



Legislation Text

File #: 17-0870R, **Version:** 1

RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE STATE OF MINNESOTA FOR A NON-EXCLUSIVE LICENSE TO ENTER ONTO CITY-OWNED PROPERTY NEAR MISSION CREEK FOR ACCESS TO AN EXISTING DEBRIS CATCHER.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute a three-year agreement with the State of Minnesota, substantially the same as the agreement attached as Exhibit 1, for a non-exclusive license to enter onto city-owned property near Mission Creek for access to an existing debris catcher, at no cost to the State of Minnesota.

STATEMENT OF PURPOSE: This resolution authorizes a three-year agreement with the State of Minnesota, by and through its Commissioner of Transportation ("MnDOT"), for a non-exclusive license to enter onto city-owned property near Mission Creek for access to an existing debris catcher, at no cost to MnDOT. The locations of the debris catcher and access path are depicted on Exhibit 2.

On January 19, 1966, the City granted a permanent easement to MnDOT for the construction and maintenance of a debris barrier on city-owned property near Mission Creek in the Fond du Lac neighborhood. However, the 2012 flood washed out the public road that allowed MnDOT to access the debris catcher, and the State does not currently have access to the debris catcher. This license agreement allows MnDOT a 200-foot corridor to access the debris catcher, as depicted in red on Exhibit 2, under the terms and conditions provided for in the license agreement.

The Fond du Lac Band of Lake Superior Chippewa reviewed MnDOT's request to use city-owned property for this particular purpose and supports the issuance of the license agreement, which support is documented on the letter attached as Exhibit 3.