

PARK POINT NEIGHBORHOOD STREET END COALITION

Brian Nelson, Chairman & Spokesman
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Duluth, Mn 55802
218-722-4608

June 4, 2014

Mayor Don Ness
Duluth City Councilors
City of Duluth
City Hall
Duluth, Mn 55802

Dear Mayor Ness and Duluth City Councilors:

We are respectfully writing to you with respect to the Amended Duluth City Council Resolution #262 which passed at the last Duluth City Council Meeting, calling for the Park Point Street End Coalition, Park Point Community Club, the City of Duluth Planning Department and the Duluth Parks & Recreation Commission to begin meeting within 90 days to resolve the City Planning Department's intentions to open up the 16 (8 on the lake side and 8 on the bayside) undeveloped/paper street ends on Park Point (termed Tier II Access Points) for additional public access to either Lake Superior or the St. Louis Bay.

First, we must restate for the record that the Park Point Community Club and the Park Point Street End Coalition have both passed **Official Resolutions** strongly **opposing** any change to Park Point Traffic Flow management and additional beach access points.

Second, our community is very concerned with the historical & on-going degradation of the conditions at the three Tier I access points (Franklin Square, Lafayette Park, and the Park Point Recreation Area). Indeed, these three access parks should be a showcase for Duluth beach

access to Lake Superior. Unfortunately, their current condition cries out for improved city management, oversight and facility upgrades. They should be architecturally designed for function first, and form second, with the primary goal being to stimulate more usage by city residents and visitors, alike. To accomplish this, these Tier I accesses should bear appropriate signage and provide adequate parking. In addition, there should be proper clean and sanitary restroom facilities and changing areas. Further, the Park Point Recreational Area should offer beach access points prior to the main park access. With this broad vision in mind, we feel that the city needs to immediately address:

1. Lack of timely trash pick up and litter removal. This also includes litter strewn on beaches, parking lots, and boardwalks which creates an unsightly appearance, unhealthy environment and unsafe conditions
2. Lack of proper vegetation control and landscape upkeep, including broken and disheveled beach grass protection fencing and many other long neglected environmental matters too many to itemize here
3. Consistent maintenance of clean and sanitary toilet facilities at the Park Point Recreational Area during all park hours
4. Very Serious ADA (Americans with Disabilities Act P.L. 110-325) non-compliance issues which make these waterfront access facilities available only to physically able, while at the same time, precludes the disabled from enjoying these public waterfront resources. Examples are lack of ADA compliant access ramps to portable toilets and lack of proper ramps at the approaches to the various access board walks
5. Lack of adequate snowplowing to allow sufficient parking spaces for the many ice fishermen who use the Park Point Recreation Area during the winter months
6. Lack of enforcement of rules relative to time limits for private boats to be parked at the transient dock at the public boat launch at the Park Point Recreation Area
7. Lack of visible and consistent law enforcement presence
8. Poor condition of existing signage such as graffiti defacements, weathered signs, broken signs and vacant sign posts where signs have apparently been removed

It is our respectful, but firm, conviction that spending time and resources discussing the opening of additional undeveloped/paper street ends will be fruitless and unproductive until the Park Point community can regain the lost trust in our City government to properly care for the existing public waterfront access facilities. The city can only rebuild this lack of trust with the Park Point Community by clearly demonstrating, and articulating, that it will proactively , and measurably, do what needs to be done to bring the current Tier I accesses up to ADA, aesthetic, and public safety standards.

With regard to the Americans with Disabilities Act compliance with accessible public facilities for all citizens regardless of physical, mental or visual handicaps, we firmly believe this is the most serious omission by the City of Duluth. In light of this, we fully expect that the City of Duluth will consult with, and receive the concurrence/approval of, the U.S. Department of Justice, which has the responsibility of enforcing the public accessibility standards of the ADA and that such will be communicated in writing to the Park Point Street End Coalition.

Third, our information, research and consultation with knowledgeable real estate/legal professionals has indicated that each abutting property owner on either side of undeveloped streets have, in fact, fee ownership of the paper street to the undeveloped street's centerline. Further, each abutting property owner has the right, until the paper street is fully developed, to bar the general public from using the undeveloped street. In addition, our information is that the definition of "developed", since it specifically applies to a "street", is that such development is construed to be the construction of a public street, which includes grading & paving, to include two standard driving lanes with safety shoulders, curb and gutter, and drainage provisions. With this in mind, our community wants to know the specific construction standards & specifications that the city will be employing in its proposed "development" of the paper streets. Along with this, we need to know how the city proposes to handle the parking at any developed Tier II accesses, relative to overflow parking, public safety and loss of (on street) parking for residents.

To reemphasize our position, before any meeting(s) can take place between the Park Point Neighborhood Coalition, Park Point Community Club, City Planning Department and Recreation Commission, we must know, specifically and in writing, the city's plan for

1.) Upgrading, caring for and monitoring the three existing Tier I water accesses that are currently provided, and, 2.) The scope, design and specifications for how the city plans to convert the undeveloped/paper streets into actual streets. It is our unified opinion that detailed answers to these vital questions, received in writing, and prior to any public dialogue(s) will be fundamentally crucial to the process and success of the intent of Amended City Council Resolution 262.

We respectfully and eagerly will be awaiting your written reply to this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Nelson".

Brian Nelson
Chairman and Spokesman
Park Point Street End Coalition

cc: Keith Hamre--City of Duluth Planning Director
Park Point Community Club
Park Point Street End Coalition Members
Duluth News Tribune
Northland's News Center
WDIO-TV