



Legislation Text

File #: 22-0393R, **Version:** 1

RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR A RECREATIONAL TRAIL FROM INDEPENDENT SCHOOL DISTRICT NO. 709 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 Independent School District No. 709, a perpetual easement for use by the public of a recreational trail for hiking, bicycling, and other non-motorized means of transportation over, under, and across the real property legally described on Exhibit B to the attached Exhibit 1 and depicted on Exhibit C to the attached Exhibit 1, for nominal consideration.

STATEMENT OF PURPOSE: This resolution authorizes the acceptance of a permanent easement for use by the public of a recreational trail for hiking, bicycling, and other non-motorized means of transportation from Independent School District No. 709 ("ISD") over, under, and across property located in the Duluth Heights neighborhood for nominal consideration. The easement area is located within the former Central High School site.

Ordinance No. 21-024, approved on October 16, 2021, amended the approved 2014 Mixed-Used Planned Development Concept Plan for the former Central High School site. Section 3(e) of this ordinance required the granting of this easement, at no cost to the City.

Under the terms of the agreement, the City may construct, operate, maintain and repair a recreational trail within the easement area. The City's rights include the ability to add, remove and trim vegetation within the easement area and construct erosion control measures and culverts as may be necessary. ISD has the right to relocate the trail to accommodate future development subject to the process identified in the easement agreement. Any relocation of the trail must meet the City's then-current standards for a recreational trail and shall be subject to approval by the city council. All costs relating to the design and construction of a relocated trail shall be paid for by ISD.