

## SNOW STORAGE AGREEMENT

### SUNFISH COMMONS

This Agreement is entered into by and between the **City of Ramsey**, a Minnesota municipal corporation, and **Omaha Woodmen Life Insurance Society**, a \_\_\_\_\_ (Woodmen).

#### Recitals

- A. Woodmen owns a retail center in Ramsey commonly known as Sunfish Commons, all of which is contained on a single parcel of land, PID 34-32-25-14-0026 (Woodmen Property).
- B. The City owns the adjacent vacant parcel to the east, PID 34-25-14-0027 (City Property).
- C. Due to limited space on its parcel, Woodmen desires to store snow on the City Property.
- D. The City is willing to allow temporary snow storage, subject to the terms and conditions of this Agreement.

#### Agreement

- 1. Recitals. The recitals set forth above are incorporated herein.
- 2. Effective Date. The effective date of this Agreement is the date of the latest signature set forth below.
- 3. Termination Date. This Agreement shall terminate on April 1, 2020. Notwithstanding this termination date, the City may terminate this Agreement at any time with 48 hours' notice to Woodmen or its agent, Suntide Commercial Realty.
- 4. Snow Storage. Woodmen and its agents may store snow from the Woodmen Property on the City Property during the 2019-2020 winter season, subject to the Section 3 above and Section 5 below. Only snow that naturally accumulates on the Woodmen Property shall be stored on the City Property. The snow shall be allowed to melt on the City Property; Woodmen is not required to remove it upon termination of this Agreement. Storage is limited to snow; Woodmen shall not store any other materials, vehicles, or anything else on the City Property, nor shall it allow its agent, tenants or their guests to do so.
- 5. Storage Location. The driveway access to the Woodmen Property crosses the northern portion of the City Property. To maintain proper sightlines, Woodmen

and its agents shall restrict snow storage to that area south of the driveway indicated on the attached Exhibit A.

6. Indemnity. Woodmen shall defend and indemnify the City from and against any and all claims for damages arising out of Woodmen's use of the City Property pursuant to this Agreement, except to the extent said damages are caused by the negligence or intentional acts of the City, its employees and agents.
7. Miscellaneous. This document contains all of the terms and conditions of the agreement between the parties and supersedes any oral or written statements or representations. This Agreement shall only be modified in a writing signed by both parties and shall be construed under the laws of Minnesota.

**City of Ramsey**

\_\_\_\_\_  
John LeTourneau, Mayor

Date: \_\_\_\_\_, 2020

\_\_\_\_\_  
Kurtis G. Ulrich, City Administrator

Date: \_\_\_\_\_, 2020

**Omaha Woodmen Life Insurance Society**

By: \_\_\_\_\_

Date: \_\_\_\_\_, 2020

Its: \_\_\_\_\_

# Exhibit A - Snow Storage Area



January 22, 2020

