

4.a) 2) a.



444 Cedar Street, Suite 1500
Saint Paul, MN 55101
651.292.4400
tkda.com

TKDA

Memorandum

To:	Scandia City Council	Reference:	Limited Use Permit for Pedestrian Trail on TH 95
Copies To:	Kristina Handt, City Administrator	Project No.:	14305.001
From:	Sherri Buss, RLA AICP, Planner	Routing:	
Date:	February 7, 2013		

Background

The draft conditions for the Zavoral Mine and Reclamation Project include a condition that Tiller reconstruct the existing pedestrian trail along TH 95. The trail is within the Mn/DOT right-of-way, but Mn/DOT has indicated to the City that the agency will no longer maintain or operate the trail (letter dated October 13, 2011, attached).

If the City requires that Tiller reconstruct the trail within the TH 95 right-of-way as a condition of CUP approval, Mn/DOT will require that the City obtain a Limited Use Permit (LUP) from Mn/DOT for construction, maintenance and operation of the trail. Mn/DOT staff indicated that the following for the permit regarding the permit:

- The City Council will need to approve a resolution indicating that the City will obtain the LUP from Mn/DOT.
- The permit will last for 10 years, and may be renewed.
- There are no Mn/DOT maintenance requirements for the trail. The City can determine whether it will provide any ongoing maintenance, such as snow removal or pavement maintenance based on City standards or policies. Mn/DOT simply wants to give up maintenance and liability for the trail, and wants be able to refer any questions or concerns about maintenance to the City.

Staff have prepared a draft resolution and the required Exhibit for the Council to review. If the Council approves the resolution, the City will need to provide five signed copies of the resolution for approval by Mn/DOT.

Requested Action

Staff request that the Council review the draft resolution and consider whether the City should obtain the LUP for the trail. The decision will need to be made before the CUP condition related to the trail reconstruction may be approved.

**CITY OF SCANDIA
RESOLUTION NO. 02-19-13-XX**

**RESOLUTION APPROVING LIMITED USE PERMIT WITH STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION FOR A PEDESTRIAN TRAIL IN THE
RIGHT-OF-WAY OF TRUNK HIGHWAY 95 AT TRUNK HIGHWAY 97**

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

WHEREAS, the existing pedestrian trail in the right-of-way of Trunk Highway 95 at Trunk Highway 97 will be reconstructed by Tiller Corporation as required by the Conditional Use Permit (CUP) approved by the City on February 19, 2013 for the Zavoral Mine and Reclamation Project based on approval by the City; and

WHEREAS, the existing trail and future trail connections are identified in the City's Comprehensive Trail Plan; and

WHEREAS, the State of Minnesota, Department of Transportation requires a Limited Use Permit for the construction, maintenance and utilization of said pedestrian trail;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCANDIA, WASHINGTON COUNTY, MINNESOTA, that it should and hereby does enter into a Limited Use Permit with the State of Minnesota, Department of Transportation for ten (10) years, beginning on the date of approval of the Limited Use Permit, for the following purposes:

1. To operate and maintain the pedestrian trail reconstructed by Tiller Corporation within the right-of-way of Trunk Highway 95 (TH 95) of the State of Minnesota. The trail is approximately .38 miles in length, beginning at the access road to the Zavoral Mine and Reclamation Project (east of TH 97) and extending to the south, as indicated on Exhibit A, attached. The City of Scandia shall require that trail construction be in accordance with the Limited Use Permit, and shall operate and maintain the 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.

Adopted by the Scandia City Council this 19th day of February, 2013, by a vote of ___ Ayes and ___ Nays.

Randall Simonson, Mayor

ATTEST:

Kristina Handt, Administrator/Clerk



Trail Segment

**Exhibit A. Existing Trail and Right of Way Locations
Trail on TH 95, Scandia, Minnesota**

1 inch = 300 feet



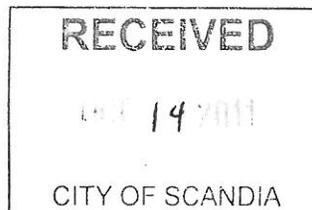


Minnesota Department of Transportation

Metropolitan District
Waters Edge
1500 West County Road B-2
Roseville, MN 55113-3174

October 13, 2011

Anne Hurlburt
City Administrator
City of Scandia
14727 209th St North
Scandia, MN 55073



SUBJECT: Trail Located on the East Side of TH 95, Extending South of TH 97~
Scandia, Washington County
Control Section: 8210

Dear Ms. Hurlburt:

Mn/DOT's letter to the City of Scandia dated June 29th, 2011, concerning the Zavoral Mining development states that when the site is developed, a right turn lane will be required into the site and that the subject trail would need to be either relocated or vacated. It is our understanding that Scandia would like Zavoral Mining to relocate the portion of the trail impacted by the right-turn lane and bring the trail up to ADA standards. Additionally, we understand the city would like Mn/DOT to maintain and operate the trail.

After considerable discussion, we do not feel that the expense of upgrading, maintaining, and operating the trail is a good use of state resources for the following reasons:

- This stub trail is 0.38 miles long and does not connect with any other trails.
- The DNR confirmed that the subject trail would not be used as an extension of the Gateway Trail.
- The overgrown condition of the trail in conjunction with no observed use by MnDOT maintenance staff provides clear indication that the trail is used only minimally. Additionally MnDOT has received no complaints about the trail's condition
- Generally, trails on Mn/DOT right-of-way, particularly those with only a local benefit, are maintained by the local government through a Limited Use Permit from Mn/DOT.

Therefore, Mn/DOT does not plan to require the developer to rebuild the trail.

In our discussions with the County and the DNR, neither are willing to take over ownership and maintenance responsibilities this trail. If the City of Scandia is willing to own and maintain the trail we will reconsider our position about removal of the trail. If the city is willing to take over the trail, the city will need to obtain a Limited Use permit from the Mn/DOT Right-of-Way office. For information concerning Limited Use Permits, please contact Steve Channer, 651-234-7558 with Mn/DOT Metro's Right-of-Way Section.

If you have any additional questions regarding this follow up letter, please call me at (651) 234-7794.