

PUBLIC WORKS AND UTILITIES COMMITTEE

10-0645R

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 2 TO ARMY EASEMENT NO. DACW35-2-91-3001 WITH CORPS OF ENGINEERS AUTHORIZING POSTING OF "NO WAKE" SIGNS ON SHIP CANAL PIERS.

CITY PROPOSAL:

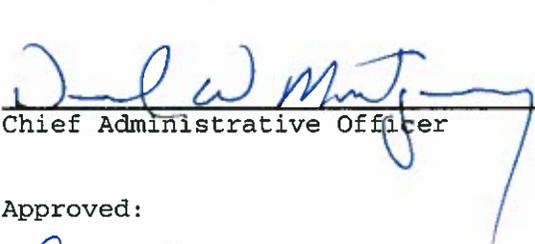
RESOLVED, that the proper city officials are hereby authorized to enter into Supplemental Agreement No. 2 to department of the army easement no. DACW35-2-91-3001, a copy of which is on file in the office of the city clerk as Public Document No. _____, with the department of the army, Detroit district, corp of engineers allowing the posting of "No Wake" signs on the north and south piers of the Duluth ship canal.

Approved:



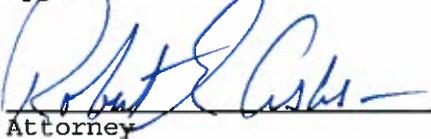
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

PW&U/ATTY REA:dma 12/09/2010

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the City to enter into a supplemental agreement with the Corps of Engineers which will allow the City to post "No Wake" signs on the piers of the Ship Canal.

For some time Section 26-10 of the City Code has prohibited boats from operating in the Duluth Ship Canal at a speed which would result in the creation of a wake in the Canal. The City would like to be able to post signs on the north and south piers apprising boaters of that prohibition but needs authorization from the Corps to do so. This agreement would amend the City's easement agreement with the Corps to allow this.

**DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
SUPPLEMENTAL AGREEMENT NO. 2
TO DEPARTMENT OF THE ARMY EASEMENT
NO. DACW35-2-91-3001**

THIS SUPPLEMENTAL AGREEMENT entered into this _____ day of _____, by and between the **City of Duluth, Minnesota**, hereinafter called the grantee, and the **United States of America**, hereinafter called the Government.

WITNESSETH:

WHEREAS, Department of the Army Easement, dated 30 November 1990, authorized the construction of a cul-de-sac and recreational improvements including the connection of pedestrian pathways to government-owned walkways on Canal Park Drive at the Corps of Engineers Duluth Area Office, as more accurately described in the basic easement; and,

WHEREAS, Supplemental Agreement No 1, dated 24 March 2003, modified certain terms and conditions of the easement; and

WHEREAS, the grantee has requested authorization to construct and maintain "no wake" signs on the federal north and south piers;

WHEREAS, the Government has no objection to the requested authorization.

NOW, THEREFORE, effective 15 September 2010, the easement is modified in the following particulars, but in no others:

The following Condition is **ADDED** and made part of the basic easement:

"12. f. The grantee is authorized to construct and maintain "no wake" signs on the federal North and South Piers as shown on the attached drawings and coordinated with the Duluth Area Office.

EXCEPT AS MODIFIED ABOVE, all other terms and conditions of the easement will remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Supplemental Agreement No. 2 on the date first above written.

CITY OF DULUTH, MINNESOTA

Don Ness
Mayor

ATTEST:

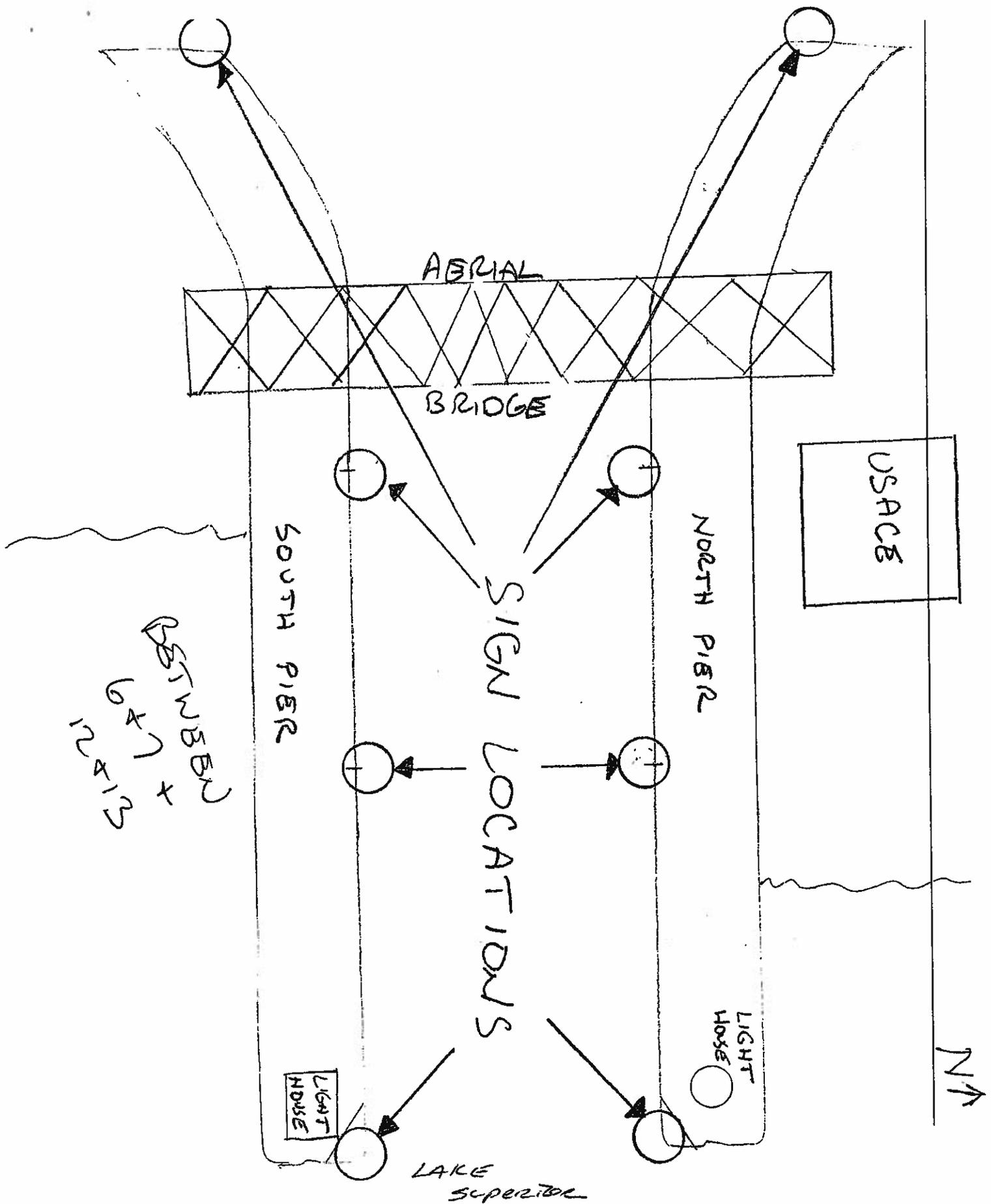
Jeff Cox
City Clerk

APPROVED TO FORM:

Bob Asleson
City Attorney

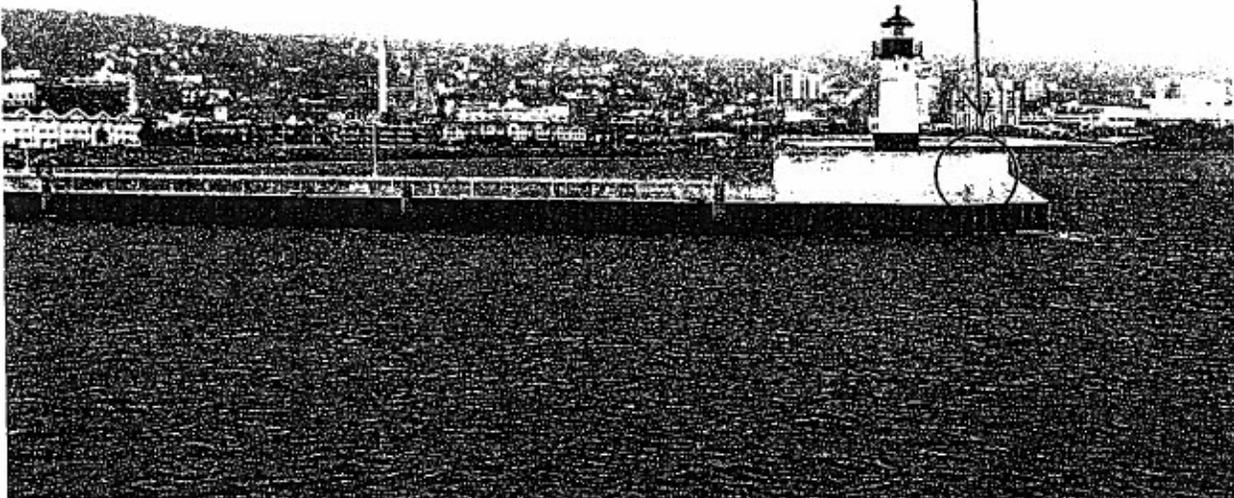
THE UNITED STATES OF AMERICA

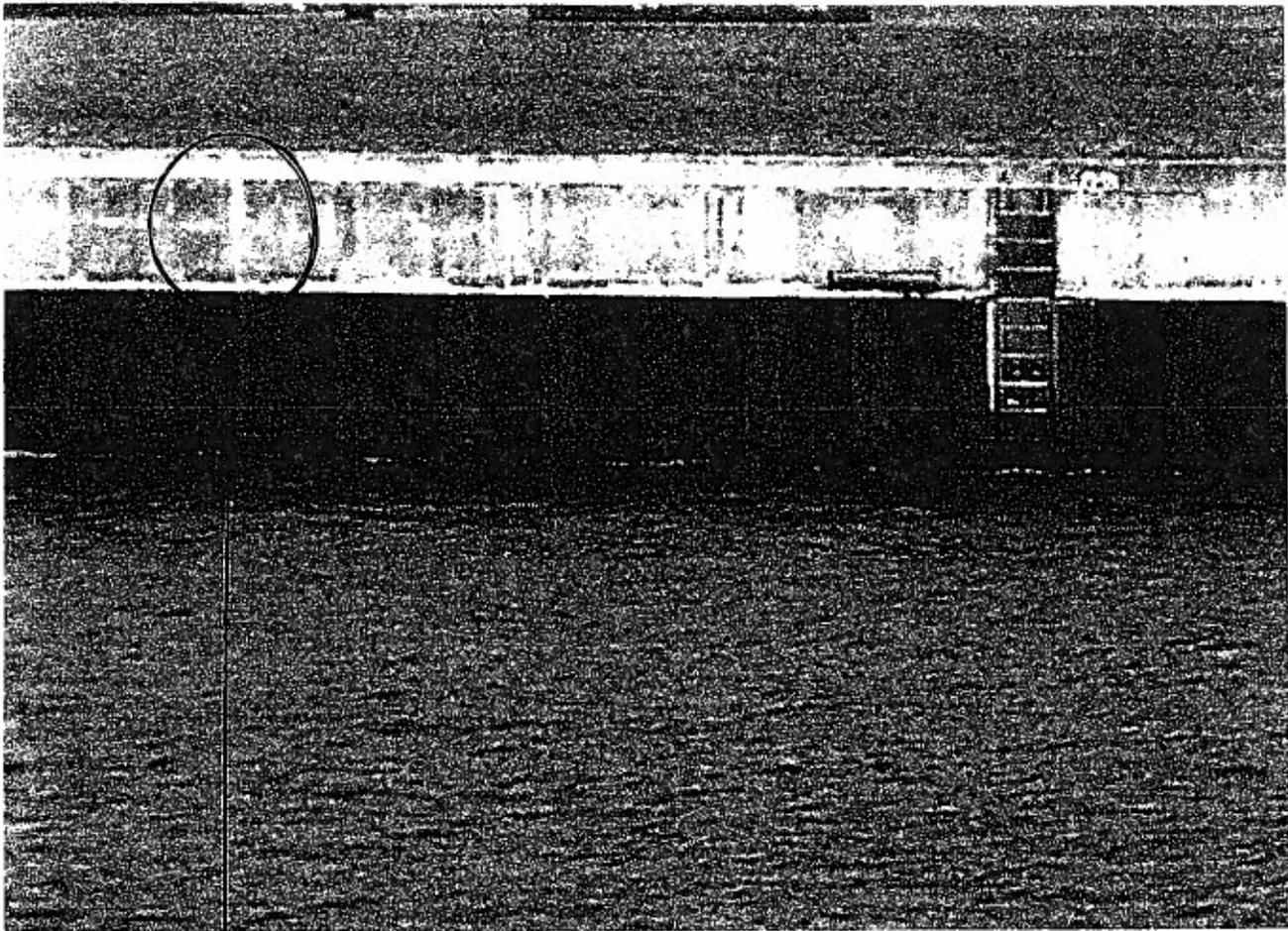
VICTOR L. KOTWICKI
Chief, Real Estate Division
Detroit, Buffalo and Chicago Districts



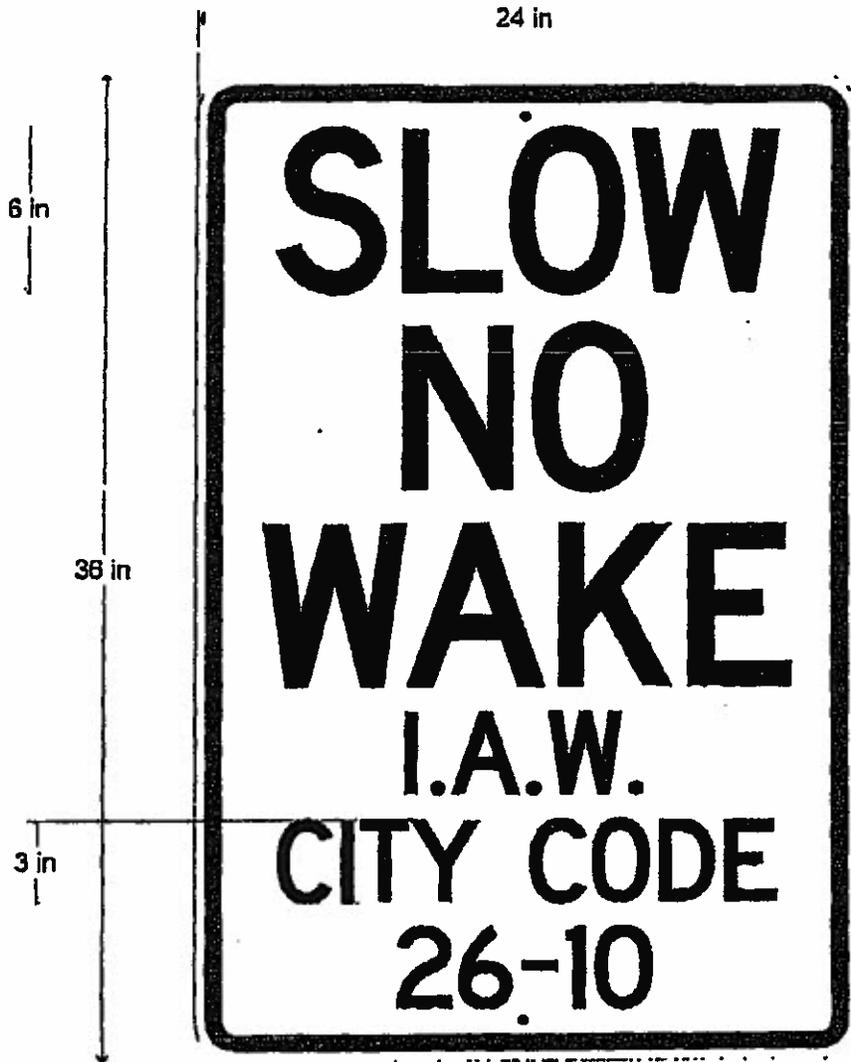


LOCATION OF SIGN AT END OF PIER IS
ON THE 45° FACE SOUTH PIER IS SAME.





LOCATION OF SIGNS ON PIER WALL. THERE ARE 17 SAFETY LADDERS ALONG THE PIERS. STARTING FROM THE HARBOR END SIGNS WILL BE PLACED ON THE WEST FACE OF PIER WALLS, LOOKING TOWARDS THE HARBOR; BETWEEN LADDERS 6+7; BETWEEN LADDERS 12+13; ON THE 45° FACE AT THE END OF THE PIERS.



EFA
Proofs/Slow No Wake
Qty 8
Black on White

HIP

This proof is to help correct errors during the production process. EFA regrets any errors that may occur. Please DO NOT assume that spelling or grammar are correct. Approval must be given before printing. By issuing your approval you have assumed responsibility that everything on this proof is correct or otherwise noted.

approved by: _____

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