

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #11-06-_____

RESOLUTION EXTENDING AND AMENDING THE TERMS OF AN INTERIM USE PERMIT FOR GRADING AND MINING PURPOSES THROUGH DECEMBER 31, 2011

WHEREAS, BNSF Railway Company, hereinafter referred to as “Permittee”, is requesting an extension of its’ Interim Use Permit (“Permit”) through December 31, 2011 on the property generally known as 7205 Highway 10 NW and a portion of the adjacent railroad right-of-way legally described as follows:

That part of Lot 7 Auditors Subdivision No. 34 described as follows: Commencing at southeast corner of said lot, thence north 0 degrees, 3 minutes 28 seconds east along east line of said lot 367.87 feet to point of beginning of a line aka Line “A”, thence southwesterly to a point on southwesterly line of said lot 111.9 feet northwesterly, as measured along southwesterly line of said lot, from point of curvature and said Line “A” there terminating, thence northwesterly along said southwesterly line 658.1 feet, thence north parallel with east line of said lot to intersect with northeasterly line of said lot, thence southeasterly along said northeasterly line 350 feet, thence south parallel with east line of said lot to intersect with said southwesterly line, thence southeasterly along said southwesterly line 180 feet to point of beginning, thence north parallel with said east line to intersect with said northeasterly line, thence southeasterly along said northeasterly line 107.14 feet, thence south parallel with said east line 177.43 feet, thence east parallel with south line of Section 28, Township 32, Range 25 to intersect with said line “A”, thence southwesterly along said line “A” to said southwesterly line, thence northwesterly along said southwesterly line to point of beginning, except road subject to easement of record, Anoka County, Minnesota.

and

That part of Lot 7, Auditor’s Subdivision No. 34 described as follows: Beginning at intersection of northerly right of way line of Trunk Highway No. 10 and east line of Section 28, Township 32, Range 25 also being southeast corner of said Lot 7, thence northerly along said east line 367.87 feet thence southwesterly to a point on said northerly right of way line 111.9 feet northwesterly, as measured along said right of way line, from point of beginning, thence southeasterly along said right of way line to point of beginning, together with that part of said Lot 7 described as follows: beginning at intersection of said northerly right of way line with said east line thence northwesterly along said right of way line 36.30 feet, thence north parallel with said east line 203.46 feet to point of beginning, thence west parallel with south line of said section 85 feet, thence north parallel with said east line to northerly line of said lot, said northerly line also being southerly right of way line of Burlington Northern Rail Road, thence east along said southerly right of way line to a point on a line drawn parallel west and 33 feet west of said east line, thence south along said parallel line to

point of beginning, except road subject to easement of record, Anoka County, Minnesota

and

Portions of the operating property of the Burlington Northern Rail Road St. Paul to Staples line located in Ramsey SD 11.

(the "Subject Property")

WHEREAS, on June 8, 2010, the Ramsey City Council approved Resolution #10-06-120 granting approval of the Permit for grading and mining activities on the Subject Property; and

WHEREAS, on July 20, 2010, the Ramsey Housing and Redevelopment Authority (HRA), authorized the Permittee access and use of Outlot HH, Ramsey Town Center Addition contingent upon entering an access agreement with the City.

WHEREAS, the remediation work approved by the Permit was delayed and did not commence in 2010 as expected; and

WHEREAS, the current expiration date of the Permit is August 1, 2011; and

WHEREAS, on May 20, 2011, the City received a written communication from AECOM, working on behalf of the Permittee, requesting an extension of the Permit through December 31, 2011; and

WHEREAS, on June 13, the City and Permittee met on site and agreed that there was not sufficient space on the City-owned parcel (Outlot HH, Ramsey Town Center Addition) for access and use.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

- 1) That the Ramsey City Council hereby grants an extension of the Permit through December 31, 2011 to complete the remediation and restoration work on the Subject Property.
- 2) That due to insufficient space, the Permittee shall not utilize any portion of the City-owned property (Outlot HH, Ramsey Town Center Addition).

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 28th day of June, 2011.

Mayor

ATTEST:

City Clerk