



## Legislation Text

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**File #:** 23-027-O, **Version:** 1

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AN ORDINANCE DEDICATING A PERPETUAL EASEMENT TO THE GENERAL PUBLIC FOR RECREATIONAL, WALKWAY, AND TRAIL PURPOSES OVER CITY-OWNED PROPERTY.

### CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the city of Duluth does hereby dedicate to the general public a perpetual easement for recreational, walkway, and trail purposes over, under and across certain real property located in St. Louis County, Minnesota legally described on the attached Exhibit A and depicted on the attached Exhibit B (the "Property") on the condition that the City is the owner of record of the Property in in the real estate records of St. Louis County, Minnesota.

Section 2. That this ordinance shall take effect: (i) 30 days after its passage and publication or (ii) immediately upon the date the City becomes the owner of record of the Property in the real estate records of St. Louis County, Minnesota, whichever date is later.

Section 3. That, once the City is the owner of record of the Property in real estate records of St. Louis County, Minnesota, the proper city officials are authorized to record with the register of deeds and/or the registrar of titles of Saint Louis County, Minnesota, a certified copy of this ordinance showing the easement to be dedicated.

**STATEMENT OF PURPOSE:** This ordinance authorizes the dedication of a permanent easement in favor of the general public across city-owned property in connection with Phase VI of the Cross City Trail. Phase VI of the Cross City Trail includes two sections: (i) Irving Park to 59<sup>th</sup> Ave. W. and (ii) the trailhead off of Grand Avenue (near Tappa Keg Inn) to a point on the Waabizheshikana: The Marten Trail. The property affected by this ordinance lies between 58<sup>th</sup> and 59<sup>th</sup> Avenues West.

Under Resolution Nos. 23-0635 and 23-0636, the City will purchase interests held in the property affected by this ordinance from BNSF Railway Company and Allete, Inc., respectively. The City previously entered into a purchase agreement BNSF Railway Company for the purchase of certain property, but the City became aware of title issues during the course of the transaction that requires the City to also acquire an interest from Allete, Inc. (in addition to BNSF Railway Company). The City expects to close on these two transactions by early 2024.

Completion of the Cross City Trail is a state and local transportation priority that will ultimately connect the Lakewalk to the Munger Trail and establish a paved, accessible bike and pedestrian pathway from one end of the city to the other. At the state level, the Cross City Trail will connect the Gitchi Gammi State Trail on the north shore to the Munger State Trail. Nationally, the Cross City Trail provides an off-road improvement to the US Bicycle Route 41, which travels 315 miles from Canada to St. Paul.

A map depicting the Easement Area is attached as Exhibit C.