

PUBLIC WORKS & UTILITIES COMMITTEE

11-0108R

RESOLUTION AUTHORIZING THE EXTENSION OF AND AMENDMENTS
TO A LICENSE AGREEMENT WITH THE DEPARTMENT OF THE ARMY
TO ALLOW REPAIRS TO THE DULUTH AERIAL LIFT BRIDGE.

CITY PROPOSAL:

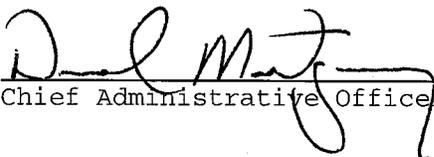
RESOLVED, that the proper city officials are hereby authorized to enter into a license agreement substantially in the form of that on file with the city clerk as Public Document No. _____ with the United States Department of the Army, Corps of Engineers, to extend and amend a temporary easement needed for the city to make repairs to the Duluth Aerial Lift Bridge under city project no. 0792TR, at no cost to the city.

Approved:

for 

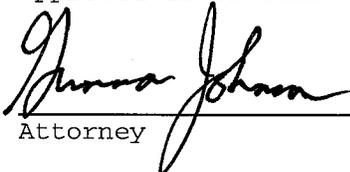
Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

ENG MJD:jh 3/1/2011

STATEMENT OF PURPOSE: This resolution will authorize the extension of and amendments to a license agreement with the Department of the Army, Corps of Engineers, Detroit District, for a temporary easement for work and storage areas necessary to make repairs to the Duluth Aerial Lift Bridge under City Project No. 0792TR. This agreement extends the license period to March 31, 2016, and the amendments outline the time periods during which the work will be performed. The city and the Army Corps of Engineers have executed similar license agreements for past rehabilitation projects. Current rehabilitation work is scheduled to be completed in March 2011, with clean-up and restoration continuing into May 2011. This license extension is a standard 5-year extension and may be used to cover future phases of bridge rehabilitation work when funded.



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
BOX 1027
DETROIT, MICHIGAN 48231-1027

February 18, 2011

IN REPLY REFER TO

Real Estate Division

Mathew J. Decur, PE
City Engineer
The City of Duluth
411 West First Street - Room 211
Duluth, MN 55802-1191

Dear Mr. Decur,

Reference is made to your recent discussions with Robert Jameson of this office regarding an extension to Department of the Army License No. W911XK-3-08-3001 for repairs to the aerial lift bridge.

Attached are four copies of Supplemental Agreement No. 1 for this activity and a Certificate of Authority. Please sign and return **three** copies of the agreement, execute and return the certificate.

If you have any questions, please contact Robert Jameson at 313-226-2767.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor L. Kotwicki", written in a cursive style.

Victor L. Kotwicki
Chief, Real Estate Division
Detroit, Buffalo and Chicago Districts

Enclosures

NOTE: THE CERTIFICATE OF AUTHORITY must be executed by an individual other than by the person who signed the agreement. The individual must certify that the official who signed the agreement was authorized to act in that capacity.

CERTIFICATE OF AUTHORITY

I, _____, do hereby certify that I am the
(someone other than the person signing the agreement)

_____ of the City of Duluth
(my position of responsibility within the organization)

Minnesota (city), and that _____,

who signed the agreement on behalf of the city was at the

time of signature its _____,
(position held)

and that the person who executed the agreement on behalf

of the city acted within his/her statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification

this _____ day of _____, _____.

(Name)

(Title)

**DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
SUPPLEMENTAL AGREEMENT NO. 2
TO DEPARTMENT OF THE ARMY
LICENSE NO. W911XK-3-08-3001**

THIS SUPPLEMENTAL AGREEMENT entered into this ___ day of _____, _____, by and between the **CITY OF DULUTH, MINNESOTA**, hereinafter called the Grantee and the **SECRETARY OF THE ARMY**, hereinafter called the Government.

WITNESSETH:

WHEREAS, the parties hereto entered into Department of the Army License No. W911XK-3-08-3001 dated 18 January 2008, which authorized repairs to the Duluth Aerial Lift Bridge as more accurately described in the basic license; and

WHEREAS, Supplemental Agreement No. 1 dated 14 August 2009, modified certain terms and conditions of the license; and

WHEREAS, the license will expire by its own terms on 31 March 2011; and

WHEREAS, the Grantee has requested an extension of the license beyond its expiration date; and

NOW, THEREFORE, effective 1 April 2011 the license is modified in the following particulars, but in no others:

The granting clause is modified by **DELETING** therefrom, "for a term of beginning 1 July 2009 and ending 31 March 2011" and **SUBSTITUTING** in lieu thereof, "for a term beginning 1 April 2011 and ending 31 March 2016."

EXCEPT AS MODIFIED ABOVE, all other terms and conditions of the license, 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.

THE CITY OF DULUTH, MINNESOTA

_____ (signature)

_____ (printed name)

_____ (title)

**BY AUTHORITY OF THE
SECRETARY OF THE ARMY**

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