

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

10-0191R

AS AMENDED

RESOLUTION OF INTENT TO APPROVE ISSUANCE OF A CONCURRENT
USE PERMIT ACROSS SECOND STREET FOR THE EXISTING TUNNEL
TO THE HISTORIC COUNTY JAIL BUILDING.

CITY PROPOSAL:

WHEREAS, the city council believes the old county jail, located on the north side of West Second Street and west of Fifth Avenue West extended, which is no longer used as the county's jail facility and is therefore surplus to its needs, is of historical significance to the nation, state, city and the county and to its citizens and the city wishes to encourage its preservation and redevelopment; and

WHEREAS, there has existed for many years a tunnel from said building to the St. Louis County Courthouse but no documentation has been found authorizing its use of the city's easement for Second Street; and

WHEREAS, the appropriate mechanism to gain formal approval of the existence and use of the tunnel is a concurrent use permit if the owner applies for and the city approves the grant thereof; and

WHEREAS, the county has found an entity committed to purchase and redevelop the jail building in a historically respectful manner who wishes to close on the purchase of the property by April 16, 2010, but who needs to secure assurances that necessary authorizations for the continued existence of and its use of the tunnel will be in place by that date; and

WHEREAS, time requirements flowing from the City Charter and the City Code would not allow a concurrent use permit for the tunnel to be approved prior to April 16; and

WHEREAS, the city council wishes to encourage and facilitate the redevelopment of the old jail property and believes that, given the long history of its existence, it would be appropriate to indicate its intention to approve a concurrent use permit for said tunnel upon appropriate request therefore.

NOW, THEREFORE, BE IT RESOLVED, that the city council of the city of Duluth hereby indicates its intent to approve issuance of a concurrent use permit, in

the city's normal form, for the existing tunnel from the old county jail, located on the north side of West Second Street west of Fifth Avenue West extended to the St. Louis County Courthouse, upon appropriate application therefore by the property owner.

Approved for presentation to council:

Chief Administrative Officer

Approved as to form:

Approved:

Attorney

Auditor

PL/ATTY REA:cjk 4/8/2010

STATEMENT OF PURPOSE: The purpose of this resolution is to indicate the city's intention to issue a concurrent use permit for the existing tunnel from the old county jail to the county courthouse upon application therefore in order to facilitate the sale and redevelopment of that historic structure.

The date of the actual construction of the tunnel in question, which was used primarily to facilitate interaction between the jail and the sheriff's office and the courts, is not known, not having been documented in any form of permit, plan or other authorization that could be found. In all probability, it has existed since the jail itself was constructed in 1924.

With the construction and occupancy of the "new" county jail facility and the challenges posed by redeveloping the building for another use, the County determined that the building was surplus to its needs and it sought to either demolish the building or sell it to some one who could redevelop and reuse it. The city wished and wishes to encourage the latter result.

The county has reached agreement with Jail Holding LLC to purchase and redevelop the building but, as part of "the deal", Jail Holding needs to have access to and use of the tunnel and has requested that the city provide formal recognition of its right to use the tunnel which is located in a street easement. They have also requested assurances that such recognition will be forthcoming prior to their closing on the purchase of the property from the county, which is scheduled for April 16, 2010.

The appropriate means of formally authorizing the existence of the tunnel in the street easement is for the city to grant a concurrent use permit. As councilors are aware the Charter requires concurrent use permits to be issued by ordinance which means two readings plus about 35 days for publication and the required waiting period for ordinances. Also the City Code requires that requests for concurrent use permits be referred to the planning commission for comment. All told, the process is a three to four month process which would obviously miss the April 16 deadline and might prevent "the deal" from going forward.

In recognition of the fact that the tunnel has been in existence for some 70 to 80 years without significant incident or problems and the need of the city to do what it legally can to encourage and facilitate the sale and redevelopment of the jail, this resolution states the council's intention to approve a concurrent use permit for the continued existence and use of the tunnel in the city's customary form for such permits upon appropriate application for the permit.