by Vice-Chair Fennessey, seconded by Commissioner Graskey. Carried.

OLD BUSINESS

NEW BUSINESS

4.1 Presentation by Starry Skies North Todd Burlet
Todd Burlet from Starry Skies North shared insight into light pollution and why a dark night sky is important for communities. Director Serck shared that while the City currently has an ordinance that applies to shielding, there is potential for more enforcement and welcomed more ideas for how to support existing light sources in reducing light pollution.

4.2 Proposed regulations for tobacco, cannabis, hemp or e-cigarette retailers
Pat McKone and Charmaine Swan from the American Lung Association shared information on vaping and how nicotine/vaping use has changed in the last few years. Vice-Chair Fennessey asked for clarification on the goal of adding some sort of ordinance restricting vape sales within City limits. Chair Paine highlighted restricting underage access and limiting where new stores would be able to sell. Vice-Chair Fennessey asked which city department would be seeing to size compliance. Director Serck said any new enforcement asks would most likely be on Building Inspection. He also noted that multiple drafts were presented to the Plan Commission with one being a more expansive ordinance based on a recent one from Milwaukee and the other mirroring a current Special Use Permit that was used for payday loan businesses. Both were presented as first round drafts that were simply a starting place for conversations that would continue in Public Safety, the Clerk’s office, Planning, and other departments with interest. Vice-Chair Fennessey asked for clarification on if it is the substance or delivery method that is going to be regulated. Chair Paine said delivery method seemed to be the focus, but there’s room for discussion and changes.
Vice-Chair Fennessey asked for clarification on what sort of enforcement already exists for places of business that sell to underage people. McKone shared the T21 laws and the difference in Wisconsin and some states where there can selling products to 18–20-year-olds can be a gray area. Fennessey would like to see the ordinance refined to meet a specific, enforceable goal. Chair Paine noted that by way of having an ordinance, regardless of board enforceability, often the existence of the ordinance leads to compliance.

Commissioner Graskey shared that she looks forward to continuing to work on this while keeping an eye on Duluth as well, anticipating that changes in Minnesota law impact border cities differently. Commissioner Moffat requested a look at the language around the restricted districts, noting that residential is allowed in all districts now—some by special use permit and others in mixed use.

Chair Paine invited councilors, presenters, and the public to comment or ask questions.

Councilor Johnson shared his experience at the Superior High School with continued struggles with vaping. He shared willingness to continue working on the presented drafts, as they were a starting place. He shared he could get students and faculty to share their experience in the future if that was helpful to the commission and other teams who would be working on future plans.

Presenter Pat McKone added that vape shops would now be subject to State law and licensing in ways they have not been in the past. Craig Sutherland, private business owner, asked for clarification on if Superior could make a 21+ rule and make it enforceable. Chair Paine said he believed home rule, short of it being forbidden at the state or federal level, would be enforceable. Sutherland asked if the ordinance would impact existing businesses. Director Serck answered that in the past, ordinance changes like these have applied to new businesses, not the existing. Sutherland also invited the commission to have legal look at federal farm bills as ‘hemp’ may be protected there.

Commissioner Finstad asked if restricting businesses to M1 and M2 would be an environmental justice issue and to keep that in mind for if there are residents living in those areas. Director Serck noted there are still many discussions to be had in the future by multiple groups. Commissioner Graskey asked for clearer definitions and to have a better understanding of how many licenses are already in Superior for tobacco sales and how many will be added with the vape licensing. Clerk Blunt offered to send the commissioners the new information she had from the state concerning licensing and definitions and to also make available the number of current licenses. Chair Paine asked staff to do a redraft of the ordinance and for the commissioners to continue talking and researching what they might like to see. Commissioner Graskey left at 5:10.

4.3 Landscape Grant Program Discussion & Program Updates

Tech Becken shared that the next round of the Landscape Grant opportunity was scheduled to start in the spring. Missinne Landscape has offered to be on board for the next round of grants. Vice-Chair Fennessey asked if staff recommended changes. Staff did not recommend changes and encouraged running it similarly to last year, as it continues to be a pilot program. Commissioner Moffat asked when the Plan Commission would need to decide about whether to do another year. Chair Paine said in the summer would be best, to arrange funding. Commissioner Moffat noted the Neighborhood Improvement Fund as a possible source, especially if the investment increased. Director Serck added that for future programs, an RFP will most likely need to be made available and recommended the group talk about the future of the program when the grants are awarded over the summer. At 5:40 Commissioner Porter left. Commissioner Graskey re-joined the meeting virtually at 5:42.
4.4 Land Trust Discussion

Planner Skrenes shared his experience with Land Trust process and how it is used in different ways by communities to offer a different path to homeownership. He shared the process looks different in different areas and that he is researching the ways it works in Wisconsin. Commissioner Moffat shared his experience as well and noted available resources for commissioners who were not familiar with the land trust model. He continued noting that One Roof in Duluth could be a resource as they run different versions of a land trust model. Skrenes noted that the model is not the best fit for everyone, but when it is a good fit, it can be a way for people to buy their first home and pay a mortgage that is less than rent and when they sell and move, they still have the equity in their home. Director Serk said that next steps would be to invite groups like One Roof and the groups Jeff Skrenes has been working with to discuss what models of land trusts they currently use and discern what might be a good fit for Superior. Chair Paine noted that policy and process were two major things to think on if the Plan Commission wanted to pursue the Land Trust model in the future, and due to staff experience, the possibility was there. He asked about initial cost. Commissioner Moffat said there is an opportunity for economy of scale—while the Vacant to Value program is a start, committing to something, whether apartment, commercial, single homes, etc.—making an impact and making it sustainable would mean an investment and added that there may be the option of partnering with a group or agency already in a Land Trust model to maximize investment. He also added options as tax forfeit properties come up, they may be an opportunity. Skrenes shared experience of Minneapolis and St. Paul buy in amounts with various success. Commissioner Finstad shared his experience with the Twin Cities Land Trust properties and noted a positive experience. Planner Skrenes will return to Plan Commission with more information after the April WEDA land trust meeting.

Chair Paine invited public comment. Dan Olson, Superior resident, shared his support for the Nemadji Trail Energy Center. Jennifer Zehm, Superior resident, shared she was continuing to learn about the NTEC project and hoped the Plan Commission and the rest of the community would as well. Kyle Bukovich shared his support for the Nemadji Tril Energy Center.

5 ADJOURNMENT

Meeting adjourned at 6:00

Respectfully submitted by Stephanie Becken.
MEMORANDUM

TO: Mayor Paine and Members of the Plan Commission

FROM: Jason Serck, Economic Development, Planning and Port Director

RE: Minnesota Power’s Request to Vacate Streets & Alleys

NUMBER: VAC 24-01

INTRODUCTION – The City of Superior has received a vacation request from Minnesota Power to vacate unimproved alleys and streets in the general area of 32nd Avenue East between 15th Street and 13th Street. The properties are legally described as:

That part of the Northeast half of unimproved East 15th Street starting at 31st Avenue East, ending at the Nemadji River, abutting lots 2-16 of McBean Blocks SW ¼ of Block 2 E 15th Street; SE ¼ of Block 2 E 15th Street; and the Southern half of Block 4 E 15th Street, all in Townsite of Superior, the City of Superior, Douglas County, Wisconsin. A/k/a Parcel #01-801-04830-00

That part of unimproved East 14th Street starting at 31st Avenue East, ending at the Nemadji River, abutting Northern half of Block 2 E 15th Street; and the Northern half of Block 4 E 15th Street; and McBean Blocks N ½ and SW ¼ Block 1 E 13th Street lots 2-16 (even); and SW ¼ of Block 1 E 13th Street, and the Southern half of Block 3 E 13th Street, all in Townsite of Superior, the City of Superior, Douglas County, Wisconsin. A/k/a Parcel 01-801-04830-00

That part of unimproved 32nd Avenue East, starting at vacated East 15th Street and ending at the Southeast side of East 13th Street, abutting the Eastern half of Block 2 E 15th Street; Western half of Block 4 E 15th Street; Southwestern 1/4 of Block 1 E 13th Street, and McBean Blocks N ½ and SW ¼ Block 1 E 13th Street, lot 31; and the western half of Block 3 E 13th Street; all in Townsite of Superior, the City of Superior, Douglas County, Wisconsin. A/k/a Parcel #01-801-04830-00

The unimproved alley between East 14th Street and East 13th Street, starting at 31st Avenue East and proceeding approximately 400 feet abutting McBean Blocks N ½ and SW ¼ Block 1 E 13th Street, lots 2-16 (even) and 1-31 odd; and the SW ¼
of E 13th Street Block 1, all in Townsite of Superior, the City of Superior, Douglas County, Wisconsin. A/k/a Parcel #01-801-04830-00.

The unimproved alley between East 15th Street and East 14th Street, starting at 31st Avenue East and proceeding approximately 200 feet abutting McBean Blocks SW ¼ Block 2 E 15th Street, lots 2-16 (even numbers); and the NW ¼ of block 2 E 15th Street, all in the Townsite of Superior, the City of Superior, Douglas County,

BACKGROUND – Minnesota Power presented information concerning their proposed Nemadji Trail Energy Center build at the January 17, 2024 Plan Commission meeting. They are requesting the vacations to unify the property in order to build on the area in the future. No utility easements will be kept as the property being vacated is intended to be built on.

CONCLUSION – Please review this vacation request.
NTEC Vacation Requests

Yellow=Street vacations

Purple=Unimproved alley vacations
NOTE: Please consult with Superior Planning and Development staff before starting the vacation process. A non-refundable fee of at least, but not limited to $300 is due at the time of submission. Return completed petition to the Planning Department, 1316 North 14th Street, Superior, WI 54880. Do not return incomplete petitions. Call 715-395-7335 if you have questions.

TO: Mayor, Common Council and Plan Commission  
City of Superior, City/County Building, 1316 North 14th Street, Superior, WI 54880

I (We), the undersigned, do hereby petition the City of Superior to vacate (give the street name and location of the street or alley):

**UNNAMED ALLEY LAID OUT IN BLOCK 1 EAST 13TH STREET OF MCBEAN BLOCKS REPLAT LYING**

WITHIN PARCEL NO. 01-801-04830-00.

See attached narrative for detailed description.

IN SUPPORT OF THIS REQUESTED STREET/ALLEY VACATION, the following is hereby presented:

1. Attached is a sketch or copy of the plat of the area showing the requested street/alley vacation. This map must agree with the legal description of the property described in Item 2 below.

2. The property abutting the proposed vacation is legally described as: __________________________

PARCEL NO. 01-801-04830-00: SE 1/4 BLOCK 1 AND ALL OF BLOCK 3, TOWNSITE OF SUPERIOR EAST 13TH ST., AND THE N 1/2 AND SE 1/4 OF BLOCK 2 AND ALL OF BLOCK 4, TOWNSITE OF SUPERIOR EAST 15TH ST., AND LOTS 1 THRU 31 (ODD NUMBERS) BLOCK 1, MCBEAN BLOCKS EAST 13TH ST., AND 2 THRU 16 (EVEN NUMBERS) BLOCK 2, MCBEAN BLOCKS EAST 15TH ST.

3. Please state the reason for this request and the intended use of the property:

   Electric generation and electric transmission

4. The petitioner hereby agrees to accept said property described above and shown on the attached sketch or plat, subject to the conditions set forth by the City Council and City's Zoning

City of Superior Updated June 30, 2022
Ordinance including, but not limited to, the right of the City and/or utility companies to retain any easement, drainage way, or flood plain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement, which would serve or protect the public.

5. The facts presented herein and attached are true and correct to the best of my (our) knowledge.

Submitted this 28th day of August, 2023.

PETITIONER'S SIGNATURE: [Signature]

Petitioner PRINT NAME: Todd Simmons
ADDRESS: 1259 NW 3rd St, Cohasset, MN 55721
TELEPHONE: (218) 355-4403 EMAIL: tsimmons@mnpower.com
Public way to be vacated: Segments of unimproved Alley as indicated on Page 2 map of this signature page.

We, the undersigned petitioners, own property abutting the public way requested to be vacated:

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Name:   Address: 
LEGAL DESCRIPTION:

UNNAMED AND UNIMPROVED ALLEY IN BLOCK 1, MCBEEAN BLOCKS EAST 13TH STREET RUNNING SOUTHEASTERLY FROM 31ST AVENUE EAST FOR A DISTANCE OF APPROXIMATELY 400 FEET.

AS SHOWN ON THE ATTACHED MAP.

NARRATIVE:

The above-described alley was laid out in McBean Blocks (1920), a replat of blocks originally platted in the Townsite of Superior. It has never been improved or opened as a public way. It is self-contained within Block 1, McBean Blocks East 13th Street and does not extend to any other property. As such Petitioner disputes that Wis. Stat. § 66.1003 requires signatures from property owners in either direction from Petitioner’s property under Voss v. City of Middleton, 162 Wis. 2d 737, 470 N.W.2d 625 (1991).

Subject to that reservation, Petitioner provides the attached property owner signatures at the City’s request.

The Douglas County GIS map and aerial overlay show that the tax parcels immediately northwest owned by Lakehead Pipeline Co. include platted streets and alleys that were vacated pursuant to a resolution of the City of Superior Common Council dated November 7, 1973, and recorded in the office of the Douglas County Register of Deeds on November 9, 1973, in Volume 326, Records, pp. 615-620, as Document No. S17106 (copy attached).

The interior streets and alleys of the abutting parcel on the southeast, currently owned by Allete Transmission Holdings, Inc., were vacated at the request of the predecessor owner, Rainy River, pursuant to a resolution of the City of Superior Common Council dated July 17, 2002, and recorded in the office of the Douglas County Register of Deeds on July 18, 2002, at Document No. 745027 (copy attached).

Petitioner is a similarly situated party seeking a resolution to vacate historically platted streets and alleys that have not been improved or opened for public use for over 100 years.
STATE OF WISCONSIN }  SS  COUNTY OF DOUGLAS }  

I, Margaret Ciccone, City Clerk of the City of Superior, Wisconsin, do hereby certify that I have compared the annexed copy of Resolution Number R02-12381 passed and adopted by the Common Council of the City of Superior, Wisconsin, on the 16th day of July 2002, with the original document on file in my office, and that the same is a true and correct copy thereof and has not been subsequently repealed, amended or revoked.

IN WITNESS WHEREOF, I have set my hand and seal of the said City of Superior, this 17th day of July, 2002.

Margaret Ciccone, City Clerk  
City of Superior, Wisconsin  

(SEAL)
RESOLUTION # R02-12381

RESOLUTION INTRODUCED BY THE COMMON COUNCIL TO VACATE AND DISCONTINUE THE CERTAIN STREETS AND ALLEY REFERRED TO IN THE RESOLVING CLAUSE OF THIS RESOLUTION.

WHEREAS, on the 4th day of June, 2002, the Common Council of the City of Superior, Wisconsin passed and adopted the following resolution, to-wit:

"WHEREAS, the following described streets and alley in the City of Superior, Wisconsin is platted and it is deemed necessary and in the public interest to vacate said streets and alley pursuant to Section 66.296 of the Wisconsin Statutes; and

WHEREAS, the City Plan Commission did heretofore approve and recommend said vacation at its meeting of May 15, 2002;

NOW, THEREFORE, BE IT RESOLVED that the public interest requires that the following described streets and alley be vacated and discontinued, subject to the reservation of an easement for public utilities presently located thereon:

The unimproved alley between 31st Avenue East and 200 feet southeasterly and between East 15th Street and East 16th Street, abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; and abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1, all in the City of Superior.

The Southwest half of unimproved East 15th Street from 31st Avenue East to the Nenadji River abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1 and abutting Parcel 1-3661, Townsite of Superior East 15th Street, Block 3, all in the City of Superior.

East 16th Street from 31st Avenue East to the Nenadji River abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; abutting Parcel 1-3653, Townsite of Superior East 15th Street SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; and Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2 and 4, all in the City of Superior.
East 17th Street from 31st Avenue East to a point located 815' SE 'LY of 31st Avenue East abutting Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 of Block 1, all in the City of Superior.

32nd Avenue East from the southwest half of East 15th Street to East 18th Street, abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 and SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; and Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 and E 1/2 SE 1/4 of Block 1, all in the City of Superior.

BE IT FURTHER RESOLVED that a public hearing on this resolution be held by the Common Council of the City of Superior at 6:30 p.m. on the 16th of July, 2002, in the Council Chambers of the City-County Building and that notice of said hearing be given to all interested persons in the manner provided by law; and

WHEREAS, all interested persons were granted an opportunity to be heard either in favor of or in opposition to the vacation of the streets or alley referred to in the resolving clause;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Superior that the streets and alley described as:

The unimproved alley between 31st Avenue East and 200 feet southeasterly and between East 15th Street and East 16th Street, abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; and abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1, all in the City of Superior.

The Southwest half of unimproved East 15th Street from 31st Avenue East to the Nemadji River abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1 and abutting Parcel 1-3661, Townsite of Superior East 15th Street, Block 3, all in the City of Superior.

East 16th Street from 31st Avenue East to the Nemadji River abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; abutting Parcel 1-3653, Townsite of Superior East 15th Street SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; and Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2 and 4, all in the City of Superior.
East 17th Street from 31st Avenue East to a point located 815' SE'LY of 31st Avenue East abutting Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 of Block 1, all in the City of Superior.

32nd Avenue East from the southwest half of East 15th Street to East 18th Street, abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 and SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; and Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 and E 1/2 SE 1/4 of Block 1, all in the City of Superior. and

be and the same is hereby in all respects discontinued and vacated, subject to the reservation of an easement for public utilities presently located thereon;

BE IT FURTHER RESOLVED that a map showing the location of the street so discontinued and vacated be and the same hereby is attached to this resolution, and that a certified copy of this resolution with such map attached be recorded in the office of the Register of Deeds for Douglas County, Wisconsin, as required by law.

Passed and adopted this 16th day of July, 2002.

Approved this 16th day of July, 2002.

[Signature]
Mayor

Attest:

[Signature]
City Clerk
Rainy River's Street/Alley Vacation Request

Areas Requested to be Vacated
Rainy River's Street/Alley Vacation Request

Areas Requested to be Vacated

Scale: 200 Feet
NOTE: Please consult with Superior Planning and Development staff before starting the vacation process. A non-refundable fee of at least, but not limited to $300 is due at the time of submission. Return completed petition to the Planning Department, 1316 North 14th Street, Superior, WI 54880. Do not return incomplete petitions. Call 715-395-7335 if you have questions.

TO: Mayor, Common Council and Plan Commission
City of Superior, City/County Building, 1316 North 14th Street, Superior, WI 54880

I (We), the undersigned, do hereby petition the City of Superior to vacate (give the street name and location of the street or alley):
UNNAMED ALLEY LAID OUT IN BLOCK 2 EAST 15TH STREET OF MCBEEAN BLOCKS REPLAT LYING

WITHIN PARCEL NO. 01-801-04830-00. See attached narrative for detailed description.

IN SUPPORT OF THIS REQUESTED STREET/ALLEY VACATION, the following is hereby presented:

1. Attached is a sketch or copy of the plat of the area showing the requested street/alley vacation. This map must agree with the legal description of the property described in Item 2 below.

2. The property abutting the proposed vacation is legally described as: _______________

PARCEL NO. 01-801-04830-00: SE 1/4 BLOCK 1 AND ALL OF BLOCK 3, TOWNSITE OF SUPERIOR EAST 13TH ST., AND THE N 1/2 AND SE 1/4 OF BLOCK 2 AND ALL OF BLOCK 4, TOWNSITE OF SUPERIOR EAST 15TH ST., AND LOTS 1 THRU 31 (ODD NUMBERS) BLOCK 1, MCBEEAN BLOCKS EAST 13TH ST., AND 2 THRU 16 (EVEN NUMBERS) BLOCK 2, MCBEEAN BLOCKS EAST 15TH ST.

3. Please state the reason for this request and the intended use of the property:

Electric generation and electric transmission

4. The petitioner hereby agrees to accept said property described above and shown on the attached sketch or plat, subject to the conditions set forth by the City Council and City's Zoning
Ordinance including, but not limited to, the right of the City and/or utility companies to retain any easement, drainage way, or flood plain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement, which would serve or protect the public.

5. The facts presented herein and attached are true and correct to the best of my (our) knowledge.

Submitted this 5th day of [Month], [Year].

PETITIONER'S SIGNATURE: [Signature]

Petitioner PRINT NAME: Todd Simmons

ADDRESS: 1259 NW 3rd St, Cohasset, MN 55721

TELEPHONE: (218) 355-4403 EMAIL: tsimmons@mnpower.com
Public way to be vacated: Segments of unimproved Alley as indicated on Page 2 map of this signature page

We, the undersigned petitioners, own property abutting the public way requested to be vacated:

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<th>Name: John Smith</th>
<th>Address: 30 West Superior St, Duluth, MN 55802</th>
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City of Superior Updated June 30, 2022
LEGAL DESCRIPTION:

UNNAMED AND UNIMPROVED ALLEY LAID OUT IN BLOCK 2 McBEAN BLOCKS EAST 15TH STREET
RUNNING SOUTHEASTERLY FROM 31ST AVENUE EAST FOR A DISTANCE OF APPROXIMATELY 200 FEET.
AS HIGHLIGHTED ON THE ATTACHED MAP.

NARRATIVE:

The above-described alley was laid out in McBean Blocks (1920), a replat of blocks originally platted in
the Townsite of Superior. It has never been improved or opened as a public way. It is self-contained
within Block 2, McBean Blocks East 15th Street and does not extend to any other property. As such
Petitioner disputes that Wis. Stat. § 66.1003 requires signatures from property owners in either direction
from Petitioner’s property under Voss v. City of Middleton, 162 Wis. 2d 737, 470 N.W.2d 625 (1991).
Subject to that reservation, Petitioner provides the attached property owner signatures at the City’s
request.

The Douglas County GIS map and aerial overlay show that the tax parcels immediately northwest owned
by Lakehead Pipeline Co. include platted streets and alleys that were vacated pursuant to a resolution of
the City of Superior Common Council dated November 7, 1973, and recorded in the office of the Douglas
517106 (copy attached).

The interior streets and alleys of the abutting parcel on the southeast, currently owned by Allete
Transmission Holdings, Inc., were vacated at the request of the predecessor owner, Rainy River, pursuant
to a resolution of the City of Superior Common Council dated July 17, 2002, and recorded in the office of

Petitioner is a similarly situated party seeking a resolution to vacate historically platted streets and alleys
that have not been improved or opened for public use for over 100 years.
STATE OF WISCONSIN

COUNTY OF DOUGLAS

I, Margaret Ciccone, City Clerk of the City of Superior, Wisconsin, do hereby certify that I have compared the annexed copy of Resolution Number R02-12381 passed and adopted by the Common Council of the City of Superior, Wisconsin, on the 16th day of July 2002, with the original document on file in my office, and that the same is a true and correct copy thereof and has not been subsequently repealed, amended or revoked.

IN WITNESS WHEREOF, I have set my hand and seal of the said City of Superior, this 17th day of July, 2002.

Margaret Ciccone, City Clerk
City of Superior, Wisconsin

(SEAL)
RESOLUTION # R02-12381

RESOLUTION INTRODUCED BY THE COMMON COUNCIL TO VACATE AND DISCONTINUE THE CERTAIN STREETS AND ALLEY REFERRED TO IN THE RESOLVING CLAUSE OF THIS RESOLUTION.

WHEREAS, on the 4th day of June, 2002, the Common Council of the City of Superior, Wisconsin passed and adopted the following resolution, to-wit:

"WHEREAS, the following described streets and alley in the City of Superior, Wisconsin is platted and it is deemed necessary and in the public interest to vacate said streets and alley pursuant to Section 66.296 of the Wisconsin Statutes; and

WHEREAS, the City Plan Commission did heretofore approve and recommend said vacation at its meeting of May 15, 2002;

NOW, THEREFORE, BE IT RESOLVED that the public interest requires that the following described streets and alley be vacated and discontinued, subject to the reservation of an easement for public utilities presently located thereon:

The unimproved alley between 31st Avenue East and 200 feet southeasterly and between East 15th Street and East 16th Street, abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; and abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1, all in the City of Superior.

The Southwest half of unimproved East 15th Street from 31st Avenue East to the Nemadji River abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1 and abutting Parcel 1-3661, Townsite of Superior East 15th Street, Block 3, all in the City of Superior.

East 16th Street from 31st Avenue East to the Nemadji River abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; abutting Parcel 1-3653, Townsite of Superior East 15th Street SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; and Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2 and 4, all in the City of Superior.
East 17th Street from 31st Avenue East to a point located 815' SE'LY of 31st Avenue East abutting Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 of Block 1, all in the City of Superior.

32nd Avenue East from the southwest half of East 15th Street to East 18th Street, abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 and SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; and Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 and E 1/2 SE 1/4 of Block 1, all in the City of Superior.

BE IT FURTHER RESOLVED that a public hearing on this resolution be held by the Common Council of the City of Superior at 6:30 p.m. on the 16th of July, 2002, in the Council Chambers of the City-County Building and that notice of said hearing be given to all interested persons in the manner provided by law.; and

WHEREAS, all interested persons were granted an opportunity to be heard either in favor of or in opposition to the vacation of the streets or alley referred to in the resolving clause;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Superior that the streets and alley described as:

The unimproved alley between 31st Avenue East and 200 feet southeasterly and between East 15th Street and East 16th Street, abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; and abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1, all in the City of Superior.

The Southwest half of unimproved East 15th Street from 31st Avenue East to the Nemadji River abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1 and abutting Parcel 1-3661, Townsite of Superior East 15th Street, Block 3, all in the City of Superior.

East 16th Street from 31st Avenue East to the Nemadji River abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; abutting Parcel 1-3653, Townsite of Superior East 15th Street SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; and Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2 and 4, all in the City of Superior.
East 17th Street from 31st Avenue East to a point located 815' SE'LY of 31st Avenue
East abutting Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3,
and 4; Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 of Block 1, all
in the City of Superior.

32nd Avenue East from the southwest half of East 15th Street to East 18th Street,
abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 and SE 1/4 of
Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; Parcel 1-
3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; and Parcel 1-3667,
Townsite of Superior East 17th Street N 1/2 and E 1/2 SE 1/4 of Block 1, all in the
City of Superior. and

be and the same is hereby in all respects discontinued and vacated, subject to the reservation of
an easement for public utilities presently located thereon;

BE IT FURTHER RESOLVED that a map showing the location of the street so discontinued
and vacated be and the same hereby is attached to this resolution, and that a certified copy of this
resolution with such map attached be recorded in the office of the Register of Deeds for Douglas
County, Wisconsin, as required by law.

Passed and adopted this 16th day of July, 2002.

Approved this 16th day of July, 2002.

[Signature]
Mayor

Attest:

[Signature]
City Clerk

M:\Agenda Items\Agenda Items 07-16-02\R02-12381, RainyRiver.wpd
Rainy River's Street/Alley Vacation Request

Areas Requested to be Vacated
Rainy River's Street/Alley Vacation Request

Areas Requested to be Vacated

200 0 200 400 Feet
RESOLVED, that the Council have hereby resolved that the said street and the said alley are hereby vacated and that the same shall be abandoned and relinquished to the said trustees and be subject to the jurisdiction and control of the County of Douglas, in accordance with all the laws of the State of Minnesota. Done this 1st day of October, 1911.

 Witnesses:

[Signature]

[Signature]

Cecil Meisel

City Clerk
NOTE: Please consult with Superior Planning and Development staff before starting the vacation process. A non-refundable fee of at least, but not limited to $300 is due at the time of submission. Return completed petition to the Planning Department, 1316 North 14th Street, Superior, WI 54880. Do not return incomplete petitions. Call 715-395-7335 if you have questions.

TO: Mayor, Common Council and Plan Commission

City of Superior, City/County Building, 1316 North 14th Street, Superior, WI 54880

I (We), the undersigned, do hereby petition the City of Superior to vacate (give the street name and location of the street or alley):

EAST 14TH ST FROM 31ST AVENUE EAST TO THE NEMADJI RIVER WITHIN PARCEL NO. 01-801-04830-00.

See attached narrative for detailed description.

IN SUPPORT OF THIS REQUESTED STREET/ALLEY VACATION, the following is hereby presented:

1. Attached is a sketch or copy of the plat of the area showing the requested street/alley vacation. This map must agree with the legal description of the property described in Item 2 below.

2. The property abutting the proposed vacation is legally described as:

PARCEL NO. 01-801-04830-00: SE 1/4 BLOCK 1 AND ALL OF BLOCK 3, TOWNSITE OF SUPERIOR EAST 13TH ST., AND THE N 1/2 AND SE 1/4 OF BLOCK 2 AND ALL OF BLOCK 4, TOWNSITE OF SUPERIOR EAST 15TH ST., AND LOTS 1 THRU 31 (ODD NUMBERS) BLOCK 1, MCBEAN BLOCKS EAST 13TH ST., AND 2 THRU 16 (EVEN NUMBERS) BLOCK 2, MCBEAN BLOCKS EAST 15TH ST.

3. Please state the reason for this request and the intended use of the property:

Electric generation and electric transmission

4. The petitioner hereby agrees to accept said property described above and shown on the attached sketch or plat, subject to the conditions set forth by the City Council and City's Zoning

City of Superior Updated June 30, 2022
Ordinance including, but not limited to, the right of the City and/or utility companies to retain any easement, drainage way, or flood plain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement, which would serve or protect the public.

5. The facts presented herein and attached are true and correct to the best of my (our) knowledge.

Submitted this 28th day of February, 2023.

PETITIONER'S SIGNATURE: 

Petitioner PRINT NAME: Todd Simmons
ADDRESS: 1259 NW 3rd St, Cohasset, MN 55721
TELEPHONE: (218) 355-4403 EMAIL: tsimmons@mnpower.com

City of Superior Updated June 30, 2022
**Public way to be vacated:** Segments of unimproved 14th St., as indicated on the Page 2 map of this signature page.

**We, the undersigned petitioners, own property abutting the public way requested to be vacated:**

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<tr>
<td>Rennegold, Jordan</td>
<td>30 W Superior St, Duluth, MN 55802</td>
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<td>218-355-4674</td>
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*City of Superior Updated June 30, 2022*
ENBRIDGE PIPELINES (LAKEHEAD) L.L.C.
SECRETARY'S CERTIFICATE
ON BEHALF OF
ENBRIDGE ENERGY, LIMITED PARTNERSHIP

I do hereby certify that Enbridge Pipelines (Lakehead) L.L.C., a Delaware limited liability company (the “Company”), is the Managing General Partner of Enbridge Energy, Limited Partnership, a Delaware limited partnership (the “Partnership”). I further certify that I am the duly qualified and acting Assistant Corporate Secretary and the keeper of the records of the Company and the Partnership, and that the following resolutions were adopted by Written Consent of the General Partner of the Partnership, on September 24, 2013, and such resolutions have not been amended or rescinded:

RESOLVED, that Micah J. Harris, of the City of Saginaw, Minnesota, be, and he hereby is, appointed as Agent or Attorney-in-Fact for the Partnership with the authority to execute all documents related to real property interests, including fee interests, easements, right-of-way agreements, covenants, permits, licenses and other less than fee interest in real property and to perform any and all other acts necessary or incident to the performance and execution of such documents and the powers herein expressly granted for and on behalf of the Partnership;

RESOLVED, that the Agent or Attorney-in-Fact is hereby authorized and directed in the name and on behalf of the Partnership to do or cause to be done any and all further acts and things which he may from time to time deem necessary, advisable or appropriate to carry out the purpose and intent of the foregoing resolution;

RESOLVED, that any officer of the Managing General Partner of the Partnership is hereby authorized and directed in the name and on behalf of the Managing General Partner of the Partnership to execute any and all documents as may be required or appropriate to evidence such power of attorney herein granted; and further

RESOLVED, that any acts of the Agent or Attorney-in-Fact of the Partnership, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as the acts of the Partnership.

WITNESS my hand this 20th day of December 2023.

[Signature]
Lee Ann Cis
Assistant Corporate Secretary
Public way to be vacated: Segments of unimproved 14th St., as indicated on the Page 2 map of this signature page.

We, the undersigned petitioners, own property abutting the public way requested to be vacated:

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<tr>
<td>Micah J. Harris</td>
<td>119 N 25th St East Superior WI 54880</td>
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<td>Signature:</td>
<td>Date: 02/07/2024 Phone: 715-395-3649</td>
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LEGAL DESCRIPTION:

UNNAMED AND UNIMPROVED STREET PLATTED AS EAST 14TH STREET FROM 31ST AVENUE EAST TO THE
NEMADJI RIVER WITHIN PARCEL 01010483000

AS HIGHLIGHTED ON THE ATTACHED MAP.

NARRATIVE:

East 14th Street was laid out in the Townsite of Superior-East Division (1856). It has never been improved or opened as a public way. As such Petitioner disputes that Wis. Stat. § 66.1003 requires signatures from property owners with frontage on the extension of East 14th Street in either direction from Petitioner’s property under Voss v. City of Middleton, 162 Wis. 2d 737, 470 N.W.2d 625 (1991). Subject to that reservation, Petitioner provides the attached property owner signatures at the City’s request.

The Douglas County GIS map and aerial overlay show that the tax parcels immediately northwest owned by Lakehead Pipeline Co. include platted streets and alleys that were vacated pursuant to a resolution of the City of Superior Common Council dated November 7, 1973, and recorded in the office of the Douglas County Register of Deeds on November 9, 1973, in Volume 326, Records, pp. 615-620, as Document No. 517106 (copy attached).

The interior streets and alleys of the abutting parcel on the southwest, currently owned by Allete Transmission Holdings, Inc., were vacated at the request of the predecessor owner, Rainy River, pursuant to a resolution of the City of Superior Common Council dated July 17, 2002, and recorded in the office of the Douglas County Register of Deeds on July 18, 2002, at Document No. 745027 (copy attached).

Petitioner is a similarly situated party seeking a resolution to vacate historically platted streets and alleys that have not been improved or opened for public use for over 100 years.
STATE OF WISCONSIN }  
} SS
COUNTY OF DOUGLAS }

I, Margaret Ciccone, City Clerk of the City of Superior, Wisconsin, do hereby certify that I have compared the annexed copy of Resolution Number R02-12381 passed and adopted by the Common Council of the City of Superior, Wisconsin, on the 16th day of July 2002, with the original document on file in my office, and that the same is a true and correct copy thereof and has not been subsequently repealed, amended or revoked.

IN WITNESS WHEREOF, I have set my hand and seal of the said City of Superior, this 17th day of July, 2002.

Margaret Ciccone, City Clerk
City of Superior, Wisconsin

(SEAL)
RESOLUTION # R02-12381

RESOLUTION INTRODUCED BY THE COMMON COUNCIL TO VACATE AND DISCONTINUE THE CERTAIN STREETS AND ALLEY REFERRED TO IN THE RESOLVING CLAUSE OF THIS RESOLUTION.

WHEREAS, on the 4th day of June, 2002, the Common Council of the City of Superior, Wisconsin passed and adopted the following resolution, to-wit:

"WHEREAS, the following described streets and alley in the City of Superior, Wisconsin is platted and it is deemed necessary and in the public interest to vacate said streets and alley pursuant to Section 66.296 of the Wisconsin Statutes; and

WHEREAS, the City Plan Commission did heretofore approve and recommend said vacation at its meeting of May 15, 2002;

NOW, THEREFORE, BE IT RESOLVED that the public interest requires that the following described streets and alley be vacated and discontinued, subject to the reservation of an easement for public utilities presently located thereon:

The unimproved alley between 31st Avenue East and 200 feet southeasterly and between East 15th Street and East 16th Street, abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; and abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1, all in the City of Superior.

The Southwest half of unimproved East 15th Street from 31st Avenue East to the Nemadji River abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1 and abutting Parcel 1-3661, Townsite of Superior East 15th Street, Block 3, all in the City of Superior.

East 16th Street from 31st Avenue East to the Nemadji River abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; abutting Parcel 1-3653, Townsite of Superior East 15th Street SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; and Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2 and 4, all in the City of Superior.
East 17th Street from 31st Avenue East to a point located 815' SE'LY of 31st Avenue East abutting Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 of Block 1, all in the City of Superior.

32nd Avenue East from the southwest half of East 15th Street to East 18th Street, abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 and SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; and Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 and E 1/2 SE 1/4 of Block 1, all in the City of Superior.

BE IT FURTHER RESOLVED that a public hearing on this resolution be held by the Common Council of the City of Superior at 6:30 p.m. on the 16th of July, 2002, in the Council Chambers of the City-County Building and that notice of said hearing be given to all interested persons in the manner provided by law.; and

WHEREAS, all interested persons were granted an opportunity to be heard either in favor of or in opposition to the vacation of the streets or alley referred to in the resolving clause;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Superior that the streets and alley described as:

The unimproved alley between 31st Avenue East and 200 feet southeasterly and between East 15th Street and East 16th Street, abutting the even numbered lots of 2 thru 16, McBean Blocks East 15th Street Block 1, East 16th Street; these lots a/k/a 1-4856, 1-4857, 1-4858, 1-4859, 1-4860, 1-4861, 1-4862, and 1-4863; and abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 of Block 1, all in the City of Superior.

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be and the same is hereby in all respects discontinued and vacated, subject to the reservation of an easement for public utilities presently located thereon;

BE IT FURTHER RESOLVED that a map showing the location of the street so discontinued and vacated be and the same hereby is attached to this resolution, and that a certified copy of this resolution with such map attached be recorded in the office of the Register of Deeds for Douglas County, Wisconsin, as required by law.

Passed and adopted this 16th day of July, 2002.

Approved this 16th day of July, 2002.

[Signature]
Mayor

Attest:

[Signature]
City Clerk
Rainy River's Street/Alley Vacation Request

Areas Requested to be Vacated

200 0 200 400 Feet
DELEGATED EXTENDING BY THE COUNCIL CIVIC DEPARTMENT AND REORGANIZING THE CITY STREET AND ALLEYS REFERRED TO IN THE RESOLUTION OF THIS RESOLUTION.

WHEREAS, on the 14th day of September, 1973, the Common Council of the City of Superior, Wisconsin, passed and adopted the following resolution, to-wit:

WHEREAS, it is necessary and in the public interest to reassemble said streets and alleys pursuant to Section 66.09 of the Wisconsin Statutes.

NOW, THEREFORE, the Select Committee did hereupon approve and recommend said repeal at its meeting of September 11, 1973; and

THAT, WHEREAS, the Select Committee did hereupon approve and recommend said repeal at its meeting of September 11, 1973;

NOW, THEREFORE, BE IT RESOLVED that the public interest requires that the following described streets and alleys be vacated and discontinued, subject to all utility and other easements existing thereon:

East 12th Street, between Oak Ave. and 12th St.
East 11th Street, between Oak Ave. and 12th St.
East 10th Street, between Oak Ave. and 12th St.
East 9th Street, between Oak Ave. and 12th St.
East 8th Street, between Oak Ave. and 12th St.
East 7th Street, between Oak Ave. and 12th St.
East 6th Street, between Oak Ave. and 12th St.
East 5th Street, between Oak Ave. and 12th St.
East 4th Street, between Oak Ave. and 12th St.
East 3rd Street, between Oak Ave. and 12th St.
East 2nd Street, between Oak Ave. and 12th St.
East 1st Street, between Oak Ave. and 12th St.

The above-mentioned streets and alleys are hereby vacated and discontinued, subject to all utility and other easements existing thereon.

This resolution was adopted by the Common Council of the City of Superior, Wisconsin, at its meeting held on the 14th day of September, 1973.

Respectfully submitted,

[Signature]
City Clerk
February 6, 2024

Dear Mayor Paine and Honorable Councilors,

On behalf of Enbridge’s more than 300 Twin Ports employees, I am writing in support of the Nemadji Trail Energy Center (NTEC) project planned for Superior, WI. This state-of-the-art natural gas electric power plant, located immediately adjacent to Enbridge’s Superior Terminal, would bring significant positive economic benefits to the community while reinforcing the regional electric grid to ensure safe, reliable energy flows 24x7x365.

Enbridge believes that the energy transition requires a thoughtful approach. As global demand for energy continues to rise, crude oil and natural gas will continue to play a role in the energy mix for decades. Investing in natural gas infrastructure is key to reducing emissions in the power sector today while low-carbon and renewable energy sources are developed. In addition, natural gas power generation is a natural backup for when the sun doesn’t shine and the wind doesn’t blow. It’s estimated that for every additional 10 megawatts (MW) of wind capacity, 8 MW of backup capacity are required on the electrical grid. We’re committed to lowering emissions while meeting growing energy demand; supporting our communities today while anticipating their needs tomorrow; and developing new energy sources with an eye on affordability and reliability. The NTEC project that Minnesota Power, Dairyland Power Cooperative, and Basin Electric Power Cooperative have proposed fits this philosophy.

NTEC will be a flexible, low-emitting and highly efficient facility that will support the rapid expansion of renewable energy resources - while keeping our community safe and comfortable in any weather condition. NTEC will also serve as an “always available” electric capacity resource in a time when electricity resource adequacy in MISO (the Midwest electric grid operator) is declining significantly. The upper Midwest has experienced electricity capacity shortfalls, and MISO and NERC continue to issue warnings that wind and solar alone cannot replace planned coal-fired power plant retirements. Delaying progress on NTEC puts the delivery of reliable electricity — and therefore, public safety — at risk.

Predictable, consistent regulatory processes at all levels of government are critical for business success. The NTEC project has earned 14 different local, state, and federal approvals since 2017. As a neighboring landowner of NTEC, we stand in strong support of the requests to vacate streets and rezone the property to enable the project to move forward. The proposed facility will be located in an industrial area that is perfectly suited for this type of project.

The support of local leaders in Superior and Douglas County is critical for the future growth of industry and economic development in the community. Moving forward with these route requests is important to maintaining Superior’s reputation as a community that welcomes economic development and the community benefits that flow from it.
Enbridge is proud to be a long-standing member of the Superior community and ask for your support of the NTEC requests that will come before you soon. Thank you for the opportunity to share these comments.

Sincerely,

Lorraine Little
Director, Corporate Citizenship & Strategic Partnerships
NOTE: Please consult with Superior Planning and Development staff before starting the vacation process. A non-refundable fee of at least, but not limited to $300 is due at the time of submission. Return completed petition to the Planning Department, 1316 North 14th Street, Superior, WI 54880. Do not return incomplete petitions. Call 715-395-7335 if you have questions.

TO: Mayor, Common Council and Plan Commission  
City of Superior, City/County Building, 1316 North 14th Street, Superior, WI 54880

I (We), the undersigned, do hereby petition the City of Superior to vacate (give the street name and location of the street or alley):
UNIMPROVED SOUTHWESTERLY EXTENSION OF 32ND AVENUE EAST (PLATTED A BULLEN AVENUE)

LYING WITHIN PARCEL NO. 01-801-04830-00. See attached narrative for detailed description.

IN SUPPORT OF THIS REQUESTED STREET/ALLEY VACATION, the following is hereby presented:

1. Attached is a sketch or copy of the plat of the area showing the requested street/alley vacation. This map must agree with the legal description of the property described in Item 2 below.

2. The property abutting the proposed vacation is legally described as: ____________________

PARCEL NO. 01-801-04830-00: SE 1/4 BLOCK 1 AND ALL OF BLOCK 3, TOWNSITE OF SUPERIOR EAST 13TH ST., AND THE N 1/2 AND SE 1/4 OF BLOCK 2 AND ALL OF BLOCK 4, TOWNSITE OF SUPERIOR EAST 15TH ST., AND LOTS 1 THRU 31 (ODD NUMBERS) BLOCK 1, MCBEE N BLOCKS EAST 13TH ST., AND 2 THRU 16 (EVEN NUMBERS) BLOCK 2, MCBEE N BLOCKS EAST 15TH ST.

3. Please state the reason for this request and the intended use of the property:

   Electric generation and electric transmission

4. The petitioner hereby agrees to accept said property described above and shown on the attached sketch or plat, subject to the conditions set forth by the City Council and City's Zoning...
Ordinance including, but not limited to, the right of the City and/or utility companies to retain any easement, drainage way, or flood plain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement, which would serve or protect the public.

5. The facts presented herein and attached are true and correct to the best of my (our) knowledge.

Submitted this 28 day of August, 2023.

PETITIONER'S SIGNATURE: [Signature]

Petitioner PRINT NAME: Todd Simmons

ADDRESS: 1259 NW 3rd St, Cohasset, MN 55721

TELEPHONE: (218) 355-4403 EMAIL: tsimmons@mnpower.com
Public way to be vacated: Segments of unimproved street platted as 32nd Ave E as indicated on the Page 2 map of this signature page.

We, the undersigned petitioners, own property abutting the public way requested to be vacated:

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<tr>
<td>Rand Field</td>
<td>30 W Superior St, Duluth</td>
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<td>218-355-4694</td>
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<td>Diederich</td>
<td>30 W Superior St, Duluth</td>
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City of Superior Updated June 30, 2022
ENBRIDGE PIPELINES (LAKEHEAD) L.L.C.
SECRETARY'S CERTIFICATE
ON BEHALF OF
ENBRIDGE ENERGY, LIMITED PARTNERSHIP

I do hereby certify that Enbridge Pipelines (Lakehead) L.L.C., a Delaware limited liability company (the "Company"), is the Managing General Partner of Enbridge Energy, Limited Partnership, a Delaware limited partnership (the "Partnership"). I further certify that I am the duly qualified and acting Assistant Corporate Secretary and the keeper of the records of the Company and the Partnership, and that the following resolutions were adopted by Written Consent of the General Partner of the Partnership, on September 24, 2013, and such resolutions have not been amended or rescinded:

RESOLVED, that Micah J. Harris, of the City of Saginaw, Minnesota, be, and he hereby is, appointed as Agent or Attorney-in-Fact for the Partnership with the authority to execute all documents related to real property interests, including fee interests, easements, right-of-way agreements, covenants, permits, licenses and other less than fee interest in real property and to perform any and all other acts necessary or incident to the performance and execution of such documents and the powers herein expressly granted for and on behalf of the Partnership;

RESOLVED, that the Agent or Attorney-in-Fact is hereby authorized and directed in the name and on behalf of the Partnership to do or cause to be done any and all further acts and things which he may from time to time deem necessary, advisable or appropriate to carry out the purpose and intent of the foregoing resolution;

RESOLVED, that any officer of the Managing General Partner of the Partnership is hereby authorized and directed in the name and on behalf of the Managing General Partner of the Partnership to execute any and all documents as may be required or appropriate to evidence such power of attorney herein granted; and further

RESOLVED, that any acts of the Agent or Attorney-in-Fact of the Partnership, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as the acts of the Partnership.

WITNESS my hand this 20th day of December 2023.

[Signature]
Lee Ann Cis
Assistant Corporate Secretary
**Public way to be vacated:** Segments of unimproved street platted as 32nd Ave E as indicated on the Page 2 map of this signature page.

We, the undersigned petitioners, own property abutting the public way requested to be vacated:

<table>
<thead>
<tr>
<th>Name: Micah J. Harris, Agent, EELP</th>
<th>Address: 119 N 25th St East Superior WI 54880</th>
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<tbody>
<tr>
<td>Signature: [Signature]</td>
<td>Date: 02/07/2024</td>
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<td>Phone: 715-395-3649</td>
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City of Superior Updated June 30, 2022
LEGAL DESCRIPTION:

UNNAMED AND UNIMPROVED STREET PLATTED AS BULLEN AVENUE BETWEEN UNNAMED AND UNIMPROVED STREET PLATTED AS EAST 13TH STREET AND UNIMPROVED EAST 15TH STREET;

AS HIGHLIGHTED ON THE ATTACHED MAP.

NARRATIVE:

The unimproved southwesterly extension of 32nd Avenue was laid out as Bullen Avenue in the Townsite of Superior-East Division (1856). The segment lying within Petitioner's property has never been opened as a public way. As such Petitioner disputes that Wis. Stat. § 66.1003 requires signatures from property owners with frontage on the extension of 32nd Avenue East in either direction from Petitioner's property under Voss v. City of Middleton, 162 Wis. 2d 737, 470 N.W.2d 625 (1991). Subject to that reservation, Petitioner provides the attached property owner signatures at the City's request.

The Douglas County GIS map and aerial overlay show that the tax parcels immediately northwest owned by Lakehead Pipeline Co. include platted streets and alleys that were vacated pursuant to a resolution of the City of Superior Common Council dated November 7, 1973, and recorded in the office of the Douglas County Register of Deeds on November 9, 1973, in Volume 326, Records, pp. 616-620, as Document No. 517106 (copy attached).

The interior streets and alleys of the abutting parcel on the southeast, currently owned by Allete Transmission Holdings, Inc. (including the SW 1/2 of East 15th Street) were vacated at the request of the predecessor owner, Rainy River, pursuant to a resolution of the City of Superior Common Council dated July 17, 2002, and recorded in the office of the Douglas County Register of Deeds on July 18, 2002, at Document No. 745027 (copy attached).

Petitioner is a similarly situated party seeking a resolution to vacate historically platted streets and alleys that have not been improved or opened for public use for over 100 years.
East 17th Street from 31st Avenue East to a point located 815' SE'LY of 31st Avenue East abutting Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 of Block 1, all in the City of Superior.

32nd Avenue East from the southwest half of East 15th Street to East 18th Street, abutting Parcel 1-3653, Townsite of Superior East 15th Street N 1/2 and SE 1/4 of Block 1; Parcel 1-3661, Townsite of Superior East 15th Street, Block 3; Parcel 1-3668, Townsite of Superior East 17th Street Blocks 2, 3, and 4; and Parcel 1-3667, Townsite of Superior East 17th Street N 1/2 and E 1/2 SE 1/4 of Block 1, all in the City of Superior.

BE IT FURTHER RESOLVED that a public hearing on this resolution be held by the Common Council of the City of Superior at 6:30 p.m. on the 16th of July, 2002, in the Council Chambers of the City-County Building and that notice of said hearing be given to all interested persons in the manner provided by law."; and

WHEREAS, all interested persons were granted an opportunity to be heard either in favor of or in opposition to the vacation of the streets or alley referred to in the resolving clause;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Superior that the streets and alley described as:

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be and the same is hereby in all respects discontinued and vacated, subject to the reservation of an easement for public utilities presently located thereon;

BE IT FURTHER RESOLVED that a map showing the location of the street so discontinued and vacated be and the same hereby is attached to this resolution, and that a certified copy of this resolution with such map attached be recorded in the office of the Register of Deeds for Douglas County, Wisconsin, as required by law.

Passed and adopted this 16th day of July, 2002.

Approved this 16th day of July, 2002.

[Signature]
Mayor

Attest:

[Signature]
City Clerk
Rainy River's Street/Alley Vacation Request

Areas Requested to be Vacated
Rainy River's Street/Alley Vacation Request

Areas Requested to be Vacated

200 0 200 400 Feet
February 6, 2024

Dear Mayor Paine and Honorable Councilors,

On behalf of Enbridge’s more than 300 Twin Ports employees, I am writing in support of the Nemadji Trail Energy Center (NTEC) project planned for Superior, WI. This state-of-the-art natural gas electric power plant, located immediately adjacent to Enbridge’s Superior Terminal, would bring significant positive economic benefits to the community while reinforcing the regional electric grid to ensure safe, reliable energy flows 24x7x365.

Enbridge believes that the energy transition requires a thoughtful approach. As global demand for energy continues to rise, crude oil and natural gas will continue to play a role in the energy mix for decades. Investing in natural gas infrastructure is key to reducing emissions in the power sector today while low-carbon and renewable energy sources are developed. In addition, natural gas power generation is a natural backup for when the sun doesn’t shine and the wind doesn’t blow. It’s estimated that for every additional 10 megawatts (MW) of wind capacity, 8 MW of backup capacity are required on the electrical grid. We’re committed to lowering emissions while meeting growing energy demand; supporting our communities today while anticipating their needs tomorrow; and developing new energy sources with an eye on affordability and reliability. The NTEC project that Minnesota Power, Dairyland Power Cooperative, and Basin Electric Power Cooperative have proposed fits this philosophy.

NTEC will be a flexible, low-emitting and highly efficient facility that will support the rapid expansion of renewable energy resources while keeping our community safe and comfortable in any weather condition. NTEC will also serve as an “always available” electric capacity resource in a time when electricity resource adequacy in MISO (the Midwest electric grid operator) is declining significantly. The upper Midwest has experienced electricity capacity shortfalls, and MISO and NERC continue to issue warnings that wind and solar alone cannot replace planned coal-fired power plant retirements. Delaying progress on NTEC puts the delivery of reliable electricity—and therefore, public safety—at risk.

Predictable, consistent regulatory processes at all levels of government are critical for business success. The NTEC project has earned 14 different local, state, and federal approvals since 2017. As a neighboring landowner of NTEC, we stand in strong support of the requests to vacate streets and rezone the property to enable the project to move forward. The proposed facility will be located in an industrial area that is perfectly suited for this type of project.

The support of local leaders in Superior and Douglas County is critical for the future growth of industry and economic development in the community. Moving forward with these routine requests is important to maintaining Superior’s reputation as a community that welcomes economic development and the community benefits that flow from it.
Enbridge is proud to be a long-standing member of the Superior community and ask for your support of the NTEC requests that will come before you soon. Thank you for the opportunity to share these comments.

Sincerely,

Lorraine Little
Director, Corporate Citizenship & Strategic Partnerships
MEMORANDUM

TO: Mayor Paine and Members of the Plan Commission

FROM: Jason Serck, Economic Development, Planning and Port Director

RE: Minnesota Power’s Request to Rezone property located near 1200-1500 block of 31st Avenue East

NUMBER: RZ 24-01

INTRODUCTION – The City of Superior received a rezone request from Minnesota Power. The property is legally described as:

SE ¼ block 1 and all of block 3, Townsite of Superior East 13th Street, and the N ½ of SE ¼ block 2 and all of Block 4, Townsite of Superior. East 15th Street and lots 1-31 (odd numbers), Block 1, McBean Block East 13th Street, and 2-6 Even numbers.

BACKGROUND – The property is zoned Suburban and abutting properties are zoned M2 – Heavy Manufacturing and Suburban. The rezone is being requested for electric generation and electric transmission project subject to Public Service Commission on Wisconsin CPCN issued January 31, 2020. Submittal of this petition does not constitute project owners’ waiver of preemption as provided by Wisconsin Statute 196.431 (3)(i). Minnesota Power presented information on the project at the January 17, 2024 Plan Commission meeting.

Per City Code, allowed uses in an M2-Heavy Manufacturing district include all uses allowed in C1, C2, C4, and M1 as well as certain Special Uses.

CONCLUSION – Please provide a recommendation.
MN Power Rezone Request

Rezone request outlined in blue.
Request to rezone from Suburban to M2.
NOTE: The filing fee of $150 must be submitted with the petition. Checks should be made payable to the City Treasurer. This fee is not refundable. Return completed petition to the Planning Department, 1316 North 14th Street, Superior, WI 54880. Do not return incomplete petitions. Call 715-395-7335 if you have questions.

TO: Mayor, City Council and City Plan Commission

The following facts presented are true and correct to the best of my (our) knowledge. I (We) petition the City of Superior to rezone property and amend the present Zoning Map of the Zoning Ordinance No. 2416. I (We) have been informed of the uses for this property with this rezoning.

The property address to be rezoned:

1. A map of the property is attached.

2. The legal description of the property is:

   PARCEL NO. 01-801-03668-00: THE N ½ AND SE ¼ BLOCK 1, ALL OF BLOCK 3, EAST 15TH STREET (FKA 1-3653),
   ALL OF BLOCKS 1, 2, 3 AND 4 EAST 17TH STREET (FKA 1-3668/1367), TOWNSITE OF SUPERIOR AND LOTS 2 THRU
   16 (EVEN NUMBERS) BLOCK 1 MCBEAN BLOCKS EAST 16TH STREET (FKA 1-4856/ 4857/4858) AND ALLEY,
   EAST 15TH ST., EAST 16TH ST., EAST 17TH ST., AND 32ND AVE EAST VACATED.

3. It is requested that this property described be rezoned

   FROM: M2-Manufacturing-2 and SUB-Suburban (the present classification),
   TO: M2-Manufacturing-2

4. The reason for the zoning change and the intended use of the rezoned property is:

   Electric generation and electric transmission project subject to Public Service Commission of Wisconsin
   CPCN issued January 31, 2020. Submittal of this petition does not constitute project owner's waiver of
   preemption as provided by by WIs. Stat. s. 196.431(3)(f).
Date: 8/31/2023

PETITIONER: __________________________
(Signature)

Please print:
Name: Tod Simmons

Address: 1259 NW 3rd St, Cohasset, MN 55721

Telephone: (218) 355-4403

Check one: Property owner X Owner's authorized agent ___
Option holder ___ Contract purchaser ___

CO-PETITIONER: __________________________
(Signature)

Please print.

Name: __________________________

Address: __________________________

Telephone: __________________________

Check one: Property owner ___ Owner's authorized agent ___
Option holder ___ Contract purchaser ___

CO-PETITIONER: __________________________
(Signature)
PETITION TO REZONE PROPERTY IN THE
CITY OF SUPERIOR, WISCONSIN (ZONING
ORDINANCE NO. 2416)

NOTE: The filing fee of $150 must be submitted with the petition. Checks should be made payable to the City Treasurer. This fee is not refundable. Return completed petition to the Planning Department, 1316 North 14th Street, Superior, WI 54880. Do not return incomplete petitions. Call 715-395-7335 if you have questions.

TO: Mayor, City Council and City Plan Commission

The following facts presented are true and correct to the best of my (our) knowledge. I (We) petition the City of Superior to rezone property and amend the present Zoning Map of the Zoning Ordinance No. 2416. I (We) have been informed of the uses for this property with this rezoning.

The property address to be rezoned:

1. A map of the property is attached.

2. The legal description of the property is:

   PARCEL NO. 01-801-04830-00: SE 1/4 BLOCK 1 AND ALL OF BLOCK 3, TOWNSITE OF SUPERIOR EAST 13TH ST., AND THE N 1/2 AND SE 1/4 OF BLOCK 2 AND ALL OF BLOCK 4, TOWNSITE OF SUPERIOR EAST 15TH ST., AND LOTS 1 THRU 31 (ODD NUMBERS) BLOCK 1, MCBANE BLOCKS EAST 13TH ST., AND 2 THRU 16 (EVEN NUMBERS) BLOCK 2, MCBANE BLOCKS EAST 15TH ST.

3. It is requested that this property described be rezoned

   FROM: SUB-Suburban (the present classification),
   TO: M2-Manufacturing-2

4. The reason for the zoning change and the intended use of the rezoned property is:

   Electric generation and electric transmission project subject to Public Service Commission of Wisconsin CPCN issued January 31, 2020. Submittal of this petition does not constitute project owner’s waiver of preemption as provided by Wis. Stat. s. 196.431(3)(f).

City of Superior Updated June 30, 2022
Date: 8/31/2023

PETITIONER: ________________________________  
(Signature)  

Please print:  
Name: ________________________________

Address: 1259 NW 3rd St, Cohasset, MN 55721

Telephone: (218) 355-4403

Check one:  
Property owner  X  Owner's authorized agent  
Option holder  Contract purchaser

CO-PETITIONER: ________________________________  
(Signature)  

Please print.  
Name: ________________________________

Address: ________________________________

Telephone: ________________________________

Check one:  
Property owner  Owner's authorized agent  
Option holder  Contract purchaser

CO-PETITIONER: ________________________________  
(Signature)  

Please print.  
Name: ________________________________

Address: ________________________________

Telephone: ________________________________

Check one:  
Property owner  Owner's authorized agent  
Option holder  Contract purchaser

CO-PETITIONER: ________________________________  
(Signature)
This Letter of Comment (LOC) outlines the initial comments of the Fond du Lac Band of Lake Superior Chippewa Tribal Historic Preservation Office (the Office) on a letter dated March 4, 2024 (the Letter), in regard to the request made by Minnesota Power to the City of Superior to rezone Suburban and abutting properties zoned M2 - Heavy Manufacturing and Suburban for the purposes of electric generation and electric transmission project.

The western end of Lake Superior and the Chi-gami-ziibi (St. Louis River) make up part of the traditional homelands of the Fond du Lac Band, and the Band is deeply committed to the wellbeing of the region’s natural systems and the many sites within it that the Band regards as sacred. Nagaajiwaanaang, “Where the Water Stops,” is the name of the homelands of the Fond du Lac Band at the time of the 1854 Treaty. The Band retained this name in Ojibwemowin for the present-day Fond du Lac Reservation that was established under the 1854 Treaty of La Pointe. Nagaajiwaanaang (Fond du Lac Band) is one of the six Bands of the Minnesota Chippewa Tribe. There are three districts that make up the Fond du Lac Reservation: Bapashkominitigong (Cloquet), Gwaaba’iganing (Sawyer), and Ashkibwaakaaning (Brookston). Fond du Lac has always been, and continue to be, a proud sovereign Ojibwe nation. The Band upholds all of the rights retained and agreed to within the 1825, 1826, 1837, 1842, 1847, and 1854 Treaties. The property mentioned in the Letter falls within the traditional homelands of the Band.

The Office is aware of and has significant concerns about the potential adverse direct and indirect impacts that the Nemadji Trail Energy Center (NTEC) project may have on a property listed to Fond du Lac’s National Register of Cultural Properties, namely: 1842-FDLx-0005 “St. Francis Xavier Mass Grave”. This cultural property was also recognized as eligible for listing on the U.S. National Register of Historic Places by the Wisconsin State Historic Preservation Office (SHPO) in April of 2013.
A segment of land within the St. Francis Xavier Cemetery containing parts of 1842-FDLx-0005 was transferred to the Fond du Lac Band by the City of Superior, Wisconsin on August 10th, 2022. The boundaries of the transferred land were established for the purpose of facilitating the land transfer and do not necessarily include all of 1842-FDLx-0005. The boundaries for the aforementioned property listed to the Band’s National Register of Cultural Properties have not been field verified, and additional survey is necessary to define the boundaries of the mass grave area. There is potential for the Project to disturb 1842-FDLx-0005 and additional investigation is necessary to ensure the protection of the Band’s ancestors. Additionally, 1842-FDLx-0005 encompasses the entirety of the Namadji River due to the fact that for 100+ years since the forced relocation of approximately 198 burials in 1918, human remains have been eroding into the river.

In 1914 the United States (U.S.) federal government made plans to remove the Ojibwe burial ground from Wisconsin Point so the land could be developed by industry. U.S. Congress supplied $5,000 to be used for the removal activities. In 1918, the U.S. Steel Corporation wanted additional land to build new shipping docks. In October of 1918 workers began removing burials in preparation for the new development. Clifford Gobin, a worker during the removal stated the following in 1985 to the Superior Evening Telegram “Sometimes they put a few bones and a few handfuls of sand in a box and close it up. It wasn’t too good to look at. The bodies were hauled from Wisconsin Point to the East End on a ferry boat...”. The remains were deposited in a mass grave at the St. Francis Xavier Cemetery in Superior, Wisconsin where they would be continually neglected in an unmaintained area of the cemetery on an embankment that would continually erode into the Nemadji River over the next 100+ years and continue to do so to this day. The Project is reminiscent of the initial removal of the Band’s ancestors from Wisconsin Point. It has the potential to disturb remains further, contribute to continued erosion on the Namadji, and create adverse visual and audial impacts to those visiting the mass grave to pay their respects and reflect on all this place represents in the collective memory of the Band.

It is the Office’s position that the City of Superior Planning Commission should deny the request for rezoning by Minnesota Power. This is an important step and decision that is likely to have repercussions in the outcome of the overall project. The Office has significant concerns that should the project continue as planned this and other nearby areas held sacred by the Band will be adversely impacted.

The Office is more than happy to discuss these concerns further and provide additional supplemental information as requested. The time and consideration of our concerns by the City of Superior Planning Commission is greatly appreciated.

Miigwech,

[Signature]

Evan Schroeder | Tribal Historic Preservation Officer
Anishinaabe Izhitaawin Canewenjigewin Ozhibii gewaygamig
Resource Management Division | Environmental Program
Nagaa ji wanaang Ishkonigane
Fond du Lac Band of Lake Superior Chippewa
Mail: 1720 Big Lake Rd. Cloquet, MN 55720
Office: (218) 878 - 7129

Cc via email:
Arianna Northbird, FDL Environmental Program Manager
Reginald DeFoe, FDL Resource Management Division Director
MEMORANDUM

TO: Chair Paine and Members of the City of Superior Plan Commission
FROM: Jason Serck, Planning Director
RE: City of Superior 2040 Comprehensive Plan Amendment

In January of 2022, the City of Superior Common Council adopted the 2040 Comprehensive Plan for the City to use to guide physical, social, and economic development.

One of the main guiding factors in the Comp Plan is the Future Land Use Map. As planners, we utilize this map to determine what the community, our committees, and our elected officials have recommended for acceptable and/or compatible land uses throughout the city. Attached is the map as it appears in the Comp Plan along with a zoomed area where the Nemadji Trail Energy Center (NTEC) is currently proposed.

As you can see by the map, the area that is proposed for the NTEC project is labeled as “Open Space”. This “Open Space” label also includes the area that was previously rezoned in the early 2000s. The “Open Space” category is intended to group existing open space uses that are either intended to remain as a passive open space use or are not currently poised for development within the horizon of this plan. As the city grows and additional growth opportunities need to be identified, areas categorized as open space are a great place to start.

Under Wisconsin State Statute 66.1001(3)(k), a City’s Comp Plan MUST be consistent with City zoning ordinances. The “Open Space” designation in the Future Land Uses map is not consistent with Minnesota Power/NTEC’s request to change the zoning from Suburban to Manufacturing/Industrial. For the zoning ordinance and the Comp Plan to be consistent, the Future Land Use map would need to be amended to show the area as “Industrial” if the rezone application is approved by the Common Council.

Like the Vacation and Rezoning requests, the City Council may set a public hearing for May 21, to consider this 2040 Comprehensive Plan amendment as well.

Please feel free to contact me with any comments or questions.