



Legislation Text

File #: 24-026-O, **Version:** 1

AN ORDINANCE AUTHORIZING AN ACCESS EASEMENT TO THE DULUTH SEAWAY PORT AUTHORITY OVER, UNDER AND ACROSS REAL PROPERTY IN THE ONEOTA NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the proper city officials are hereby authorized to grant to and enter into an access easement with the Duluth Seaway Port Authority, body politic and corporate, organized under the laws of the State of Minnesota, substantially in the form attached as Exhibit 1, over, under and across the real property legally described on Exhibit B attached to Exhibit 1 and depicted on Exhibit C to the attached Exhibit 1, 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 access easement to the Duluth Seaway Port Authority, body politic and corporate, organized under the laws of the State of Minnesota ("DSPA"), over, under and across the real property legally described and depicted at the end of the attached Exhibit 1 for nominal consideration. An aerial view of the approximate easement area is depicted on the attached Exhibit 2.

In 2022, the City conveyed property located in the Oneota neighborhood to DSPA (the "Erie Pier Property"). The Erie Pier Property, together with property already owned by DSPA, makes up a site more commonly known as the "Erie Pier Contained Disposal Facility." The Erie Pier Contained Disposal Facility manages dredged material from the federal navigation channel, a part of the Great Lakes/St. Lawrence Seaway System deep-draft waterway. It was constructed in 1978-79 to serve both the Wisconsin and Minnesota portions of the Harbor. The facility has switched from operating as a confined disposal facility to a processing and reuse facility. The dredged material processed at the site is used for habitat restoration, construction projects, mine-land reclamation, and other uses. The Erie Pier Property was conveyed to DSPA to facilitate the long-term operation of the Erie Pier Contained Disposal Facility.

Access to the Erie Pier Property is through a non-public, unpaved roadway that lies within City-owned property. The City desires to grant this easement so as to give DSPA legal access to their Erie Pier Property. Under the terms of the easement, DSPA will be responsible for maintenance and operation of the easement area, including snow and ice removal, as well as all costs and expenses related to said maintenance and operation. The City reserves the right to use the easement area for its own purposes and has the right, but not the obligation, to make its own improvements or alterations to the easement area.