

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

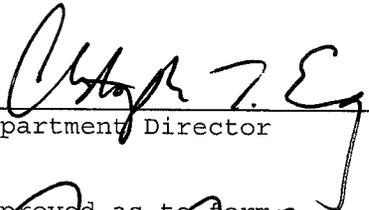
14-0237R

RESOLUTION AUTHORIZING DOOR AGREEMENT WITH 414 WEST FIRST UNIT OWNERS' ASSOCIATION FOR THE "WATER AND GAS BUILDING" RELATED TO THE MAURICES OFFICE TOWER PROJECT.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into a door agreement, substantially in the form of that on file in the office of the city clerk as Public Document No. _____, with 414 West First Unit Owners' Association, approving modifications to the skywalk doors in the so-called "Water and Gas Building" in conjunction with the Maurices office tower project.

Approved:



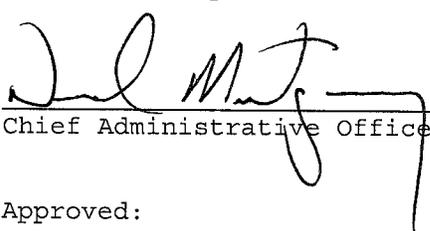
Department Director

Approved as to form:



Attorney

Approved for presentation to council:



Chief Administrative Officer

Approved:



Auditor

BD/ATTY REA:de 05/02/2014

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize a "Door Agreement" with the 414 West First Unit Owners' Association, the owners' association for the so-called "Water and Gas Building" modifying the skywalk doors and openings on the east side of the building needed by the Maurices project.

DOORWAY AGREEMENT

This Doorway Agreement (this "Agreement") is entered into as of _____, 2014, between the City of Duluth, a municipal corporation created and existing under the laws of the State of Minnesota (the "City"), and 414 West First Unit Owners' Association, a Minnesota nonprofit corporation (the "Association").

A. The Association is the Owners' Association for the existing condominium project in the building known as the "Water and Gas Building" located on land described on the attached Exhibit A.

B. The City intends to demolish a portion of the building (known as the "Warehouse Building") adjacent to, and to the east of, the Water and Gas Building, and to construct parking improvements and facilities on the Warehouse Building land (the "Project").

C. In connection with the Project, the City has agreed to replace the existing door between the Water and Gas Building and the Warehouse Building (the "Existing Door") with a three-hour rated fire door.

D. The City and the Association desire to memorialize their agreement relating to the replacement of the Existing Door.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth below, the City and Association agree as follows:

1. Door Replacement. The City agrees to replace the Existing Door with a three-hour rated fire door. The new door will conform with all building codes and the requirements of the City Building Inspection Department. The door replacement work shall be performed by the City in a good and workmanlike manner, using new materials, and at the sole cost and expense of the City. The Association hereby grants to the City access rights as necessary to accomplish the work.

2. Ownership; Maintenance. Once the new door is installed, it will be owned by the Association. The Association will be responsible for future maintenance and upkeep of the new door, in accordance with laws and codes.

3. Counterparts. Multiple copies of this Agreement may be executed, each of which will be deemed an original and which together will constitute one and the same instrument.

[Signature Pages Follow]

**SIGNATURE PAGE
TO
DOORWAY AGREEMENT**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date set forth above.

ASSOCIATION:

414 West First Unit Owners' Association

By: _____
Name: _____
Title: _____

STATE OF MINNESOTA)
) ss
COUNTY OF ST. LOUIS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by _____, the _____ of 414 West First Unit Owners' Association, a Minnesota nonprofit corporation, on behalf of the nonprofit corporation.

Notary Public

EXHIBIT A

Description of Water and Gas Building Land:

Lot 72, West First Street, Duluth Proper, First Division, St. Louis County, Minnesota