City of Duluth

411 West First Street
Duluth, Minnesota 55802

Legislation Details (With Text)

File #:	19-0514R	**Name:**	
Type:	Resolution	**Status:**	Passed
File created:	7/9/2019	**In control:**	Committee of the Whole
On agenda:	7/15/2019	**Final action:**	7/15/2019
Title:	RESOLUTION APPROVING SETTLEMENT WITH MARINE IRON & SHIP BUILDING COMPANY IN AN AMOUNT UP TO $35,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit 1-Settlement 7-12-19		

Date	Ver.	Action By	Action	Result
7/15/2019	1	City Council	adopted	

RESOLUTION APPROVING SETTLEMENT WITH MARINE IRON & SHIP BUILDING COMPANY IN AN AMOUNT UP TO $35,000 AND PURSUANT TO TERMS OF SETTLEMENT AGREEMENT.

CITY PROPOSAL:

RESOLVED, that the city council approves settlement in an amount up to $35,000 of all claims or causes of action asserted by Marine Iron & Ship Building Company pursuant to the terms and conditions of a Settlement Agreement, substantially in the form of that attached hereto as Exhibit 1; payment to be made from Fund 610-036-1651-5842 (Self Insurance Fund, Insurance Accounts, General City, Damage & Loss Expense).

FURTHER RESOLVED, that the proper city officials are authorized to take all actions necessary to conclude this matter on a full, final, and complete basis.

STATEMENT OF PURPOSE: This resolution authorizes settlement with Marine Iron & Ship Building Company (“Marine Iron”) regarding a dispute over the use of the Minnesota Slip. The City will reimburse Marine Iron for documented, out-of-pocket legal expenses and lost revenue resulting from the City’s 2018 Minnesota Slip seawall reconstruction project. Additionally, the parties will enter into: (i) an amendment to an Agreement between Marine Iron and the City dated July 24, 1992 regarding the Minnesota Slip (requiring delivery of a deed in favor of the City for a portion of the Minnesota Slip), which amendment was authorized under Resolution 19-0515; and (ii) a parking easement agreement in favor of Marine Iron over and across property adjacent to the Red Lobster property in Canal Park, which agreement was authorized under Ordinance No. 19 -036.

City administration and the city attorney recommend approval of this settlement agreement.

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