



Legislation Text

File #: 22-0391R, **Version:** 1

RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR RECREATIONAL, WALKWAY, AND TRAIL PURPOSES FROM ULLAND BROTHERS, INC. OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE DULUTH HEIGHTS NEIGHBORHOOD FOR NOMINAL CONSIDERATION.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to accept, substantially in the form attached as Exhibit 1, from Ulland Brothers, Inc., a perpetual easement for recreational, walkway, and trail purposes over, under, and across the real property legally described on Exhibit A to the attached Exhibit 1 and depicted on Exhibit B to the attached Exhibit 1, for nominal consideration.

STATEMENT OF PURPOSE: This resolution authorizes the acceptance of a permanent easement for recreational, walkway, and trail purposes from Ulland Brothers, Inc. ("Ulland") over, under, and across property located in the Duluth Heights neighborhood for nominal consideration. The easement is located within the upcoming Harbor Light development and lies west of the intersection of Arlington Avenue and Arrowhead Road.

In 2020, the City entered into a development agreement with Duluth Gospel Tabernacle, a Minnesota non-profit corporation, for the development of a 39.2 acre tract of land. The development agreement was authorized under Resolution No. 19-0389.

Under the terms of the development agreement, a 20-foot wide trail easement running from a point on the cul-de-sac of Evergreen Circle to West Marble Street was to be granted to the City at the time of application for a building permit for the principle structure on Lot 1. The owner of Lot 1 has submitted an application for a building permit, and the owners of the easement area are ready to grant the easement to the City.

Under the terms of the easement agreement, Ulland shall design and complete construction of a gravel travel within the easement area conforming to the standards set forth in Exhibit C to the attached Exhibit 1 by September 30, 2022. The acceptance of this easement satisfies the requirement under the development agreement. Consistent with the timeline in the development agreement, the trail shall be paved with a bituminous surface on or before the earliest of the following dates: (i) the date of issuance of a Certificate of Occupancy for the property owned by Ulland or (ii) July 1, 2032.

While the trail is a bituminous surface, Ulland shall be responsible for fully maintaining it in a safe and passable condition, including but not limited to the following: regularly smoothing and filling washouts and rutted areas, adding aggregate as needed to maintain the trail's surface, and maintaining it in a clean and neat condition including such measures as are necessary to control grass, weeds, blowing dust, dirt, litter or debris. Once paved, Ulland shall be only be responsible to maintain the easement area in a clean and neat condition and shall take such measures as are necessary to control grass, weeds, blowing dust, dirt, litter, snow, ice and debris.