



## Legislation Text

**File #:** 20-0740R, **Version:** 1

RESOLUTION IN SUPPORT OF INDEFINITE CLOSURE OF FOOTPATH BETWEEN LAKE SUPERIOR AND THE LEDGES TOWNHOMES, INDEFINITE POSTPONEMENT OF PLANS TO CONSTRUCT A NEW FOOTPATH BETWEEN LAKE SUPERIOR AND THE BEACON POINT DEVELOPMENT, AND REALLOCATION OF \$915,695 IN ANTICIPATED FEDERAL EMERGENCY MANAGEMENT AGENCY FUNDS FROM REPAIR OF THE STORM-DAMAGED LEDGES FOOTPATH TO REPAIR OF STORM-DAMAGE AT BRIGHTON BEACH PARK AND WAABIZHESHİKANA - THE MARTEN TRAIL

### CITY PROPOSAL:

WHEREAS on October 10, 2018, storm winds and water severely damaged and washed away much of the existing bluestone footpath beginning near the end of 23rd Avenue East then heading eastward between Lake Superior and the Ledges Townhomes then ending at the Lakewalk near the east end of Water Street as approximately depicted in the attached Exhibit A (hereinafter "Bluestone Footpath");

WHEREAS the City subsequently closed the Bluestone Footpath due to safety concerns, the Bluestone Footpath continues to wash away, and the Bluestone Footpath remains closed; and

WHEREAS the estimated cost to restore the Bluestone Footpath is \$2,395,002; and

WHEREAS the City anticipates baseline reimbursement of \$915,695 from the Federal Emergency Management Agency (hereinafter "FEMA") to defray a portion of the cost to restore the Bluestone Footpath;

WHEREAS the City has a funding gap for the project estimated at \$1,479,307;

RESOLVED, that the Council supports the City's indefinite closure of the storm-damaged Bluestone Footpath, indefinite postponement of plans to construct a new trail between Lake Superior and the Beacon Point development, and reallocation of \$915,695 in FEMA funds from repair of the Bluestone Footpath to repair and replacement of storm-damaged assets at Brighton Beach Park and Waabizheshikana - The Marten Trail for the following reasons:

1. The City will be challenged in the midst of an ongoing economic downturn to close an estimated \$1,479,307 funding gap to restore the Bluestone Footpath;
2. The location of the Bluestone Footpath on a thin strip of City land between Lake Superior and the Ledges Townhomes, at the edge of an eroding bluff, constructed on top of erosive fill and debris would make a restored Bluestone Footpath vulnerable to repeated storm damage;
3. The similar vulnerability of the shoreline between the Beacon Point development and Lake Superior makes it imprudent to construct a new trail at that location (see "Potential Lakewalk Footpath Connector" on Exhibit A);
4. A decision to not invest in new and restored improvements at these vulnerable locations will help to avoid and reduce future storm-damage repair costs;
5. The paved Lakewalk on the uphill side of Water Street provides a continuous off-street Lakewalk connection that renders the Bluestone Footpath and the envisioned Beacon Point trail unnecessary from a transportation perspective;
6. The storm water sewage lift station at the east end of 23<sup>rd</sup> Avenue East was not damaged during the storm on October 10, 2018 and will be well protected from storm damage regardless of whether the

Bluestone Footpath is restored;

7. The City will continue to own the shoreline between the Ledges and Lake Superior and the public will continue to have the right to access the rocky shoreline; and
8. Reallocation of FEMA funds from the Bluestone Footpath will enable the City to fully fund construction of a new northeast motor vehicle entrance to storm-damaged Brighton Beach Park and fully fund restoration of an impassable storm-damaged segment of Waabizheshikana - The Marten Trail.
9. The new Brighton Beach Road and the restored Waabizheshikana - The Marten Trail will be located and designed to be significantly less vulnerable to repeated storm damage than the assets they replace.

#### STATEMENT OF PURPOSE:

This resolution supports three actions intended to reduce the vulnerability of shoreline City infrastructure to storm damage and thereby avoid or reduce future storm damage and associated costs to the City of Duluth.

1. The resolution supports indefinite closure of a storm-damaged bluestone footpath located between Lake Superior and the Ledges Townhomes that is vulnerable to repeated storm damage and associated repair costs.
2. The resolution supports indefinite postponement of plans to construct a new footpath between Lake Superior and the Beacon Point development that would be vulnerable to similar repeated storm damage and associated repair costs.
3. The resolution supports reallocation of approximately \$915,695 in FEMA funds from repair of the footpath in front of the Ledges Townhomes to replace storm-damaged assets at Brighton Beach Park and Waabizheshikana - The Marten Trail with assets redesigned to be significantly less vulnerable to future storm damage.

The reallocation of FEMA funding substantially reduces the near-term cash cost of disaster repairs to the City of Duluth. At present, the cumulative funding gap to repair storm damage at the bluestone footpath in front of the Ledges Townhomes, replace the storm-damaged northeast entrance road to Brighton Beach Park, and reconstruct a storm-damaged segment of Waabizheshikana - The Marten Trail is approximately \$2.3 million. Cancellation of the project to restore the trail in front of the Ledges and reallocation of funds to the other two projects reduces the funding gap from \$2.3 million to near zero.

The consolidation and resilient renewal of park infrastructure supported by this resolution advances the priority in the City of Duluth Parks and Recreation Master Plan to reduce the amount of park infrastructure across the City and take better care of the infrastructure we intend to retain.