



Legislation Text

File #: 23-0076R, **Version:** 1

RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY FROM BNSF RAILWAY COMPANY IN THE IRVING NEIGHBORHOOD FOR \$67,000, PLUS RELATED COSTS IN AN AMOUNT UP TO \$2500, FOR A TOTAL AMOUNT NOT TO EXCEED \$69,500.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a purchase agreement, substantially the same as that on file with the office of the City Clerk, with BNSF Railway Company, authorizing the purchase of that certain real property depicted in gray hashing on the map attached as Exhibit 1, subject to survey (the "Property").

FURTHER RESOLVED, that the proper city officials are hereby authorized to disburse sixty-seven thousand dollars (\$67,000) for the purchase price of the Property plus \$2,500 as an administrative fee payable from Fund 450, 030, 5510, CP450, CCITY, 2048 (Capital Improvements, Finance, Land, Capital Projects- Other Fund Contributions, Cross City Trail, Cross City Trail - Phase VI 59th Ave W to 62nd Ave W).

FURTHER RESOLVED, that the proper city officials are hereby authorized to execute all documents necessary to effectuate the acquisition of the Property from BNSF Railway Company.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the purchase of the real property depicted in gray hashing on the attached Exhibit 1 (the "Property") from BNSF Railway Company ("BN") for \$67,000, plus a \$2,500 administrative fee. Located in the Irving neighborhood, the property is an irregularly shaped ribbon approximately 1200 feet long by 50 feet wide. The property has no current or potential future railroad use. The purchase agreement setting forth the terms and conditions of the acquisition is attached as Exhibit 2.

The \$69,500 cost of acquisition will be paid for with dollars from the Park Fund and a ½ of one percent increment in Duluth's tourism tax - the "Half-and-Half Tax" - that was established by the legislature and the City Council to improve public property in western Duluth for the purposes of tourism and outdoor recreation.

The City intends to construct a portion of the Cross City Trail (the "CCT") on the property in 2023 with support from a federal transportation grant. Timely City acquisition of the property is necessary for construction to proceed. Planned 2023 construction will extend the CCT from its current southwestern terminus at the eastern edge of Irving Park approximately one quarter mile to a location between 59th and 60th Avenues West.