



Legislation Text

File #: 21-0369R, **Version:** 1

RESOLUTION AUTHORIZING AN AGREEMENT WITH THE LEDGES ON LAKE SUPERIOR HOMEOWNERS' ASSOCIATION, INC. TO GRANT AN EROSION CONTROL EASEMENT IN EXCHANGE FOR THE CITY'S ACQUISITION OF A TRAIL EASEMENT TO BE USED IN CONNECTION WITH THE LAKEWALK.

CITY PROPOSAL:

WHEREAS, the City owns lakeshore property located approximately between 23rd and 25th Avenues East (the "City Property") that lies between Lake Superior and real property owned by The Ledges on Lake Superior Homeowners' Association, Inc. (the "Ledges");

WHEREAS, a portion of the Lakewalk lying between I-35 and Water Street needs to be improved and its location changed in order to meet Americans with Disabilities Act (ADA) accessibility standards;

WHEREAS, the Ledges desires to obtain an easement over the City Property to allow the Ledges, from time to time, to stabilize the Lake Superior shoreline (the "Erosion Control Easement");

WHEREAS, the City desires to obtain an easement for public recreational, walkway, and trail purposes over property owned by the Ledges to re-design and re-route the Lakewalk (the "Lakewalk Easement"); and

WHEREAS, the parties desire to work together to grant easements over each other's respective properties in order to obtain these objectives.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to enter into an agreement with the Ledges, substantially the same as the agreement attached as Exhibit 1, for the purchase of the Lakewalk Easement for \$1.00 and the granting of the Erosion Control Easement for \$1.00.

FURTHER RESOLVED, that the objectives identified in the agreement shall not occur unless and until: (a) the city council authorizes the granting of the Erosion Control Easement through Ordinance No. 21-018; (b) the City accepts the Lakewalk Easement through a resolution, and (c) all terms and conditions contained in the agreement attached as Exhibit 1 have been completed.

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize an agreement with The Ledges on Lake Superior Homeowners' Association, Inc. (the "Ledges") for: (a) the purchase of a trail easement (to be used in connection with the Lakewalk) over property owned by the Ledges for \$1.00 and (b) the grant of an easement to the Ledges for \$1.00 over city-owned property for the purpose of installing and maintaining erosion control measures. The terms and conditions of the easement exchange are contained in the agreement attached as Exhibit 1.

The approximate locations of the Erosion Control Easement and Lakewalk Easement are depicted on the attached Exhibit 2. The Lakewalk Easement area still needs to be surveyed, but the general location has been identified and is shown on Exhibit 2.

If the Erosion Control Easement is granted, the agreement requires the Ledges submit a concept design of the proposed erosion control measure(s) to the City, along with detailed plans showing the location and type of the erosion control measure(s). The Ledges would be responsible to install and maintain any erosion control measures at its own cost. Additionally, the Ledges would not be permitted to interfere with the City's or public's use of the city property without additional approval.

The exchange of the easements between the parties will not occur unless and until: (a) the city council authorizes the granting of the Erosion Control Easement through Ordinance No. 21-018; (b) the City accepts the Lakewalk Easement through a resolution, and (c) all terms and conditions contained in the agreement attached as Exhibit 1 have been completed.

