



Legislation Text

File #: 20-0551R, **Version:** 1

RESOLUTION AUTHORIZING SECOND AMENDMENT TO AGREEMENT, AMENDING AGREEMENT DATED JULY 24, 1992 BETWEEN MARINE IRON & SHIP BUILDING COMPANY AND CITY REGARDING THE MINNESOTA SLIP, AS AMENDED BY AGREEMENT DATED JULY 15, 2019, AND ACCEPTANCE OF A QUIT CLAIM DEED FROM MARINE IRON & SHIP BUILDING COMPANY CONVEYING A PORTION OF THE MINNESOTA SLIP TO CITY, AT NO COST TO THE CITY.

CITY PROPOSAL:

WHEREAS, the Duluth city council authorized settlement of a dispute with Marine Iron & Ship Building Company ("Marine Iron") in the form of a settlement agreement under Resolution 19-0514 (the "Settlement Agreement"); and

WHEREAS, pursuant to the terms of the Settlement Agreement, the parties, among other things, entered into an Amendment to Agreement dated July 15, 2019 (the "First Amendment"), that amended an Agreement between the City and Marine Iron dated July 24, 1992, recorded on September 3, 1997 in the Office of the St. Louis County Registrar of Titles as Document No. 553582 and in the Office of the St. Louis County Recorder as Document No. 554771 (the "1992 Agreement"); and

WHEREAS, the First Amendment was recorded on August 14, 2019 in the Office of the St. Louis County Registrar of Titles as Document No. 1013714 and in the Office of the St. Louis County Recorder as Document No. 1360779; and

WHEREAS, the Settlement Agreement required that a survey of the Minnesota Slip be performed after the William A. Irvin ship was returned to the Minnesota Slip and described the next steps following the survey; and

WHEREAS, to implement the next steps following the survey and in accordance with the terms of the Settlement Agreement, the City and Marine Iron need to further amend the 1992 agreement, as well as Marine Iron shall execute and deliver a quit claim deed in favor of the City conveying a portion of the Minnesota Slip.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to enter into a Second Amendment to Agreement amending the 1992 Agreement, as amended by the First Amendment, substantially in the form attached as Exhibit 1.

FURTHER RESOLVED, that the proper city officials are hereby authorized to accept the conveyance of real property legally described on the quit claim deed attached as Exhibit 2 from Marine Iron & Ship Building Company, a Minnesota corporation.

FURTHER RESOLVED, that the proper city officials are hereby authorized to record the attached documents and this resolution with the St. Louis County Recorder and/or Registrar of Titles and disburse funds to pay for the recordation and related fees of the documents, payable from Fund 110-121-1222-5411 (General, Property, Parks & Libraries, Facilities Management, Land Rental/Easements).

STATEMENT OF PURPOSE: The purpose of this resolution is to: (1) authorize an amendment to a July 24, 1992 agreement with Marine Iron & Ship Building Company ("Marine Iron"), as amended by Amendment to Agreement dated July 15, 2019, related to the use of the Minnesota Slip; and (2) accept a quit claim deed from Marine Iron conveying a portion of the Minnesota Slip.

The documents authorized and accepted under this resolution are the result of a settlement agreement between the parties authorized under Resolution No. 19-0514.