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Title: RESOLUTION RECOGNIZING A PORTION OF RAILROAD STREET AS A PUBLIC HIGHWAY DEDICATED TO THE PUBLIC PURSUANT TO MINNESOTA STATUTES SECTION 160.05, SUBDIVISION 1.

Sponsors:

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Attachments: 1. Exhibit A

Date	Ver.	Action By	Action	Result
1/14/2019	1	City Council	adopted	

RESOLUTION RECOGNIZING A PORTION OF RAILROAD STREET AS A PUBLIC HIGHWAY DEDICATED TO THE PUBLIC PURSUANT TO MINNESOTA STATUTES SECTION 160.05, SUBDIVISION 1.

CITY PROPOSAL:

RESOLVED, that the city council finds that the road located within the corridor legally described in the attached Exhibit A, to the width of the actual use, has been continuously constructed, used, kept in repair and worked as a public highway by the City, a road authority under Minnesota statutes, in excess of six years.

RESOLVED FURTHER, that, pursuant to Minnesota Statutes Section 160.05, Subdivision 1, the road located with the corridor legally described on Exhibit A, to the width of the actual use, is recognized as a public highway dedicated to the public.

STATEMENT OF PURPOSE: This resolution recognizes a portion of Railroad Street as a public highway dedicated to the public pursuant to the authority granted in Minn. Stat. § 160.05, Subd. 1. The corridor legally described on Exhibit A, to the width of actual use, is recognized under this resolution as a public highway.

The City, along with MnDOT, needs to show that there is public right-of-way in the entirety of Railroad Street before funding can be spent on road improvements to upgrade the condition of Railroad Street prior to the Twin Ports Interchange Project. However, there is a portion of Railroad Street between the edge of the plat of Bayfront Division of Duluth, First Rearrangement and Garfield Avenue that may not have been properly condemned in the original condemnation proceedings commenced in 1909.

The quickest way to evidence the public's rights in Railroad Street is to recognize a portion of it as a public highway pursuant to Minn. Stat. § 160.05, Subd. 1. This statute provides that a road authority, such as the city, has the right to declare a public highway if the city has used, maintained, and operated a right-of-way in excess of six years.