



Council Agenda Item 25-0830R

MEETING DATE: October 27, 2025

SUBJECT/TITLE: RESOLUTION ACCEPTING PERMANENT EASEMENTS FOR STREET AND UTILITY PURPOSES FROM MILLER & HOLMES INC., OVER, UNDER, AND ACROSS CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD, AT NO COST TO THE CITY.

SUBMITTED BY: Danielle Erjavec, Senior Property Services Specialist

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND: This resolution authorizes the acceptance of permanent easements for street and utility purposes from MILLER & HOLMES INC., a Minnesota corporation, over, under, and across certain property in the Lincoln Park neighborhood, at no cost to the City.

Between 2026-2028, the City will be completing a reconstruction of Superior Street from Carlton Street to West Michigan Street (the "Project"). The new street will be a bituminous road with curb and gutter. ADA compliant sidewalks, multi-use trails, improved street lighting and better green space will also be added to the corridor. All watermains and storm sewer will be replaced as part of the Project.

The majority of the Project will be completed within existing right-of-way, but there are a few areas where elements of the Project are designed outside of the existing right-of-way. There is a small portion in the design of the new sidewalk that lies within Lot 210, DULUTH PROPER SECOND DIVISION that the City desires to obtain a new easement over. During a review of the City's real estate records in relation to the Project, it was discovered that the vesting deed to Miller & Holmes, Inc. (from the City) referenced a roadway easement along the northwesterly 10' of Lots 212 and 214, as well as a utility easement along the southwesterly 25' of Lot 214. The language in this deed is not clear if the City was reserving those easements or if they were pre-existing at the time of the conveyance. However, the City has utilized those areas for their respective purposes and desires to clean up the easements referenced in the deed in conjunction with the request for the new easement area. The easement agreement to be approved under this resolution includes the area needed for the Project and the areas currently being utilized.

The acceptance of these easements allows: (i) the City to complete the Project, (ii) for public use of reconstructed Superior St. and related elements, and (iii) for provision of public utilities.

BUDGET/FISCAL IMPACT: No

OPTIONS: Approve resolution so that the City and public have the proper rights for continued use and maintenance of the street and utilities on W. Superior St. and allow the Project to move forward as planned or the Project will be delayed and/or reduced

NECESSARY ACTION: Accept easement

ATTACHMENTS: Exhibit 1, Street and Utility Easement Agreement