



Legislation Text

File #: 21-018-O, **Version:** 1

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PERPETUAL, NON-EXCLUSIVE EASEMENT TO THE LEDGES ON LAKE SUPERIOR HOMEOWNERS' ASSOCIATION, INC. FOR THE SOLE PURPOSE OF INSTALLING, INSPECTING AND MAINTAINING EROSION CONTROL MEASURES UNDER, OVER, UPON, ACROSS AND ALONG CERTAIN CITY-OWNED PROPERTY FOR \$1.00 AND OTHER VALUABLE CONSIDERATION.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That the proper city officials are hereby authorized to convey a perpetual, non-exclusive easement to The Ledges on Lake Superior Homeowners' Association, Inc., substantially in the form attached as Exhibit 1, for the sole purpose of installing, inspecting and maintaining erosion control measures under, over, upon, across and along the real property legally described on Exhibit A attached to Exhibit 1 for \$1.00 and other valuable consideration.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance authorizes the conveyance of a perpetual, non-exclusive easement to The Ledges on Lake Superior Homeowners' Association, Inc. (the "Ledges") for the sole purpose of installing, inspecting and maintaining erosion control measures under, over, upon, across and along certain city-owned property for \$1.00 and other valuable consideration (the "Erosion Control Easement").

If the Erosion Control Easement is granted, the easement 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.

In exchange for the granting of this easement, the Ledges will convey a permanent easement for public recreational, walkway, and trail purposes (the "Lakewalk Easement") over its own property, for \$1.00, so that the City can re-design, re-route and upgrade the Lakewalk to meet Americans with Disabilities Act (ADA) accessibility standards.

The terms and conditions governing the exchange of the easements are discussed in the agreement proposed to be authorized under Resolution No. 21-0369. A map depicting the locations of the Erosion Control Easement and Lakewalk Easement is attached as Exhibit 2.