

MEETING DATE: May 11, 2017

TITLE: Authorization to Grant a Temporary Easement to the City of Minnetrista

RESOLUTION NUMBER: 17-034

PREPARED BY: Laura Domyancich

E-MAIL: ldomyancich@minnehahacreek.org

TELEPHONE: (952) 641-4582

REVIEWED BY: Administrator Counsel Program Mgr.: Tiffany Schaufler
 Board Committee Engineer Other

WORKSHOP ACTION:

<input type="checkbox"/> Advance to Board mtg. Consent Agenda.	<input type="checkbox"/> Advance to Board meeting for discussion prior to action.
<input type="checkbox"/> Refer to a future workshop (date):_____	<input type="checkbox"/> Refer to taskforce or committee (date):_____
<input type="checkbox"/> Return to staff for additional work.	<input type="checkbox"/> No further action requested.
<input checked="" type="checkbox"/> Other (specify): Requesting authorization at May 11, 2017 Board Workshop.	

PURPOSE or ACTION REQUESTED: Authorization to grant a temporary construction easement to the City of Minnetrista.

PROJECT/PROGRAM LOCATION: Minnehaha Creek Watershed District parcels at 7701 and 8015 Halstead Drive, Minnetrista at the Six Mile Marsh Prairie Restoration.

PROJECT TIMELINE: The easement will commence June 1, 2017 and expire November 30, 2018. Construction for improvements to Halstead Drive is planned to begin in July 2017 and be substantially complete by the end of the 2017 construction season.

SUMMARY: The City of Minnetrista intends to complete improvements to Halstead Drive in Minnetrista including the leveling of steep grades, replacing culverts, and laying bituminous surface. In order to conduct this work, the City requires a temporary construction easement (Attachment 1) on the District’s two parcels south of Halstead Drive on the former Halverson and Dimler properties (Six Mile Marsh Prairie Restoration.)

Work will be primarily completed during the 2017 construction season with the easement in effect until November 2018 to allow the City’s contractor to address any needed adjustments after substantial completion of the project. The easement allows the City to remove vegetation, construct back or slope embankment, alter elevations, and excavate within the 12,717-foot² easement area. The easement comprises four linear sections of land adjacent to the road right-of-way. The existing vegetation in the easement area is low-diversity road edge species. The City has agreed to restore herbaceous vegetation within the disturbed easement area with native seed mixes specified by the District. This restoration is described in a separate agreement (Attachment 2). The construction work will remove approximately ten trees at the northeastern corner of the site that will not be replaced.

The City has offered all affected properties payment for the easement. In the interest of working cooperatively with our municipality and making reasonable accommodation for their work, District staff recommends that the \$400 payment offered by the City be declined. While the City is constructing the improvements, it will also install a small parking area within the right-of-way of Halstead Drive and east of the District's access drive to the property to allow for future visitor parking for the Six Mile Marsh Prairie Restoration site. The District requested this parking area be built to accommodate parking for future school groups and other visitors to the site.

ATTACHMENTS:

- 1: Easement
- 2: Restoration Agreement

(reserved for recording information)

GRANT OF TEMPORARY EASEMENT

The Minnehaha Creek Watershed District, a special purpose unit of government organized under the laws of the State of Minnesota, hereinafter referred to as "Grantor", in consideration of _____ Dollars and no/100 Dollars (\$____) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant unto the **CITY OF MINNETRISTA**, a municipal corporation organized under the laws of the State of Minnesota, the Grantee, hereinafter referred to as the "City", its successors and assigns, a temporary construction easement for road construction purposes, including the right to construct back or slope embankment thereon in accordance with the construction plans on file in the office of the City, over, across, on and through land situated in Hennepin County, State of Minnesota as legally described on the attached Exhibit A and depicted on Exhibit B attached hereto (the "Temporary Easement Premises").

TO HAVE AND TO HOLD the same, unto the City, its contractors, agents, servants, and assigns, commencing June 1, 2017 and expiring November 30, 2018 for the purpose of constructing, reconstructing, inspecting, repairing, and maintaining the property of the City, at the will of the City, its successors and assigns. Grantor hereby grants the uses herein specified without

divesting itself of the right to use and enjoy the above described Temporary Easement Premises, subject only to the right of the City to use the same for the purposes herein expressed.

It is understood by the Grantor that the City shall not be responsible for any restoration or replacement costs or damages resulting from the construction and maintenance of the Temporary Easement Premises, with the exception of restoring the ground cover to its existing condition prior to construction and with the exception of reinstallation of any driveways impacted during construction. It is further understood that vegetation will be removed, elevations will be altered, and that excavation will occur on the Temporary Easement Premises.

The above named Grantor covenants with the City that it has no actual knowledge of any unrecorded interest in the Temporary Easement Premises.

IN TESTIMONY WHEREOF, the Grantor hereto has signed this easement this _____ day of _____, 2017.

*[The remainder of this page has been intentionally left blank.
Signature pages follow.]*

EXHIBIT A-1

That part of the following described parcel of land in the City of Minnetrista:

The North Half of the Northwest Quarter of the Southwest Quarter, The Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Southwest Quarter, all in Section 28, Township 117, Range 24 West of the 5th Principal Meridian, according to the United States Government Survey thereof and situate in Hennepin County, Minnesota.

Note: This property is Abstract.

Description of Temporary Construction Easement

A temporary easement for construction purposes over, under, and across that part of the above described property which lies southerly of the north 33.00 feet and easterly, northerly, and westerly of the following described line:

Commencing at the northwest corner of the above described property, thence on an assumed bearing of South 00 degrees 21 minutes 58 seconds West, along the west line of the above described property, a distance of 33.01 feet to the south line of the north 33.00 feet of the above described property, also being the point of beginning of the line to be described; thence continuing South 00 degrees 21 minutes 58 seconds West, along said west line, a distance of 15.01 feet; thence North 88 degrees 51 minutes 17 seconds East, parallel to the south line of said north 33.00 feet, a distance of 15.00 feet; thence North 01 degrees 08 minutes 43 seconds West a distance of 15.00 feet to the south line of said north 33.00 feet; thence North 88 degrees 51 minutes 17 seconds East, along the south line of said north 33.00 feet, a distance of 895.40 feet; thence South 01 degrees 08 minutes 43 seconds East a distance of 10.00 feet; thence North 88 degrees 51 minutes 17 seconds East, parallel to the south line of said north 33.00 feet, a distance of 55.00 feet; thence North 01 degrees 08 minutes 43 seconds West a distance of 10.00 feet to the south line of said north 33.00 feet; thence North 88 degrees 51 minutes 17 seconds East, along the south line of said north 33.00 feet, a distance of 540.29 feet; thence South 01 degrees 08 minutes 43 seconds East a distance of 5.00 feet; thence North 88 degrees 51 minutes 17 seconds East, parallel to the south line of said north 33.00 feet, a distance of 240.00 feet; thence North 01 degrees 08 minutes 43 seconds West a distance of 5.00 feet to the south line of said north 33.00 feet; thence North 88 degrees 51 minutes 17 seconds East, along the south line of said north 33.00 feet, a distance of 300.41 feet; thence South 01 degrees 08 minutes 43 seconds East a distance of 5.00 feet; thence South 88 degrees 48 minutes 10 seconds East a distance of 80.00 feet; thence North 88 degrees 44 minutes 13 seconds East a distance of 125.00 feet; thence South 86 degrees 16 minutes 23 seconds East a distance of 200.00 feet; thence North 88 degrees 51 minutes 17 seconds East, parallel to the south line of said north 33.00 feet, a distance of 190.00 feet to the east line of the above described property; thence North 00 degrees 23 minutes 14 seconds East, along said east line, a distance of 25.01 feet to the south line of said north 33.00 feet, and said line there terminating.

AND

EXHIBIT A-2

That part of the following described parcel of land in the City of Minnetrista:

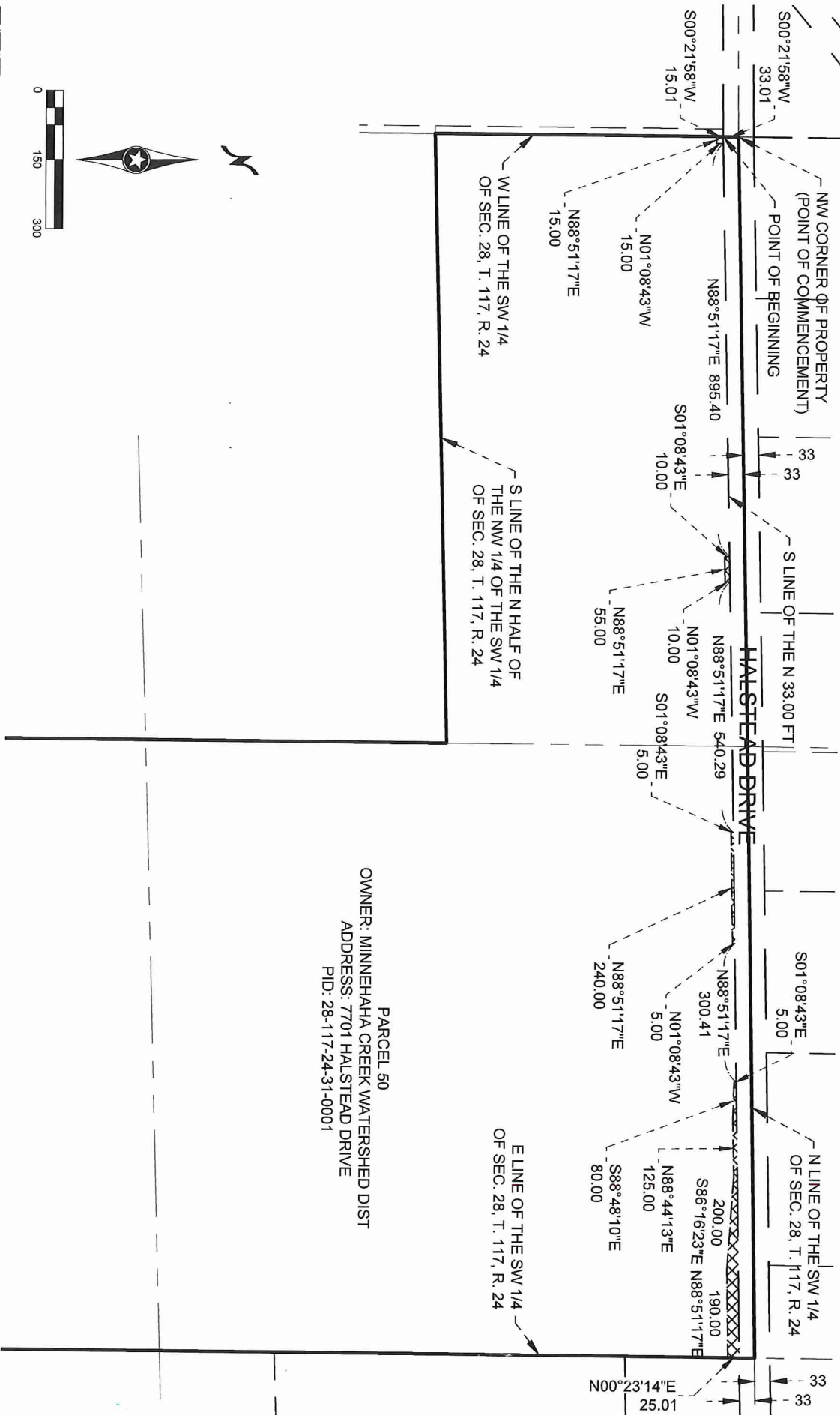
That part of the North Half of the Southeast Quarter of Section 29, Township 117, Range 24, Hennepin County, Minnesota, lying Southeasterly of the Burlington Northern Inc., Railroad right-of-way, except the Easterly 16.5 feet thereof. Also, that part of the East 1 Rod of the North Half of the Southeast Quarter, North of the South 40 Rods thereof.

Note: This property is Abstract.

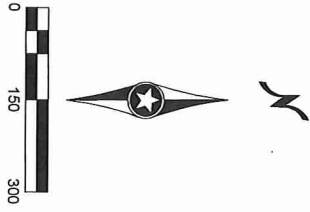
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TEMPORARY CONSTRUCTION EASEMENT AREA = 11,568 SQ. FT.



PARCEL 50
 OWNER: MINNEHAHA CREEK WATERSHED DIST
 ADDRESS: 7701 HALSTEAD DRIVE
 PID: 28-117-24-31-0001

Prepared by:

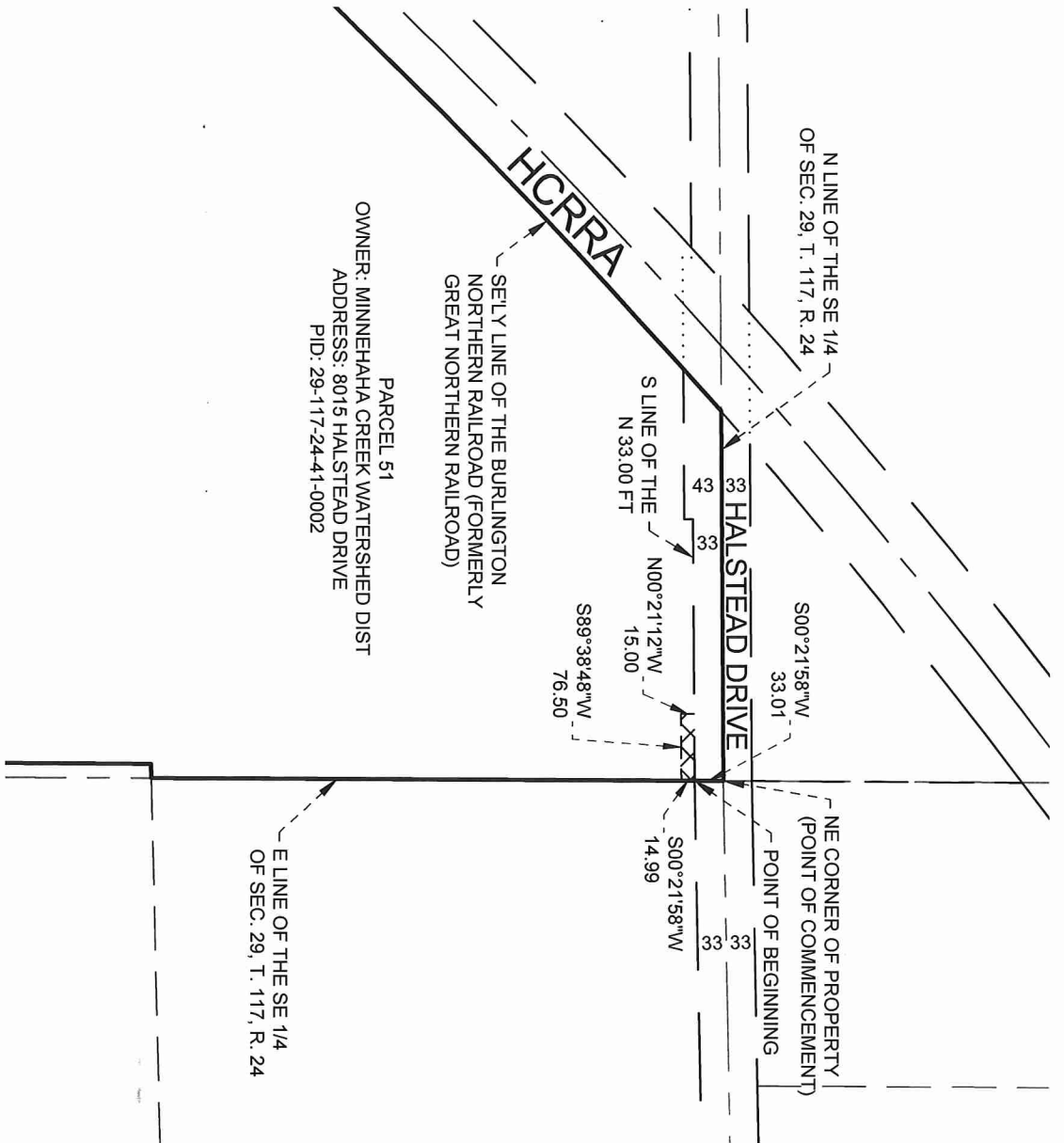
WSB
Associates, Inc.
 701 Xenia Avenue South, Suite 300
 Minneapolis, MN 55416
 Tel: (763) 541-4800 • Fax: (763) 541-1700
 wsbeng.com

engineering • planning • environmental • construction

Halstead Drive Reconstruction
 Temporary Easement Exhibit
 Parcel 50
 7701 Halstead Drive
 City of Minnetrista, Minnesota

WSB Project No. 02121-640
 Date: 4/4/17





PARCEL 51
 OWNER: MINNEHAHA CREEK WATERSHED DIST
 ADDRESS: 8015 HALSTEAD DRIVE
 PID: 29-177-24-41-0002



TEMPORARY CONSTRUCTION EASEMENT AREA = 1,149 SQ. FT.

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EASEMENT AGREEMENT
Halstead Drive Improvement Project

Fee Owner: Minnehaha Creek Watershed

Parcels: 50 and 51

THIS EASEMENT AGREEMENT (the “Agreement”) is entered into this ___ day of _____, 2017 by and between the city of Minnetrista, a municipal corporation under the laws of Minnesota (the “City”), and the Minnehaha Creek Watershed District (the “Owner”).

WITNESSETH:

WHEREAS, the Owner is the fee owner of the property located at 7701 and 8015 Halstead Drive, Minnetrista, Minnesota (the “Property”), which is legally described in Exhibit A of ATTACHMENT A attached hereto; and

WHEREAS, the City has initiated a project to construct Halstead Drive which will require a temporary easement over a portion of the Property; and

WHEREAS, the Owner is willing to grant an easement for such purposes to the City under the terms and conditions outlined in this Agreement.

NOW, THEREFORE, the City and the Owner agree as follows:

1. Grant of Easement. The Owner agrees to grant to the City a temporary easement in the general form attached hereto as ATTACHMENT A.
2. Consideration. In consideration for granting the easement to the City, the City agrees to pay the Owner the amount of \$_____, which represents full and complete payment for the easement. In addition, the City agrees to perform the tasks enumerated on Attachment B, attached hereto.
3. Interpretation. This Agreement shall be interpreted under the laws of the state of Minnesota.

OWNER: Minnehaha Creek Watershed District:

CITY OF MINNETRISTA

By: _____
Lisa Whalen, Mayor

By: _____
Kris Linquist, City Clerk

ATTACHMENT A

Temporary Easement

(reserved for recording information)

GRANT OF TEMPORARY EASEMENT

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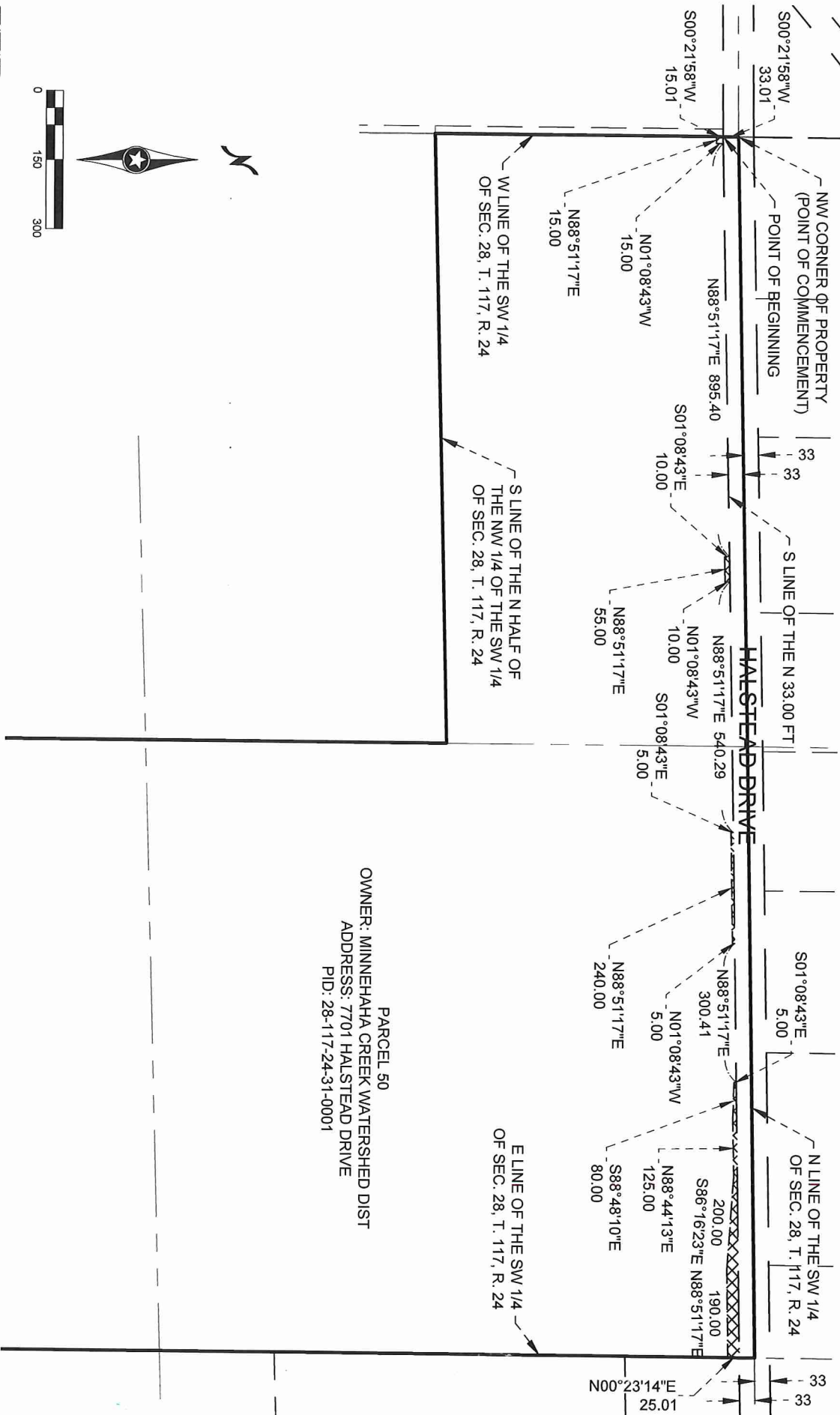
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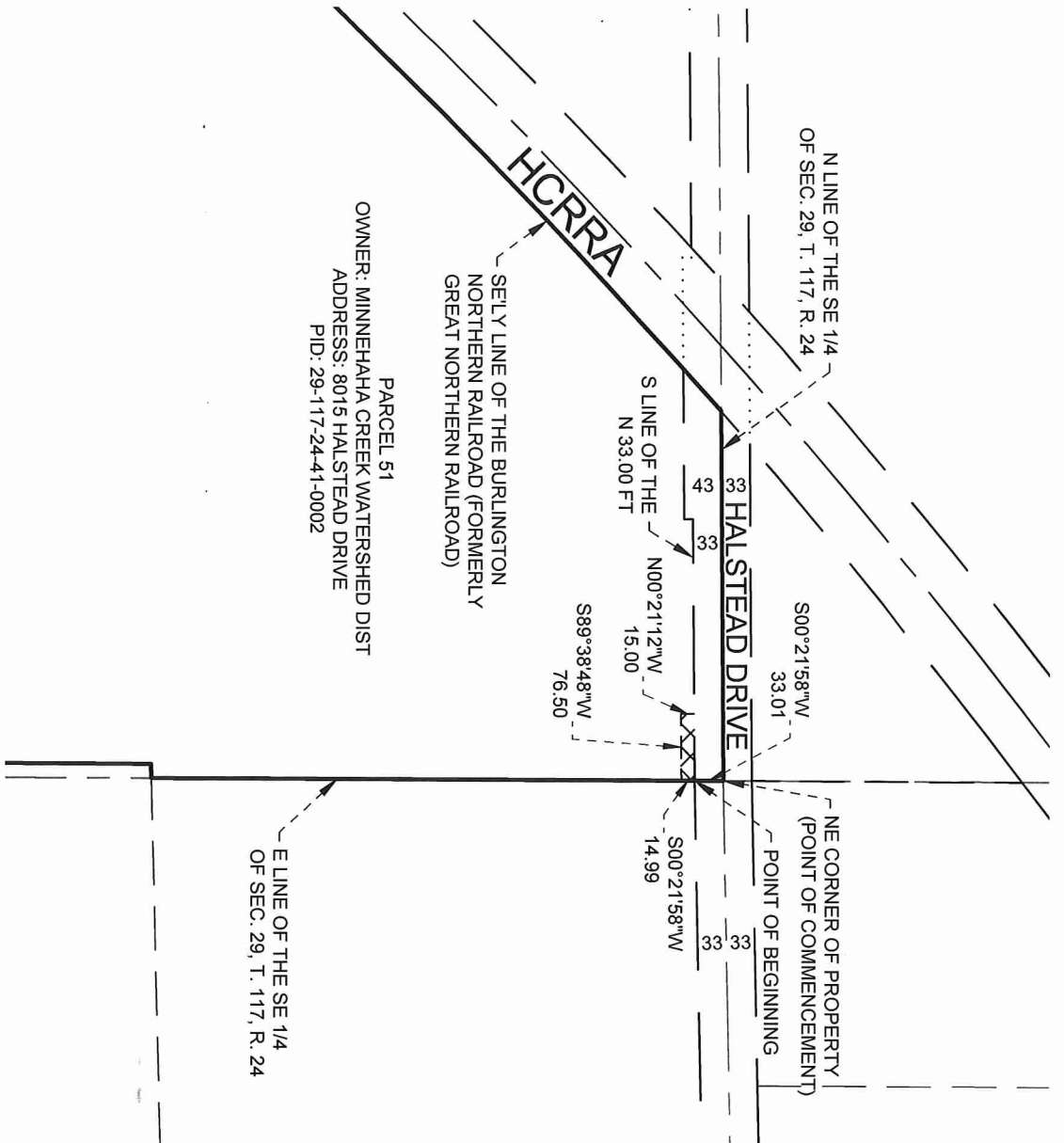
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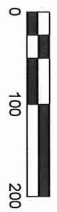
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 Parcel 51
 8015 Halstead Drive
 City of Minnetrista, Minnesota

WSB Project No. 02121-640

Date: 4/4/17



ATTACHMENT B

Additional Obligations of City

The City of Minnetrista agrees to reseed and establish upland prairie areas in temporary easements disturbed by construction activities with seed mix BWSR 35-241 and low-lying areas and ditches disturbed by construction activities with seed mix BWSR 34-262. This reseeded will be completed between the months of September and June.