

**DEPARTMENT OF THE ARMY
RIGHT-OF-ENTRY FOR CONSTRUCTION**

Duluth Ship Canal Shoreline Protection	504 Canal Park Duluth, MN Area outlined in Yellow on Exhibit A PIN: 010-4370-00070
(Project, Installation, or Activity)	(Tract Number or Other Property Identification)

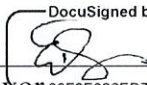
The undersigned City of Duluth, a Minnesota Municipal Corporation hereinafter called the "City," hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government," a right-of-entry agreement upon the following terms and conditions:

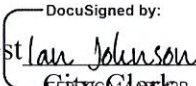
1. The City hereby grants to the Government, its agents, and assigns an irrevocable right to enter upon the lands hereinafter described at any time from the date of signature through December 31, 2024, in order to perform construction work of any nature in conjunction with tying the Government's shoreline protection structure into the City's existing walkway, including the repositioning of existing stonework, lakeward of the structure.
2. The land affected by this right-of-entry agreement is located in the County of St Louis, State of Minnesota, and is described as follows: 504 Canal Park Duluth, MN, PIN: 010-4370-00070, as depicted on "Exhibit A", outlined in yellow, which is attached hereto and incorporated by reference into this Agreement. (Hereinafter the "Land").
3. This right-of-entry agreement includes the right of Government, its agents, and assigns, ingress and egress on other lands of the Owner not described below, provided that such ingress and egress is necessary and not otherwise conveniently available to the Government, excepting the public parking lot.
4. Storage of all tools, equipment, buildings, improvements, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and shall be removed at the expiration of this right to entry. City shall not be responsible for any damage caused by third parties to tools, equipment, buildings, improvements, and other property taken upon or placed upon the Land by the Government.
5. If any action of the Government's employees or agents in the exercise of this right-of-entry agreement results in damage to the real or personal property, the Government will repair or replace said property to its condition prior to execution of this right-of-entry agreement. The Government's liability under this clause may not exceed appropriations available for such payment and nothing contained in this agreement may be considered as implying that Congress will, at a later date, appropriate funds sufficient to meet deficiencies. The Government's liability for damages, claims, suits, costs, and expenses that arise from, or are due to the activities of the Government tortious acts or omissions of federal officers or employees under this Right of Entry shall be governed by the Federal Tort Claims Act, 28 USC 1346©, and other applicable federal laws.

DACW35-9-23-3018

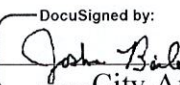
WITNESSES MY HAND AND SEAL this _____ day of _____, 2023

CITY OF DULUTH

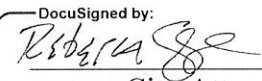
By _____
Mayor  36F2E826ED714AA...

Attest  8/14/2023
City Clerk

Countersigned:

 5DCCA9A039FE4B1...
City Auditor

Approved as to form:

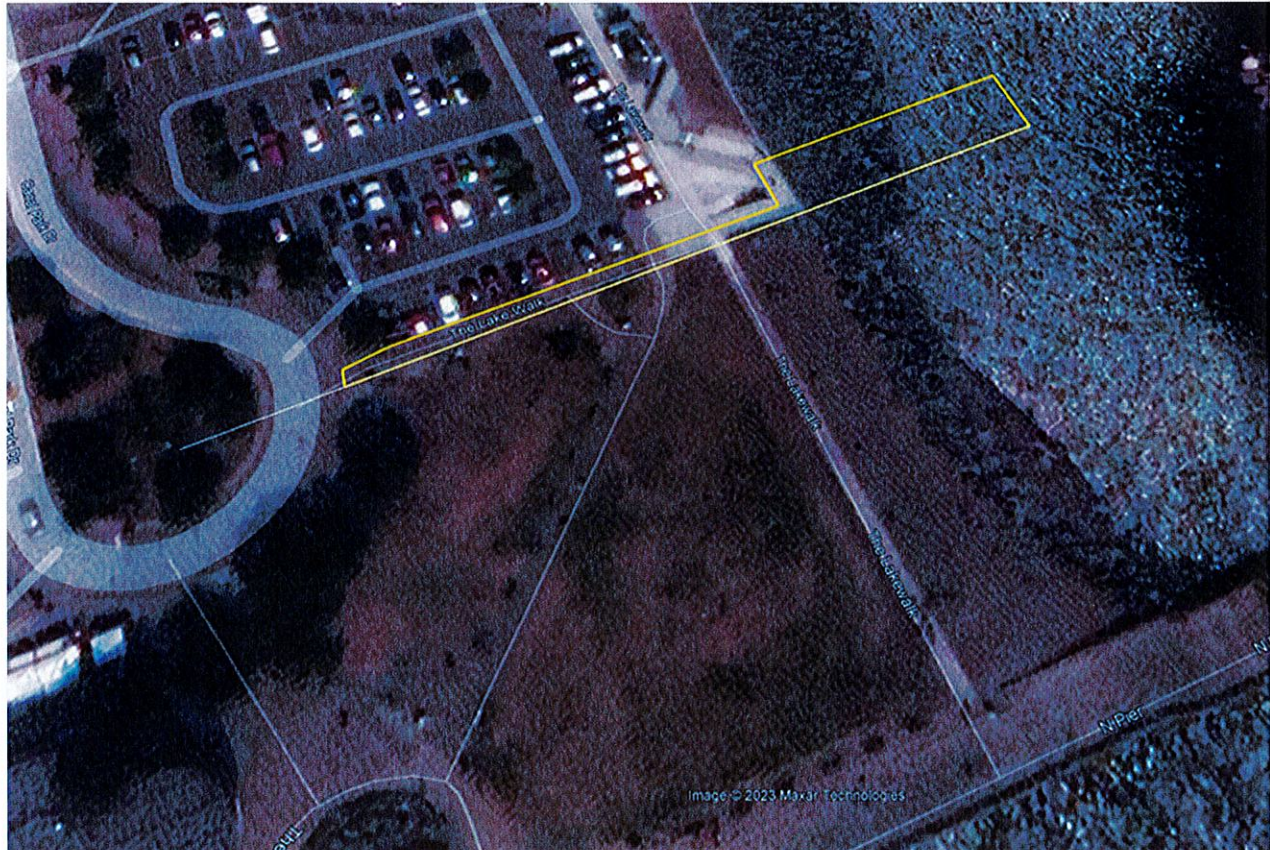
 F4C4D28DF68944...
City Attorney

UNITED STATES OF AMERICA

By: _____
MICHAEL B. ROHDE
Chief, Real Estate
Real Estate Contracting Officer

DACW35-9-23-3018

Exhibit "A"
504 Canal Park Duluth, MN
PIN: 010-4370-00070
The "Land"



NOTE: THE CERTIFICATE OF AUTHORITY must be executed by an individual other than the person who signed the agreement. The individual must certify that the official who signed the agreement was authorized to act in that capacity.

CERTIFICATE OF AUTHORITY

I, Jennifer Ondrik, do hereby certify that I am the
(someone other than the person signing the agreement)

Administrative Clerical Specialist of the City of Duluth
(my position of responsibility within the organization)

and that Emily Larson, Ian Johnson, Rebecca St. George, and Joshua Bailey

who signed the agreement on behalf of the City of Duluth

was at the time of signature its Mayor, Clerk, City Attorney, and Auditor, respectively,
(position held)

and that the person who executed the agreement on behalf of the
City of Duluth acted within his/her statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification

this 15th day of August, 2023.

DocuSigned by:

Jennifer Ondrik

(Signature)

Administrative Clerical Specialist
(Title)



City of Duluth

411 West First Street
Duluth, Minnesota
55802

Certified Copy

Resolution: 23-0501R

File Number: 23-0501R

RESOLUTION AUTHORIZING A RIGHT-OF-ENTRY WITH THE UNITED STATES OF AMERICA TO ALLOW FOR USE OF CERTAIN CITY-OWNED PROPERTY IN CANAL PARK IN CONNECTION WITH A CONSTRUCTION PROJECT ON ADJACENT PROPERTY OWNED BY THE UNITED STATES OF AMERICA.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a right-of-entry, substantially in the form attached as Exhibit 1, with the United States of America allow for use of certain city-owned property in Canal Park in connection with a construction project on adjacent property owned by the United States of America; the property to be used is depicted on Exhibit A attached to Exhibit 1.

This Resolution was adopted unanimously.

I, Ian B. Johnson, City Clerk of the City of Duluth, Minnesota, do hereby certify that I have compared the foregoing passed by the city council on 6/26/2023, with the original approved and that the same is a true and correct transcript therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said city of Duluth.

Ian B Johnson

08/15/2023

Date Certified

Certificate Of Completion

Envelope Id: EDE0968C18154592A33F87A917B41F95
 Subject: Complete with DocuSign: Exhibit 1-ROE.pdf
 Source Envelope:
 Document Pages: 4
 Certificate Pages: 5
 AutoNav: Enabled
 Envelope Stamping: Enabled
 Time Zone: (UTC-06:00) Central Time (US & Canada)

Status: Sent

Envelope Originator:
 Jennifer Ondrik
 411 W 1st St Room 105
 Duluth, MN 55802
 jondrik@DuluthMN.gov
 IP Address: 156.99.162.253

Record Tracking

Status: Original
 8/8/2023 12:33:46 PM

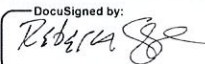
Holder: Jennifer Ondrik
 jondrik@DuluthMN.gov

Location: DocuSign

Signer Events

Rebecca St. George
 rstgeorge@duluthmn.gov
 City Attorney
 Security Level: Email, Account Authentication
 (None)

Signature

DocuSigned by:

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Signature Adoption: Drawn on Device
 Using IP Address: 156.99.162.253

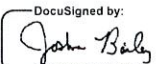
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Electronic Record and Signature Disclosure:

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Josh Bailey
 jbailey@duluthmn.gov
 City Auditor
 Security Level: Email, Account Authentication
 (None)

DocuSigned by:

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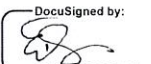
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Electronic Record and Signature Disclosure:

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Emily Larson
 elarson@duluthmn.gov
 Mayor
 City of Duluth
 Security Level: Email, Account Authentication
 (None)

DocuSigned by:

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 Signed using mobile

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Electronic Record and Signature Disclosure:

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Ian Johnson
 ibjohnson@duluthmn.gov
 City Clerk
 Security Level: Email, Account Authentication
 (None)

DocuSigned by:

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Signature Adoption: Pre-selected Style
 Using IP Address: 156.99.162.253

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Electronic Record and Signature Disclosure:

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Signer Events	Signature	Timestamp
Jennifer Ondrik jondrik@duluthmn.gov Administrative Clerical Specialist City of Duluth Security Level: Email, Account Authentication (None)	<div>DocuSigned by: <i>Jennifer Ondrik</i> 6574BF519DE544B...</div> Signature Adoption: Pre-selected Style Using IP Address: 156.99.162.253	Sent: 8/14/2023 11:14:05 AM Viewed: 8/15/2023 10:31:14 AM Signed: 8/15/2023 10:33:20 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Auditors Dept
AccountsPayable@DuluthMN.gov
24422
Security Level: Email, Account Authentication (None)

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Electronic Record and Signature Disclosure:
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Jennifer Ondrik
jondrik@duluthmn.gov
Security Level: Email, Account Authentication (None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	8/15/2023 11:34:47 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. To indicate to us that you are changing your mind, you must withdraw your consent using the DocuSign "Withdraw Consent"™ form on the signing page of a DocuSign envelope instead of signing it. This will indicate to us that you have withdrawn your consent to receive required notices and disclosures electronically from us and you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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electronically from us.

How to contact City of Duluth:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: kculhane@duluthmn.gov

To advise City of Duluth of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at kculhane@duluthmn.gov and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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- i. decline to sign a document from within your DocuSign session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to kculhane@duluthmn.gov and in the body of such request you must state your e-mail, full name, US Postal Address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari®, 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	Allow per session cookies

** These minimum requirements are subject to change. If these requirements change, you will be asked to re-accept the disclosure. Pre-release (e.g. beta) versions of operating systems and browsers are not supported.

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the "I agree"™ button below.

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- I can print on paper the disclosure or save or send the disclosure to a place where I can print it, for future reference and access; and
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