

**STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION**

**LIMITED USE PERMIT FOR  
SNOWMOBILE TRAIL – NIGHTTIME, TWO-WAY USE**

C.S. 0206 T.H. 47  
County of Anoka  
LUP # 0206-0024

In accordance with Minnesota Statutes Section 161.434, a Limited Use Permit is hereby granted to the City of St. Francis, Permittee. This permit is for the purpose of constructing, maintaining and operating a two way snowmobile trail, (hereinafter called trail), within the right of way of Trunk Highway No(s). 47 as shown in red on Exhibit "A", which is attached hereto and incorporated herein by reference. This permit is executed by the Permittee pursuant to the attached resolution. In addition, the following special provisions shall apply:

**SPECIAL PROVISIONS**

1. Nighttime two-way use is authorized in the opinion of the Department of Transportation District Traffic Engineer, DNR Enforcement Office and District State Patrol Office. It has been deemed safer to use only one side of the road for two way snowmobile traffic. This decision averts the need for trail users driving in the opposite direction to cross the road twice to avoid oncoming snowmobile trail traffic. This permit is unique to other trail permits.
2. The definition and operation of snowmobiles shall be in accordance with Minnesota Statutes §84.81 and §84.87
3. The construction, maintenance, and supervision of the trail shall be at no expense to the Minnesota Department of Transportation. Before construction of any kind, the plans for such construction shall be approved in writing by the Minnesota Department of Transportation, through the District Engineer.
4. No permanent structure(s) or advertising device(s) in any manner, form or size shall be constructed, placed or permitted to be constructed or placed upon the State of Minnesota right of way.
5. No commercial activity or activities shall be allowed to operate upon said State of Minnesota right of way.
6. Any and all maintenance of the trail, and all facilities a part thereof, shall be provided by the Permittee; this includes, but is not limited to, the plowing and removal of snow, and the installation and removal of signs. The State of Minnesota will not mark obstacles for snowmobiles or other recreational motorized vehicle on trunk highway right of way.

7. If any signs are placed they must be in accordance with Minnesota Rules for the Department of Natural Resources §6100.5300 and §6102.0060 and also in accordance with "Minnesota Snowmobile Safety, Laws, Rules and Regulations".
8. This permit is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy said right of way.
9. The Permittee shall preserve and protect all utilities located on the lands covered by this permit at no expense to the Minnesota Department of Transportation 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.
10. Any crossings of the trail over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.
11. The Permittee shall construct the trail at the location shown in the attached Exhibit "A" subject to verification by the Minnesota Department of Transportation District Engineer that the construction geometrics and procedures result in a trail that is compatible with the safe and efficient operation of the highway facility.
12. Approval from Minnesota Department of Transportation District Engineer shall be required for any changes from the approved plan.
13. Upon completion of the construction of the trail, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.
14. This permit 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.
15. Any use permitted by this permit shall remain subordinate to the right of the Minnesota Department of Transportation to use the property for highway and transportation purposes. This permit 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.
16. This permit shall be subject to cancellation and termination by the Minnesota Department of Transportation, with or without cause, by giving the Permittee 90 days written notice of such intent. Upon said notice of cancellation the trail shall be removed within 90 days by the Permittee. Upon cancellation of said permit, or any portion thereof, the Permittee will be required to return and restore the area to a condition satisfactory to the Minnesota Department of Transportation District Engineer.

The removal of the trail and the return and restoration of the area shall be at no cost to the Minnesota Department of Transportation and at the sole expense of the Permittee.

17. 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 trail.
18. The Permittee shall hold harmless and indemnify the State of Minnesota, its Commissioner of Transportation and employees and its successors and assigns, from liability claims for damages because of bodily injury, death, property damage, sickness, disease, or loss and expense arising from the operations of the trail or from the use of the portion of highway right of way over which this permit is granted.
19. The Permittee shall hold harmless and indemnify the State of Minnesota, its Commissioner of Transportation and employees and its successors and assigns from claims arising or resulting from the temporary or permanent termination of trail user rights on any portion of highway right of way over which this permit is granted.
20. The State of Minnesota, through its Commissioner of Transportation, shall retain the right to limit and/or restrict the parking of vehicles and assemblage of trail users on the highway right of way over which this permit is granted, so as to maintain the safety of both the motoring public and trail users.
21. The Permittee will hold harmless and indemnify the State of Minnesota, its Commissioner of Transportation and employees from claims resulting from temporary or permanent changes in drainage patterns resulting in flood damage.
22. 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 provide for cleanup of the spilled material and the materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
23. No assignment of this permit is allowed.
24. 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 materialmen's liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by a 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; agrees to indemnify and hold harmless the State of Minnesota from all such liens and claims.

25. The State of Minnesota's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, Section 3.736, and other applicable law.

MINNESOTA DEPARTMENT  
OF TRANSPORTATION  
  
RECOMMENDED FOR APPROVAL

CITY OF ST. FRANCIS

By [Signature]  
Its Mayor

And [Signature]  
Its City Clerk

By: [Signature]  
District Engineer

Date 5/12/10

APPROVED BY:

COMMISSIONER OF TRANSPORTATION

By: [Signature]  
Director, Office of Land Management

Date 6/14/10

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.

**CITY OF ST. FRANCIS  
ST. FRANCIS, MN  
ANOKA COUNTY**

**RESOLUTION 2010-08**

**RESOLUTION AUTHORIZING EXECUTION OF A LIMITED USE PERMIT FOR  
TWO-WAY SNOWMOBILE TRAFFIC WITHIN MN/DOT TH 47 RIGHT-OF-WAY**

At a meeting of the City Council of the City of St. Francis held on Monday, March 1, 2010 at the St. Francis Independent School District No. 15 Central Services Center, 4115 Ambassador Blvd. NW, St. Francis, Minnesota, with the following members present: Mayor Jerry Tveit, Council members Jeff Sandoval, Tim Brown, and LeRoy Schaffer; and the following absent: Steve Kane, the St. Francis City Council resolved:

**WHEREAS**, the City of St. Francis is a political subdivision, organized and existing under the laws of the State of Minnesota; and

**WHEREAS**, the City Council of the City of St. Francis has approved a plan to operate a two-way snowmobile trail in the right-of-way of Trunk Highway 47 to promote orderly and safe accommodations for snowmobiles along the highway; and

**WHEREAS**, the State of Minnesota, Department of Transportation requires a Limited Use Permit for the construction and utilization of said two-way snowmobile trail.


**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of St. Francis hereby enters into a Limited Use Permit with the State of Minnesota, Department of Transportation to construct, operate, and maintain a two-way snowmobile trail within the right-of-way of Trunk Highway 47 of the State of Minnesota from the southern city limits to the northern city limits within the City of St. Francis. The City of St. Francis shall construct, operate and maintain said two-way snowmobile trail in accordance with the Limited Use Permit granted by the Minnesota Department of Transportation.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Council and the Mayor are authorized to execute the Limited Use Permit and any amendments to the Permit.

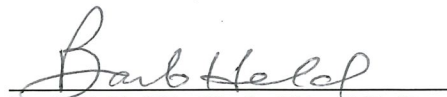
Voting in Favor: Tveit, Sandoval, Brown and Schaffer.

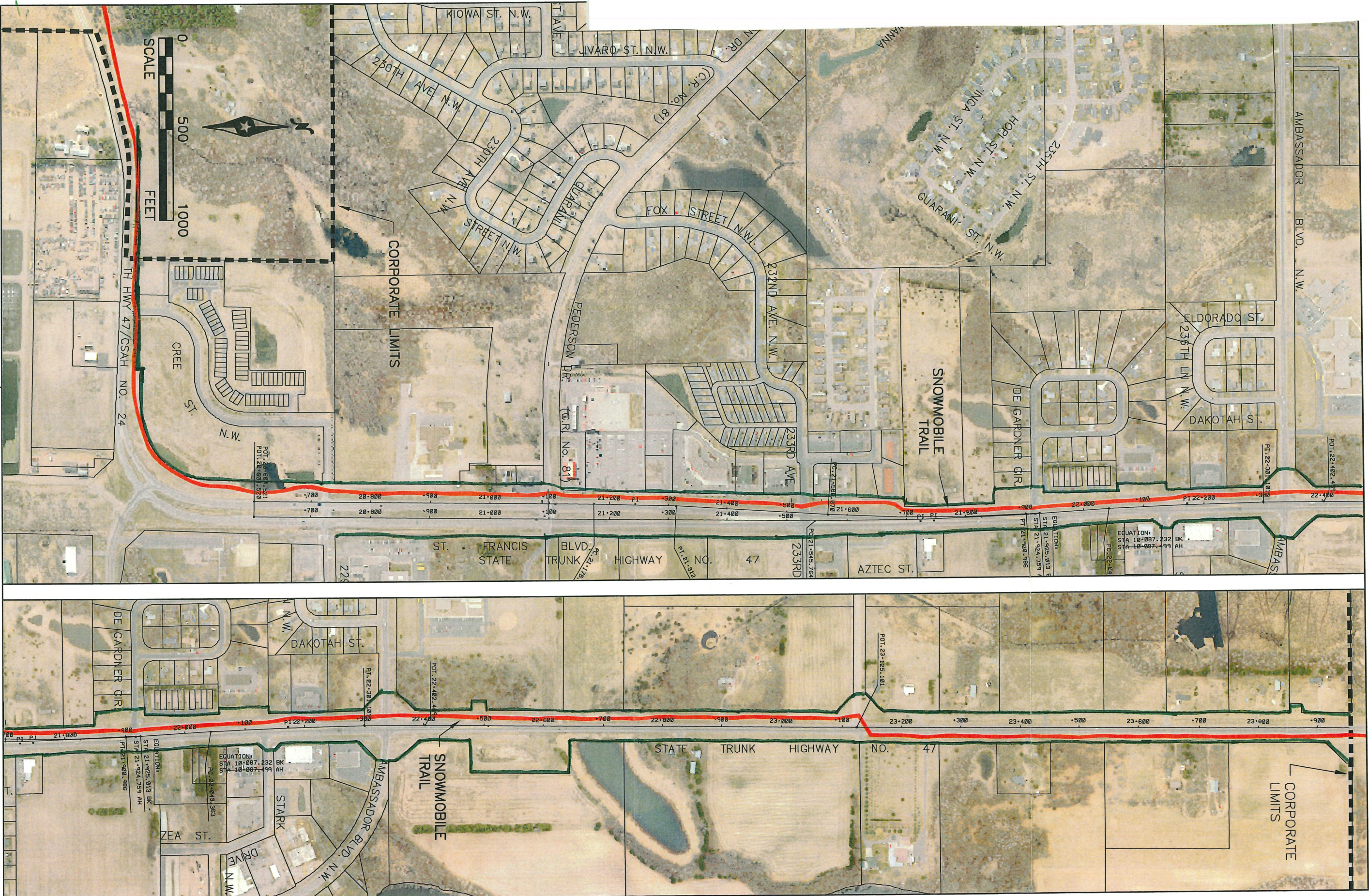
Voting Against: None.

Resolution duly seconded and passed this 1st day of March 2010.

  
\_\_\_\_\_  
Matt Hylen, City Administrator  
\_\_\_\_\_  
Jerry Tveit, Mayor

I hereby certify that the above is a true and correct copy of a resolution presented to and adopted by the City of St. Francis, County of Anoka, State of Minnesota, at a duly authorized City Council meeting held in the City of St. Francis, Minnesota, on the 1st day of March, 2010, as disclosed by the records of said city on file and of record in the office of the City Clerk.

  
\_\_\_\_\_  
Barb Held, City Clerk, City of St. Francis



**BOLTON & MENK, INC.**  
 Consulting Engineers & Surveyors  
 MANKATO, MN FAIRMONT, MN SLEEPY EYE, MN WILLMAR, MN  
 BURNSVILLE, MN CHASKA, MN RAMSEY, MN AMES, IA

**CITY OF ST. FRANCIS, MINNESOTA**  
 SNOWMOBILE TRAIL LOCATION  
 JANUARY, 2010

FIGURE NO. 1

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 H:\STFR\13101819\2010 GENERAL ENGINEERING\CAD\SNOWMOBILE TRAIL LOCATION.dwg 1/26/10 9:53 am

CS 0206

EXHIBIT A