

AGREEMENT AND RESTRICTIVE COVENANT

THIS AGREEMENT is made and entered into this ____ day of _____, 2023, between the City of Ramsey, a Minnesota municipal corporation, ("the City"), and the Metropolitan Council, a public corporation and political subdivision of the State of Minnesota, ("the Council").

WHEREAS, the City has acquired fee title in the real property described in Exhibit A attached hereto and incorporated herein; and

WHEREAS, the Council has contributed funds toward the acquisition of the City's interest in the real property pursuant to the Council's Loan Program and a Loan Agreement between the Council and the City as authorized by Minnesota Statutes section 473.167; and

WHEREAS, the Loan Program was established to provide for the acquisition of property within the right-of way of a state trunk highway shown on an official map when necessary to avoid imminent conversion of such property to a use which would jeopardize the property's availability for highway construction.

NOW, THEREFORE, in consideration of the loan made by the Council to the City and in consideration of the mutual agreements and covenants, the Council and City agree as follows:

1. No sale, lease, mortgage, or other conveyance, nor the creation of any easement, restriction or other encumbrance against the real property described in Exhibit A shall be valid for any purpose unless the written approval of the Council, or its successors, is duly filed and recorded at the time of the filing and recording of the instrument to which such approval pertains.
2. The real property described in Exhibit A shall not be used for any purpose except the construction of TH 10 from approximately Armstrong Boulevard to the Ramsey-Anoka City boundary and bounded to the north by the BNSF rail line unless the Council, or its successors, shall consent to such other use or uses by instrument in writing duly filed and recorded and designating the nature, extent and duration of the use for which such consent is given.

METROPOLITAN COUNCIL

By _____

Mary Bogie

Regional Administrator

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by Mary Bogie, the Regional Administrator of the Metropolitan Council, a public corporation and political subdivision, on its behalf.

Notary Public

This instrument drafted by:

City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303
Ssullivan@cityoframsey.com
763-433-9868

Exhibit A

That part of the Northwest Quarter, Section 35, Township 32, Range 25 described as follows: Beginning at a point on the south line of said Northwest Quarter distant 1195 feet east from the southwest corner of said Northwest Quarter; thence on an assumed bearing of North 89 degrees 01 minutes 41 seconds East along said south line, a distance of 133.38 feet; thence North 19 degrees 27 minutes 07 seconds East a distance of 229.38 feet to the intersection with the Southwesterly right-of-way line of Burlington Northern, Inc. (formerly Saint Paul & Pacific Railroad Company); thence North 66 degrees 40 minutes 46 seconds West, along said right-of-way line, a distance of 125.28 feet to the intersection with a line bearing North 19 degrees 27 minutes 07 seconds East from the point of beginning; thence South 19 degrees 27 minutes 07 seconds West a distance of 284.38 feet to the point of beginning. (Said tract is also known as the westerly 125 feet of Lot 19, Auditor's Subdivision No. 96.)

AND

That part of Government Lot 1 and of the Northeast Quarter of the Southwest Quarter, Section 35, Township 32, Range 25, described as follows: Beginning at a point on the north line of said Government Lot 1 distant 1195.00 feet east from the northwest corner of said Southwest Quarter of Section 35; thence on an assumed bearing of North 89 degrees 01 minute 41 seconds East, along said north line and along the north line of said Northeast Quarter of the Southwest Quarter, a distance of 133.38 feet; thence South 17 degrees 59 minutes 01 second West a distance of 152.90 feet to the intersection with the northerly right-of-way boundary line of Trunk Highway No. 10, as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION MONUMENTATION PLAT 02-M6, filed as Anoka County Recorder Document No. 541043; thence North 70 degrees 54 minutes 47 seconds West, along said right-way-line, a distance of 128.92 feet to the intersection with a line bearing South 19 degrees 27 minutes 07 seconds West from the point of beginning; thence North 19 degrees 27 minutes 07 seconds East a distance of 107.12 feet to the point of beginning. (Said tract is also known as part of Lot 17, Auditor's SUBDIVISION No. 96.) The easterly, westerly and southerly boundary lines of said tract are marked by judicial landmarks set pursuant to Torrens Case No. C5-91-5329.

Except that area described as Parcel 60, Anoka County Highway Right-of-Way Plat No. 103, according to the map or plat thereof on file and of record in the office of the Anoka County Recorder and Registrar of Titles.

(Part of Anoka County Tax ID Number 35-32-25-23-0006)