RESOLUTION 14D-12

RESOLUTION AUTHORIZING A LICENSE AGREEMENT WITH PIER B HOLDING, LLC FOR THE LOT C PROPERTY AND SLIP 2

RESOLVED, by the Duluth Economic Development Authority ("DEDA") that the proper DEDA officials are hereby authorized to enter into a license Agreement, substantially in the form of that attached hereto (DEDA Contract No. 14 860____) with Pier B Holding, LLC granting them a temporary license to store clean fill material on the Lot C property and authorizing environmental and geotechnical testing of soils on said Lot C and beneath Slip No. 2.

Approved by the Duluth Economic Development Authority this 26th day of March, 2014.

ATTEST:

APPROVED AS TO FORM
REA
DEDA Attorney
APPROVED FOR PRESENTATION
CTE
Executive Director

_____
Executive Director

STATEMENT OF PURPOSE: The purpose of this resolution is to authorize the developer of the Pier B project to temporarily store clean granular fill material which will be needed for the project on DEDA's property and to allow them to commence geotechnical and environmental testing of the soils on that property and in Slip No. 2, all in preparation for the commencement of construction of the project this summer.

An element of the project is expected to be the shallowing of Slip No. 2 which will involve a substantial amount of fill material. In addition, the Developer anticipates needing to add fill material to the areas upon which the development itself will be located.

Due to anticipated dredging operations in the Harbor starting early this Spring, the Army Corps of Engineers and its contractors are anticipating having available a substantial quantity of clean granular fill material which will be available at a relatively minimal cost but they are making commitments for the use of this materials at the present time. If the Developer cannot make commitments now not only as to the quantity of materials it will take but as to the site upon which the contractor can place them, they could lose out the availability of the material. And the final approvals for the development are not anticipated to be in place until sometime in June of this year.

Similarly, the Developer needs to begin environmental and geotechnical testing of the soils on the Lot C property and in Slip No. 2 as preliminary to going through the federal

and state permitting processes required for the construction of the development. The earlier that process can be commenced, the earlier the required permits should be available. In addition there is the possibility that existing ice in the Slip will facilitate the testing process by allowing the use of testing equipment located on the ice as opposed to requiring the use of barge-mounted equipment.

The proposed license agreement would allow the Developer to temporarily store clean granular fill material on DEDA property and the testing on Lot C and in the Slip to occur prior to the Development Agreement going into effect. In addition to indemnification and insurance requirements, the license would require the Developer to remove any stored materials and to restore both the land and the Slip in the unlikely event that the development did not go forth.