City of Duluth

411 West First Street
Duluth, Minnesota 55802

Legislation Details (With Text)

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Title: RESOLUTION AUTHORIZING ACCEPTANCE OF RESTRICTION PERTAINING CERTAIN PROPERTY REQUIRED UNDER THE UDC FROM THOMAS AND BRIDGET REISTAD.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Warranty Deed, 2. 802 Lake Ave S - Site Plan

Date	Ver.	Action By	Action	Result
4/26/2021	1	City Council	adopted	

RESOLUTION AUTHORIZING ACCEPTANCE OF RESTRICTION PERTAINING CERTAIN PROPERTY REQUIRED UNDER THE UDC FROM THOMAS AND BRIDGET REISTAD.

CITY PROPOSAL:
RESOLVED, that the proper city officials are hereby authorized to accept a restriction pertaining to an easement as provided for in Exhibit A attached hereto over the property described therein from Thomas Reistad and Bridget Reistad, to assure compliance with UDC parking requirements and to execute the same.

STATEMENT OF PURPOSE: This resolution will authorize the City to accept a restriction pertaining to an easement required under the UDC to guaranty access to parking on an adjacent parcel.

The Reistads own two adjacent parcels containing multifamily dwelling units, one in their own name (806 S. Lake Ave. referred to as “Parcel 1” in the easement) containing a two-dwelling unit structure and one in the name of Bleva LLC (802 S. Lake Ave. referred to as “Parcel 2” in the easement) containing a three-dwelling unit structure. Under the UDC, both parcels are required to provide off-street parking spaces and the attached site plan shows the proposal to use the existing driveway on Parcel 1 to access parking spaces on the south side of Parcel 2. Thus, if Parcel 1 (806 S. Lake Ave.) were to be sold to a third party, the purchaser could cut off access to the parking required of Parcel 2 (802 S. Lake Ave) unless a driveway easement is created in favor of Parcel 2, which would render the use of the Parcel 2 as a multifamily use nonconforming.

Exhibit A creates such an easement and requires that it can only be eliminated with the consent of the City, thus insuring that, as long as the property is to be used for multifamily use, there will be access to the parking for that use. This agreement creates an interest in the real estate that needs to be accepted by the City.

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