

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 West Half of the Southeast Quarter of Section 28, Township 32, Range 25, Anoka County, Minnesota, described as follows:

Commencing at the Southeast corner of said Section 28; thence on an assumed bearing of North 0 degrees 28 minutes 50 seconds West, along the East line of said Southeast Quarter of Section 28, a distance of 164.43 feet to monument A-85 on the Northerly right-of-way boundary line of Trunk Highway No. 10 as shown on Minnesota Department of Transportation Plat 02-M4, filed as Anoka County Recorder Document No. 541039; thence North 65 degrees 51 minutes 38 seconds West, along said Northerly right-of-way line, a distance of 806.12 feet to monument A-39 as shown on said plat; thence continue along said Northerly right-of-way line on a tangential curve concave to the Northeast, radius 22,673.76 feet, central angle 1 degree 42 minutes 24 seconds, a distance of 675.48 feet to monument A-37 as shown on said plat; thence North 64 degrees 09 minutes 14 seconds West, along said Northerly right-of-way line, a distance of 430.18 feet to the point of beginning of the land to be described; thence continue North 64 degrees 09 minutes 14 seconds West, along said Northerly right-of-way line, a distance of 538.00 feet to a point distant 985.00 feet Northwesterly, as measured along said Northerly right-of-way line, from its intersection with the East line of said West Half of the Southeast Quarter; thence North 4 degrees 33 minutes 33 seconds West a distance of 269.97 feet to the Southerly right-of-way line of the Burlington Northern Railroad; thence South 66 degrees 42 minutes 01 seconds East along said Southerly right-of-way line, a distance of 630.93 feet to the intersection with a line bearing North 16 degrees 12 minutes 07 seconds East from the point of beginning; thence South 16 degrees 12 minutes 07 seconds West a distance of 264.61 feet to the point of beginning.

Subject to a perpetual permanent easement for vehicular access related to Burlington Northern Santa Fe (BNSF) railway maintenance, and all such purposes ancillary, incident or related thereto, over, under, across, and upon that real property legally described as: Parcel 7PE, Anoka County Highway Right-of-Way Plat No. 102, 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 28-32-25-43-0002)