Legislation Details (With Text)

File #:	23-0893R	**Name:**	
Type:	Resolution	**Status:**	Passed
File created:	11/9/2023	**In control:**	Planning and Economic Development
On agenda:	11/20/2023	**Final action:**	11/20/2023
Title:	RESOLUTION AUTHORIZING THE EXECUTION AND RECORDATION OF A DECLARATION OVER AN EASEMENT INTEREST FROM ST. LUKE'S HOSPITAL OF DULUTH FOR CONNECTION TO THE CITY'S THERMAL ENERGY SYSTEM AS PART OF THE REGIONAL EXCHANGE DISTRICT.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit 1-Resolution re declaration		

Date	Ver.	Action By	Action	Result
11/20/2023	1	City Council	adopted	

RESOLUTION AUTHORIZING THE EXECUTION AND RECORDATION OF A DECLARATION OVER AN EASEMENT INTEREST FROM ST. LUKE'S HOSPITAL OF DULUTH FOR CONNECTION TO THE CITY'S THERMAL ENERGY SYSTEM AS PART OF THE REGIONAL EXCHANGE DISTRICT.

CITY PROPOSAL:

WHEREAS, Resolution No. 23-0892 accepted an easement from St. Luke's Hospital of Duluth, a Minnesota nonprofit corporation, for the purposes of accessing, inspecting, operating, maintaining, repairing, replacing, reconstructing, or improving a hot water extension in, under and through the real property legally described on Exhibit A to the attached Exhibit 1, at no cost to the City (the "Easement").

WHEREAS, construction of the hot water extension associated with the Easement was funded with State of Minnesota appropriation bond proceeds authorized under the Regional Exchange District legislation, Minnesota Laws 2019, 1st Special Session Chapter 6, Article 10, as amended by Section 1 of Laws of Minnesota 2021, 1st Special Session Chapter 9 (the "Legislation").

WHEREAS, the City entered into a General Fund Appropriation Bond Proceeds Master Grant Agreement Construction Grant for the Duluth Regional Exchange District Project on June 24, 2019, with the Minnesota Department of Employment and Economic Development in order to receive funds authorized under the Legislation (the "Grant").

WHEREAS, a condition of the Grant requires the execution and recordation of a Declaration against the real property improved with the Grant so that it is permanently managed and maintained consistent with the terms of the Grant.

NOW THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute a Declaration, substantially in the form attached as Exhibit 1 (the "Declaration"), affecting the real property located in St. Louis County, Minnesota legally described on Exhibit A attached to Exhibit 1.

FURTHER RESOLVED, that the proper city officials are hereby directed to record the Declaration with the St. Louis County Recorder and/or Registrar of Titles.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the execution and recordation of a Declaration against an easement interest from St. Luke's Hospital of Duluth for a Duluth Steam District hot water extension. The Declaration is required under a grant agreement between the City and the Minnesota Department of Employment and Economic Development. The real property affected by this Declaration is legally described on Exhibit A to the attached Exhibit 1.

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