



## Legislation Text

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**File #:** 20-043-O, **Version:** 1

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AN ORDINANCE AUTHORIZING AN AMENDED AND RESTATED EASEMENT WITH GEORGE HOVLAND AND JANE HOVLAND FOR INGRESS AND EGRESS AND UTILITY PURPOSES FOR NOMINAL CONSIDERATION.

**CITY PROPOSAL:**

The city of Duluth does ordain:

Section 1. That the proper city officials are hereby authorized to enter into an amended and restated easement with George Hovland and Jane Hovland, substantially in the form attached as Exhibit 1, that grants a permanent, non-exclusive easement for ingress and egress and utility purposes over, under and across the real property described on Exhibit A to the attached Exhibit 1, and to execute all other documents necessary to effectuate the conveyance of the easement, for nominal consideration

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance authorizes an amended and restated easement with George Hovland and Jane Hovland (the "Hovlands") for ingress and egress and utility purposes (the "Easement"). The Easement is permanent and non-exclusive. The Easement is located within the Woodland neighborhood off of Woodland Avenue, approximately across from the entrance to Hartley Park.

By agreement dated January 14, 1998, City granted a driveway easement benefitting certain property owned by the Hovlands, which agreement was registered in the Office of the St. Louis County Registrar of Titles on February 10, 1998 as Document No. 640862 (the "Original Easement").

The Hovlands desire to develop their property and the Original Easement provides the best access point from Woodland Avenue. However, the Original Easement limited the easement for "one single family dwelling." The City desires to amend the easement to allow for egress and ingress regardless of the number of dwellings developed on the Hovlands' property, as well as allow for the placement of utilities, if needed. All survey, utility installation and maintenance, and driveway construction and maintenance shall be at the sole expense of Hovlands, their heirs, successors and assigns.

The execution of the amended and restated easement does not alter the easement area granted under the Original Easement.

An aerial view of the easement area is depicted on the attached Exhibit 2.