

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION**

LIMITED USE PERMIT

C.S. 0206 (T.H. 47)
County of Anoka
LUP # 0206-0028
Permittee: City of Ramsey
Terminates: 07/23/2025

In accordance with Minnesota Statutes Section 161.434, the State of Minnesota, through its Commissioner of Transportation, ("MnDOT"), hereby grants a Limited Use Permit to City of Ramsey, ("Permittee"), to use the area within the right of way of Trunk Highway No. 47 at CSAH 5 as shown in red on Exhibit "A", ("the Area") attached hereto and incorporated herein by reference. This permit is executed by the Permittee pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

Non-Motorized Recreational Trail

The Permittee's use of the Area is limited to only maintaining and operating a nonmotorized recreational trail (the Facility) including constructing, maintaining and operating a pedestrian crosswalk as shown in Exhibit "A (Construction Detail)" and the use thereof may be further limited by 23 C.F.R. 652 also published as the Federal-Aid Policy Guide.

The Permittee agrees that this permit totally replaces and superscedes the previously issued permit affecting the Area, specifically: Permit, # 0206-005 was issued on 3/13/2003 on CS 0206 (TH 47). Upon issuance of this permit, Permit # 0206-005 is cancelled.

In addition, the following special provisions shall apply:

SPECIAL PROVISIONS

1. **TERM.** This LUP terminates at 11:59PM on 07/23/2025 ("Expiration Date") subject to the right of cancellation by MnDOT, with or without cause, by giving the Permittee ninety (90) days written notice of such cancellation. This LUP will not be renewed except as provided below.

Provided this LUP has not expired or terminated, MnDOT may renew this LUP for a period of up to ten (10) years, provided Permittee delivers to MnDOT, not later than ninety (90) days prior to the

Expiration Date, a written request to extend the term. Any extension of the LUP term will be under the same terms and conditions in this LUP, provided:

- (a) At the time of renewal, MnDOT will review the Facility and Area to ensure the Facility and Area are compatible with the safe and efficient operation of the highway and the Facility and Area are in good condition and repair. If, in MnDOT's sole determination, modifications and repairs to the Facility and Area are needed, Permittee will perform such work as outlined in writing in an amendment of this LUP; and
- (b) Permittee will provide to MnDOT a certified copy of the resolution from the applicable governmental body authorizing the Permittee's use of the Facility and Area for the additional term.

If Permittee's written request to extend the term is not timely given, the LUP will expire on the Expiration Date.

2. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Permittee's sole cost and expense Permittee will:

- (a) Remove the Facility and restore the Area to a condition satisfactory to the MnDOT District Engineer; and
- (b) Surrender possession of the Area to MnDOT.

If, without MnDOT's written consent, Permittee continues to occupy the Area after the Expiration Date or earlier termination, Permittee will remain subject to all conditions, provisions, and obligations of this LUP, and further, Permittee will pay all costs and expenses, including attorney's fees, in any action brought by MnDOT to remove the Facility and the Permittee from the Area.

3. **OPERATION.** The operation, maintenance, and supervision of the Facility shall be at no cost or expense to MnDOT. This permit does not authorize the Permittee to re-construct the Facility.

The Permittee shall preserve and protect all utilities located on the lands covered by this LUP at no expense to MnDOT and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.

Any crossings of the Facility over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.

4. **MAINTENANCE.** Any and all maintenance of the Facility shall be provided by the Permittee at its sole cost and expense, including, but not limited to, plowing and removal of snow and installation and removal of regulatory signs. No signs shall be placed on any MnDOT or other governmental agency sign post within the Area. MnDOT will not mark obstacles for users on trunk highway right of way.

5. **USE.** Other than as identified and approved by MnDOT, no permanent structures or no advertising devices in any manner, form or size shall be allowed on the Area. No commercial activities shall be allowed to operate upon the Area.

Any use permitted by this LUP shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes. This LUP does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge Facility that would become subject to Section 4 (f) of the Federal-Aid Highway Act of 1968, nor does this permit establish a Bikeway or Pedestrian way which would require replacement pursuant to Minnesota Statutes Section 160.264. No rights to relocation benefits are established by this LUP.

This LUP is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy the Area.

6. **APPLICABLE LAWS.** This LUP does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.
7. **CIVIL RIGHTS.** The Permittee, for itself, its successors, and assigns, agrees to abide by the provisions of Title VI Appendix C of the Civil Rights Act of 1964, which provides in part that no person in the United States, shall on the grounds of race, color, or national origin, be excluded from, or denied use of any Facility.
8. **SAFETY.** MnDOT shall retain the right to limit and/or restrict any activity, including the parking of vehicles and assemblage of Facility users, on the highway right of way over which this LUP is granted, so as to maintain the safety of both the motoring public and Facility users.
9. **ASSIGNMENT.** No assignment of this LUP is allowed.
10. **IN WRITING.** Except for those which are set forth in this LUP, no representations, warranties, or agreements have been made by MnDOT or Permittee to one another with respect to this LUP.
11. **ENVIRONMENTAL.** The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
12. **MECHANIC'S LIENS.** The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers',

mechanics', or materialmens' liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.

13. NOTICES. All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Permittee or when made in writing addressed as follows:

to Permittee at:

City of Ramsey
City Hall
7550 Sunwood Drive NW
Ramsey, MN 55303

and to MnDOT at:

State of Minnesota
Department of Transportation
Metro District Right of Way
Roseville, MN 55113

The address to which notices are mailed may be changed by written notice given by either party to the other.

14. INDEMNITY. To the extent allowed by law, Permittee shall defend, indemnify, hold harmless and release the State of Minnesota, its Commissioner of Transportation and employees and its successors and assigns, from and against:

(a) all claims, demands, and causes of action for injury to or death of persons or loss of or damage to property (including Permittee's property) occurring on the Facility or connected with Permittee's use and occupancy of the Area, regardless of whether such injury, death, loss or damage is caused in part by (i) the negligence of State of Minnesota or (ii) is deemed to be the responsibility of State of Minnesota because of its failure to supervise, inspect or control the operations of Permittee or otherwise discover or prevent actions or operations of Permittee giving rise to liability to any person.

(b) claims arising or resulting from the temporary or permanent termination of Facility user rights on any portion of highway right of way over which this LUP is granted;


(c) claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;

(d) any laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished; and


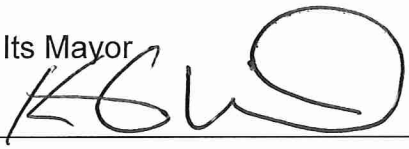
(e) any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to the construction, maintenance or operation of the Facility.

MINNESOTA DEPARTMENT
OF TRANSPORTATION

RECOMMENDED FOR APPROVAL

By: 
for District Engineer
Date 7/8/16

CITY OF RAMSEY

By 
Its Mayor
And 
Its City Administrator

APPROVED BY:

COMMISSIONER OF TRANSPORTATION

By: 
Director, Office of Land Management
Date 3/7/17

The Commissioner of Transportation
by the execution of this permit
certifies that this permit is
necessary in the public interest
and that the use intended is for
public purposes.

EXHIBIT A REALMS # 0206-0028 (1 of 6)

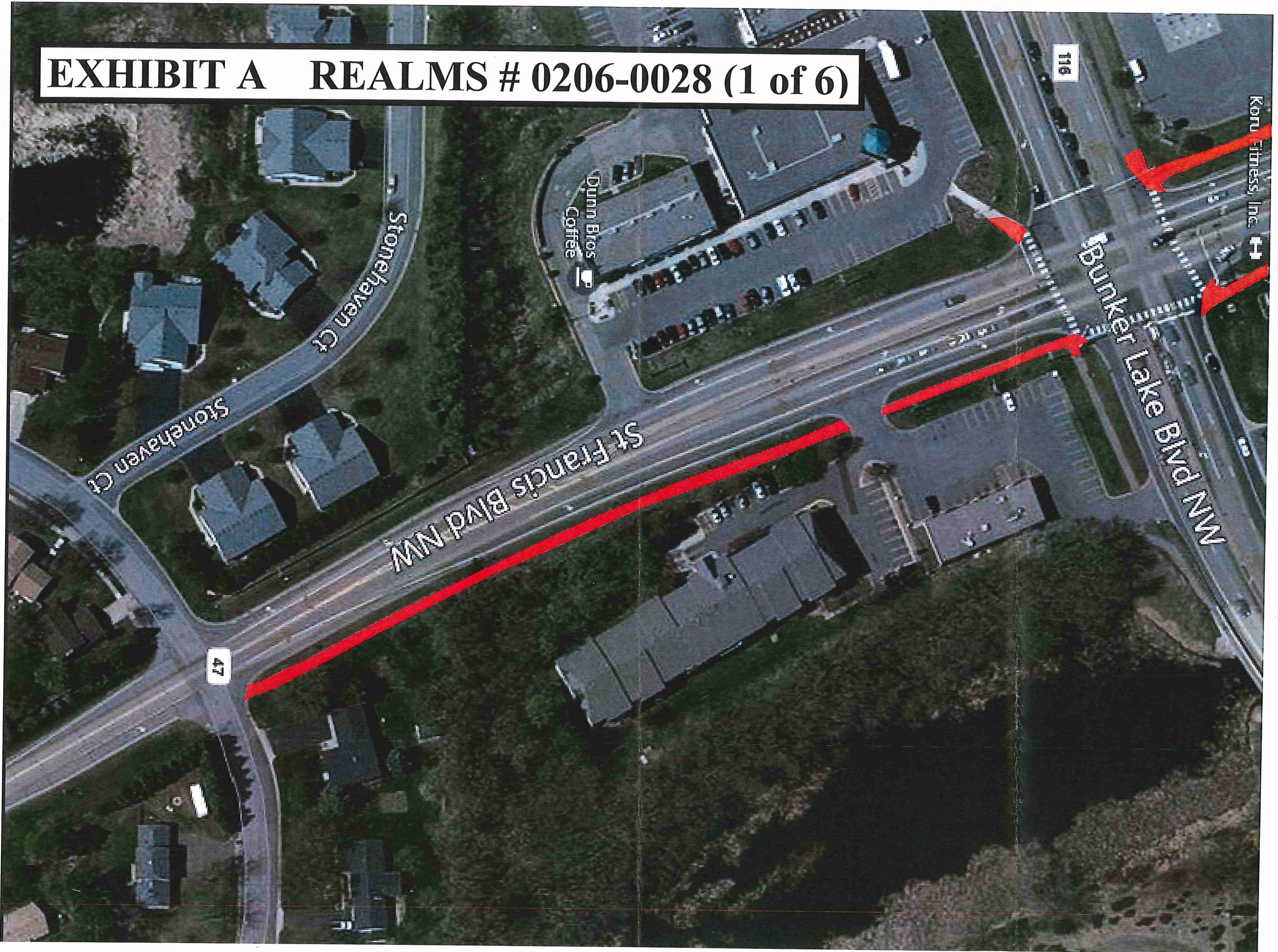


EXHIBIT A REALMS # 0206-0028 (2 of 6)

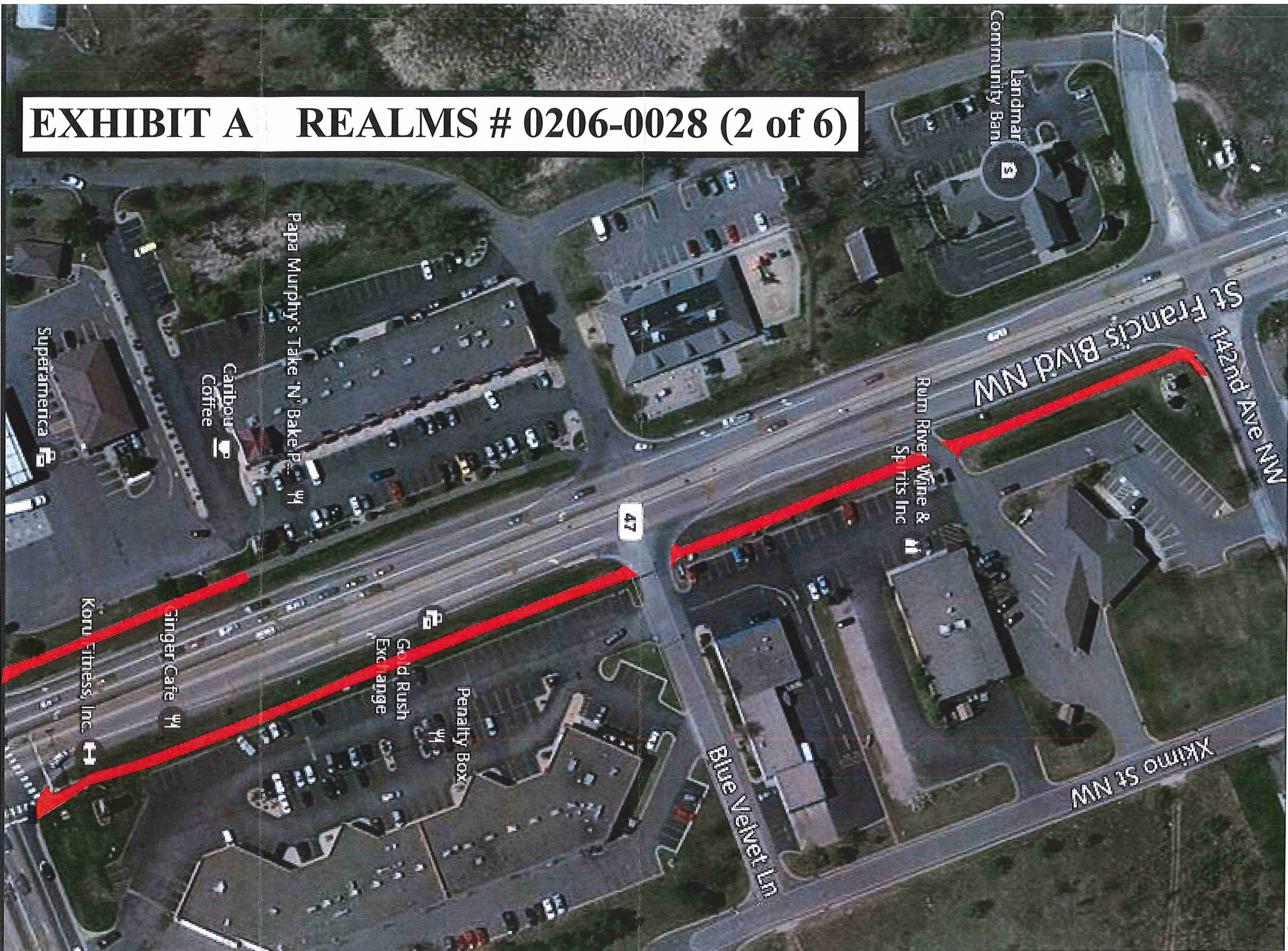
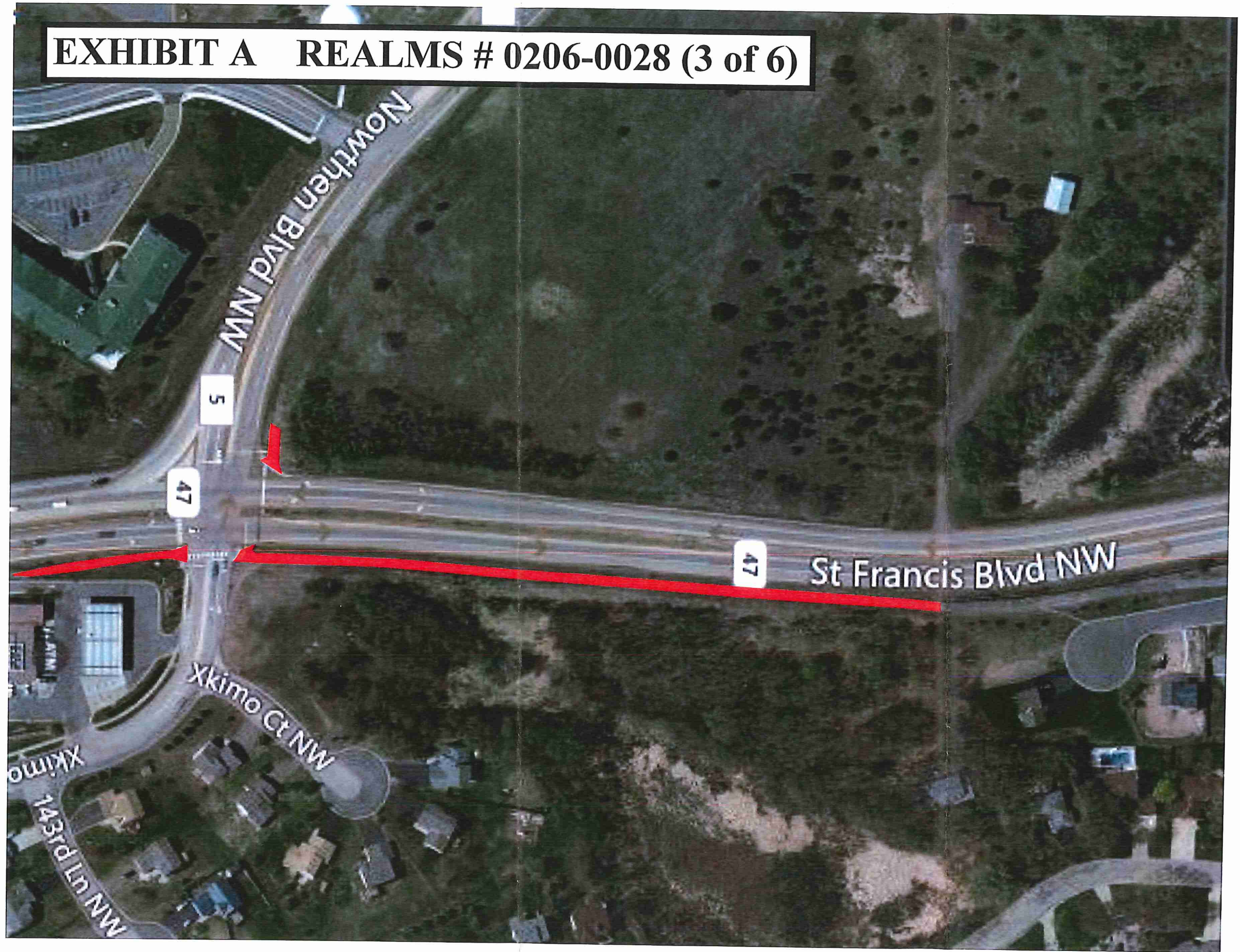


EXHIBIT A REALMS # 0206-0028 (3 of 6)



STREET RADII			
RADIUS	ALIGNMENT	STATION	LOCATION
12.0	TH 47	12+590.01	23.4 (LT)
12.0	TH 47	12+590.53	23.4 (RT)
9.0	TH 47	12+638.95	20.4 (RT)
1.5	TH 47	12+655.79	12.9 (RT)
15.0	AUX TH 47	12+713.30	22.8 (RT)
12.0	TH 47	12+716.55	23.4 (LT)
12.0	AUX TH 47	12+754.25	19.2 (RT)
15.0	TH 47	12+751.45	25.8 (LT)

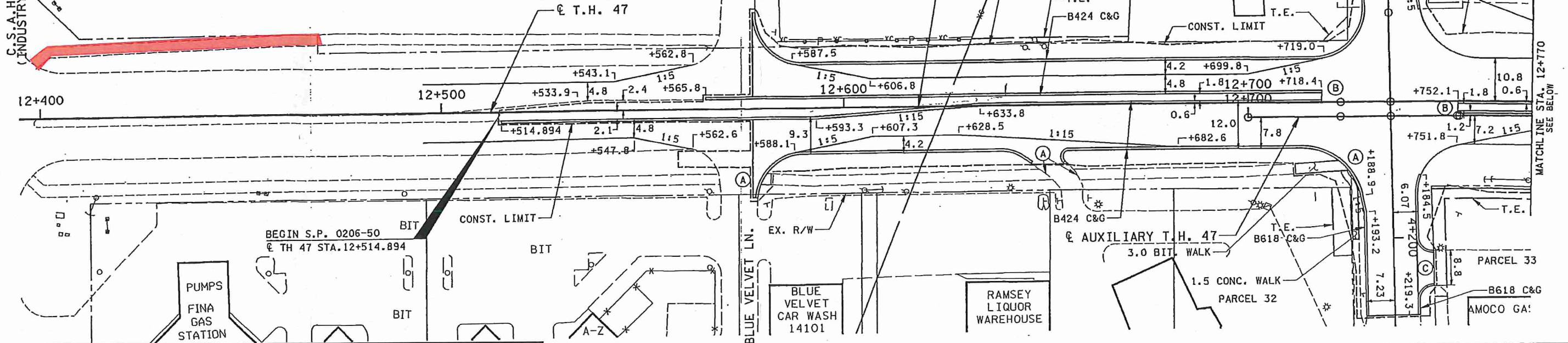
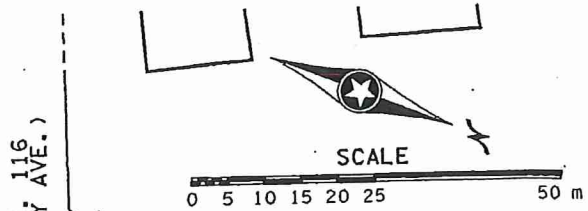
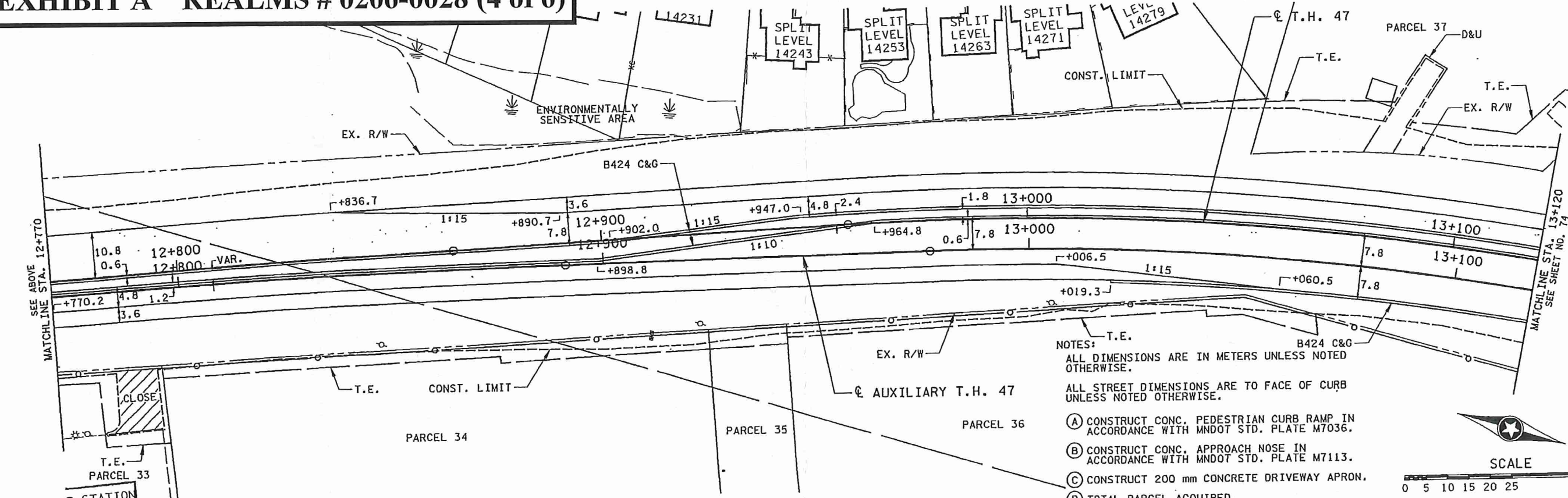
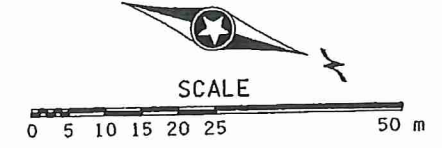


EXHIBIT A REALMS # 0206-0028 (4 of 6)



- NOTES:
- (A) CONSTRUCT CONC. PEDESTRIAN CURB RAMP IN ACCORDANCE WITH MNDOT STD. PLATE M7036.
 - (B) CONSTRUCT CONC. APPROACH NOSE IN ACCORDANCE WITH MNDOT STD. PLATE M7113.
 - (C) CONSTRUCT 200 mm CONCRETE DRIVEWAY APRON.
 - (D) TOTAL PARCEL ACQUIRED.



DESIGN FILE: H:\GIS\2800\2800.CPD
 PRF FILE: H:\GIS\2800\2800.PRF.CPA.PRF
 PLOT SCALE: 1:500
 PLOT DATE/TIME: 09/10/1999 08:31:19

NO	DATE	BY	CHKD	APPR	REVISION

NAME: 2800.CPA DATE: Sep. 10, 1999

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

M. Hansen
 Date: 9-9-99 Reg. No. 21364

STATE PROJECT NO.
 SP 0206-50
 SP 199-00-03
 SP 199-00-04
 SP 199-030-01
 SP 02-605-06
 SP 199-104-05

DRAWN BY DATE
 V. GRAF 2-99
 DESIGNED BY
 S. LILLHAUG 12-98
 CHECKED BY
 M. HANSEN 4-99
 COMM. NO.
 0982960



CITY OF RAMSEY PROJECT NO. 98-14
 CONSTRUCTION PLAN
 T.H. 47
 STA. 12+514.894 TO STA. 13+120

SHEET
 73
 OF
 238

EXHIBIT A REALMS # 0206-0028 (5 of 6)

CITY OF RAMSEY
ANOKA COUNTY

THE HORIZONTAL CONTROL FOR THIS PLAN IS NAD83 (1996 ADJUSTMENT), ANOKA COUNTY COORDINATES. FOR INFORMATION ON HORIZONTAL CONTROL POINTS CONTACT MNDOT'S OFFICE OF LAND MANAGEMENT OR THE METRO DISTRICT SURVEYS OFFICE.

ELEVATIONS FOR THIS PLAN ARE NAVD88 ADJUSTED. FOR INFORMATION ON VERTICAL CONTROL POINTS CONTACT MNDOT'S OFFICE OF LAND MANAGEMENT OR THE METRO DISTRICT SURVEYS OFFICE.

PLOTTED/REVISED: 20-OCT-2015 10:48

DISTRICT #: METRO
PLOT NAME: 020665_al_bdr
FILE NAME: Projects/DM_ROS/047/0206/065/Design/PlanSheets/020665_al_bdr.dgn

BEGIN SP: 0206-65
TH47NB STA 416+93

ARGON ST NW

TH 47

142ND AVE NW

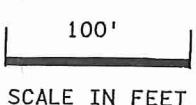
BLUE VELVET LN

XKIMO ST NW

END SP: 0206-65
TH47NB STA 425+00

NOTE:

THE RIGHT OF WAY AND EASEMENTS SHOWN ON THE CONSTRUCTION SHEETS GIVE A GRAPHICAL LOCATION WITH RESPECT TO THE GEOMETRIC DESIGN AND MAP DATA. THE EXACT RIGHT OF WAY, EASEMENT, AND BOUNDARY CORNERS ARE LOCATED BY REFERENCE TO THE RIGHT OF WAY PLATS AND ARE IDENTIFIED ON THE RIGHT OF WAY MAP, WHICH SHALL BE USED FOR STAKING PURPOSES.



ALIGNMENT, INPLACE TOPOGRAPHY & INPLACE UTILITIES PLAN

STATE PROJ. NO. 0206-65 (T.H. 47) SHEET NO. OF SHEETS

DRAWN BY: AR

CHECKED BY: BTJ

CERTIFIED BY _____

LICENSED PROFESSIONAL ENGINEER

LIC. NO. 23797 DATE _____

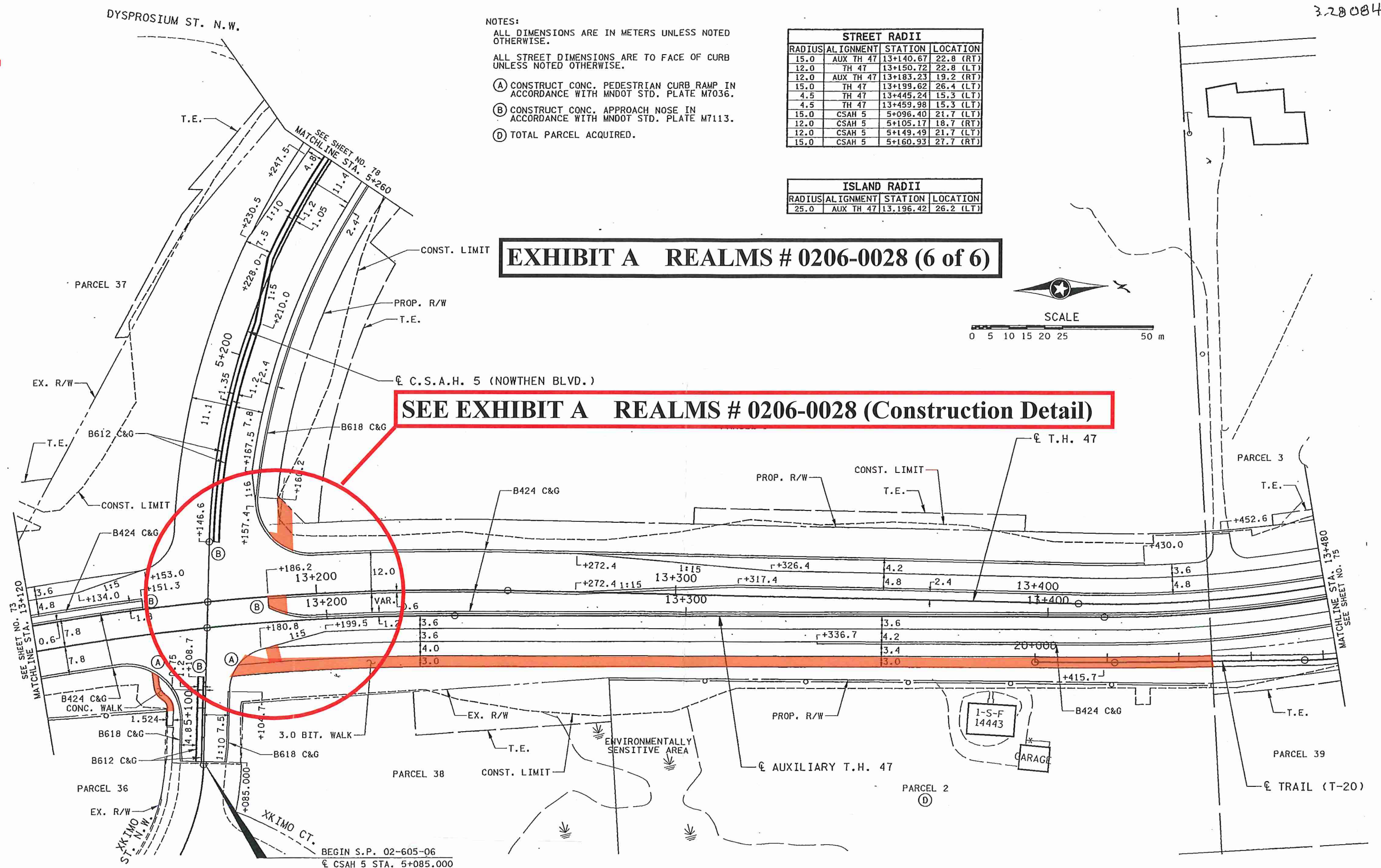
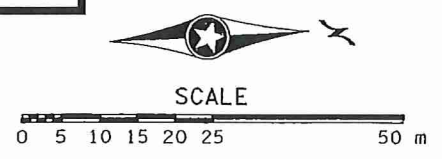
- NOTES:
 ALL DIMENSIONS ARE IN METERS UNLESS NOTED OTHERWISE.
 ALL STREET DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.
- (A) CONSTRUCT CONC. PEDESTRIAN CURB RAMP IN ACCORDANCE WITH MNDOT STD. PLATE M7036.
 - (B) CONSTRUCT CONC. APPROACH NOSE IN ACCORDANCE WITH MNDOT STD. PLATE M7113.
 - (D) TOTAL PARCEL ACQUIRED.

STREET RADII			
RADIUS	ALIGNMENT	STATION	LOCATION
15.0	AUX TH 47	13+140.67	22.8 (RT)
12.0	TH 47	13+150.72	22.8 (LT)
12.0	AUX TH 47	13+183.23	19.2 (RT)
15.0	TH 47	13+199.62	26.4 (LT)
4.5	TH 47	13+445.24	15.3 (LT)
4.5	TH 47	13+459.98	15.3 (LT)
15.0	CSAH 5	5+096.40	21.7 (LT)
12.0	CSAH 5	5+105.17	18.7 (RT)
12.0	CSAH 5	5+149.49	21.7 (LT)
15.0	CSAH 5	5+160.93	27.7 (RT)

ISLAND RADII			
RADIUS	ALIGNMENT	STATION	LOCATION
25.0	AUX TH 47	13.196.42	26.2 (LT)

EXHIBIT A REALMS # 0206-0028 (6 of 6)

SEE EXHIBIT A REALMS # 0206-0028 (Construction Detail)



DESIGN FILE: D:\ACTIVE\2800\2800.dwg
 PLOT FILE: 2800.CPB
 PLOT SCALE: 25:1
 PLOT DATE/TIME: 09/29/1999 16:15:04

NO	DATE	BY	CHK	APPR	REVISION
1	9-29-99	VGG	MDH	MDH	STATE AID COMMENTS.



I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

Wanda D. Hane
 Date: 9-30-99 Reg. No. 21364

STATE PROJECT NO.
 SP 0206-50
 SP 199-010-03
 SP 199-010-04
 SP 199-030-01
 SP 02-605-06
 SP 199-104-05

DRAWN BY: V. GRAF
 DATE: 2-99
 DESIGNED BY: S. LILLEHAUG
 DATE: 12-98
 CHECKED BY: M. HANSEN
 DATE: 4-99
 COMM. NO.: 0982960



CITY OF RAMSEY PROJECT NO. 98-14
 CONSTRUCTION PLAN
 T.H. 47
 STA. 13+120 TO STA. 13+480

SHEET 74 OF 238

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

RESOLUTION #16-05-085

RESOLUTION APPROVING A LIMITED USE PERMIT WITH THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, AND OPERATING A PEDESTRIAN TRAIL WITHIN THE STATE RIGHT-OF-WAY ALONG TRUNK HIGHWAY 47

WHEREAS, the City of Ramsey is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City of Ramsey previously executed Limited Use Permit # 0206-005 for pedestrian trail facilities located within State of Minnesota, Department of Transportation (MnDOT) right-of-way along Trunk Highway 47 (TH 47); and

WHEREAS, the City of Ramsey proposes to construct a new pedestrian crosswalk on TH 47 at Nowthen Boulevard/Anoka County State-Aid Highway 5 (CSAH 5) and Xkimo Street to provide a connection for pedestrians between the trail segment north of CSAH 5 and west of TH 47, and the existing trail facilities east of TH 47 within MnDOT right-of-way; and

WHEREAS, the State of Minnesota, Department of Transportation requires a Limited Use Permit for the construction, operation and maintenance of the existing pedestrian trail facilities and the proposed pedestrian crosswalk on TH 47 at CSAH 5 and Xkimo Street.

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 enters into Limited Use Permit # 0206-0028 with the State of Minnesota, Department of Transportation, for the purpose of constructing, operating and maintaining pedestrian trails within the right-of-way of Trunk Highway 47 (TH 47 = C.S. 0206).
- 2) That the City shall construct, operate and maintain said trail in accordance with the Limited Use Permit granted by the Minnesota Department of Transportation.
- 3) That the Mayor and City Administrator are hereby authorized to execute said Limited Use Permit and any amendments thereto.

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

Mayor Strommen
Councilmember Johns
Councilmember Williams
Councilmember Kuzma
Councilmember Riley
Councilmember Shryock

EXHIBIT B

and the following voted against the same:

None

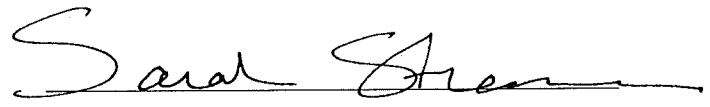
and the following abstained:

None

and the following were absent:

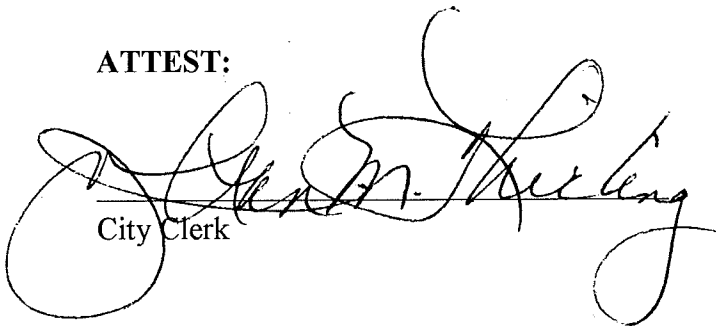
Councilmember LeTourneau

Whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 10th day of May, 2016.



Mayor

ATTEST:



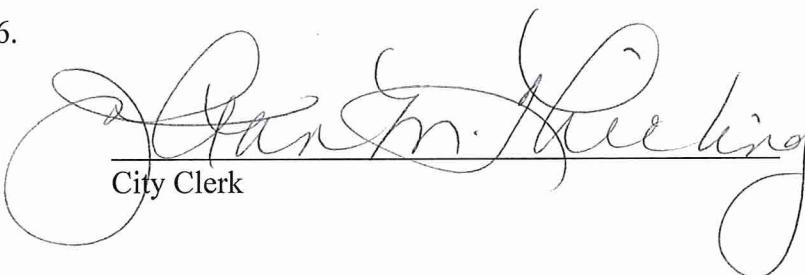
City Clerk

CERTIFICATION

State of Minnesota)
)
County of Anoka)
)
City of Ramsey)

I hereby certify that the foregoing Ramsey City Council Resolution #16-05-085 is a true and correct copy of the Resolution adopted by the Ramsey City Council of the City of Ramsey at a meeting thereof held in the City of Ramsey, Minnesota, on the 10th day of May, 2016, as disclosed by the records of said City in my possession.

Dated this the 22nd day of June, 2016.



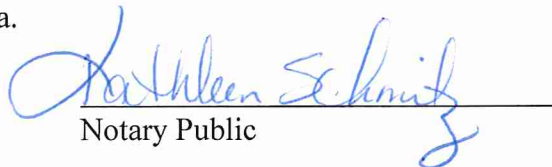
City Clerk



(CITY SEAL)

STATE OF MINNESOTA)
) SS.
COUNTY OF ANOKA)

On this 22nd day of June, 2016, before me, a Notary Public, personally appeared JoAnn M Thieling, City Clerk of the City of Ramsey, Minnesota.



Notary Public

