

Council Agenda Item 26-0714R



MEETING DATE: August 10, 2026

SUBJECT/TITLE: RESOLUTION AUTHORIZING REMOVAL OF NATIONAL EMERGENCY USE PROVISION ENCUMBERING CERTAIN CITY PROPERTY MANAGED BY THE DULUTH AIRPORT AUTHORITY.

SUBMITTED BY: Tom Werner, Executive Director, Duluth Airport Authority

RECOMMENDATION: Approve

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

PREVIOUS COUNCIL ACTION: N/A

BACKGROUND: The Duluth Airport Authority (“DAA”) has been working with Minnesota Power on a significant, proposed non-aeronautical development project on airport property located in the City of Rice Lake. The parcels DAA plans to lease to Minnesota Power were conveyed to the City of Duluth by the federal government in 1985 through a quitclaim deed which included a National Emergency Use Provision (“NEUP”) recorded encumbrance. The NEUP is a legal clause that reserves the federal government’s right to temporarily suspend standard property rights or land-use restrictions during a national emergency and, in so doing, to seize, control, or redirect private and public property. To lease the property to Minnesota Power on a long-term basis, the NEUP must be removed from the property record. The Federal Aviation Administration requires that the Duluth City Council authorize the removal of the NEUP before a recordable instrument releasing the subject property from the NEUP encumbrance can be prepared and brought before the Council in a subsequent resolution. Pursuant to the 1969 DAA enabling legislation, real property acquisitions, disposals, and conveyances require approval of the Duluth City Council.

BUDGET/FISCAL IMPACT: None.

OPTIONS: Authorize removal of the NEUP encumbrance thereby permitting DAA and the federal government to prepare a recordable instrument releasing the property from the NEUP encumbrance, or withhold such authorization.

NECESSARY ACTION: N/A

ATTACHMENTS: Exhibit 1 (survey and legal description of subject property)

RESOLUTION AUTHORIZING REMOVAL OF NATIONAL EMERGENCY USE PROVISION ENCUMBERING CERTAIN CITY PROPERTY MANAGED BY THE DULUTH AIRPORT AUTHORITY.