RESOLUTION 2020-04

Nine Mile Creek Watershed District
Board of Managers

Assign land-use rights to the City of Edina for maintenance of Nine Mile Creek Streambank Restoration Project

Manager __________ offered the following resolution and moved its adoption, seconded by Manager ________________:

WHEREAS by Resolution 2015-05 and in accordance with applicable law, the Nine Mile Creek Watershed District Board of Managers ordered the Nine Mile Creek Streambank Restoration Project (the Project), proposed and designed to stabilize and improve the beds and banks of the creek as it winds through the City of Edina;

WHEREAS pursuant Resolution 2015-05, NMCWD and Edina entered into a cooperative agreement specifying each party’s roles in the completion of the project, and the agreement provided that on completion of the construction work – which ultimately amounted to stabilization of approximately 17,000 feet of Nine Mile Creek from Trunk Highway 169 to West 77th Street, realignment of approximately 775 feet of the creek from Brook Drive to the Soo Line Railroad, and realignment of approximately 1,200 feet of the creek from the Soo Line Railroad to West 70th Street – NMCWD and Edina would jointly develop a plan for maintenance of the completed work, specifying and describing routine maintenance to be implemented by the city while leaving funding and completion of major maintenance and repairs to be negotiated in good faith by the parties;

WHEREAS Nine Mile Creek Watershed District contracted with Sunram Construction to complete the Project, the work was completed on December 31, 2019, and vegetation establishment work by the contractor will be completed in the fall of 2020 for phase I of the Project (the northern portion of the Project) and the spring of 2021 for phase II;

WHEREAS in addition to and in partial fulfillment of the agreement with Edina, NMCWD entered into one agreement, entered and recorded seven easements and will soon enter into and record an eighth easement that provide NMCWD with assignable rights to access and use properties to maintain sections of the Project constructed thereon; and

WHEREAS to facilitate NMCWD and Edina have completed and agreed to all terms of a maintenance plan for the Project that fulfills the relevant obligations and intent of the parties articulated in the March 15, 2017, cooperative agreement (the Maintenance Plan).

NOW THEREFORE BE IT RESOLVED that on receipt of documentation of the easement over the M-M Bloomington property, the NMCWD Board of Managers conveys to the City of Edina nonexclusive property access and use rights over the properties under the agreement and easements attached hereto and incorporated herein as Exhibit A, necessary for the City of Edina to complete its inspection and maintenance obligations under the
March 15, 2017, cooperative agreement for the Project and the Maintenance Plan, and to take such other necessary steps to implement the Maintenance Plan.

The question was on the adoption of the resolution and there were ___ yea and ___ nays as follows:

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Upon vote, the chair declared the resolution adopted.


*   *   *   *   *   *   *   *   *   *   *

I, Erin Hunker, secretary of the Nine Mile Creek Watershed District, do hereby certify that I have compared the above resolution with the original thereof as the same appears of record and on file with NMCWD and find the same to be a true and correct transcription thereof.

IN TESTIMONY WHEREOF, I set my hand this _____ day of _____________, 2020.

______________________________
Erin Hunker, Secretary
Exhibit A

Agreement – Wolff & Knych, 5300 70th Street West, property identification number 08-116-21-11-0001, executed June 9, 2020

Easement – One Corporate Center Financial Plaza – Outlot A, One Corporate Center Phase 5, Hennepin County Recorder Document No. A10668236

Easement – One Corporate Center Financial Plaza West – Outlot A, One Corporate Center Phase 6, Hennepin County Registrar Document No. T05620034

Easement – Dairy Queen Inc. – Lot 2, Block 1, One Corporate Center Addition, Hennepin County Recorder Document No. A10628885

Easement – SV Center Inc. – Lot 4, Block 6, Edina Interchange Center, Hennepin County Recorder Document No. A10668235

Easement – David Russell and Carol Russell, Lot 2, Block 2, Walnut Ridge 3rd Addition, Hennepin County Recorder Document No. T05608844

Easement – M-M Bloomington, Lot 14, Block 1, Edina Interchange Center 3rd Addition, & Lot 16, Block 1, Edina Interchange Center 3rd Addition, Hennepin County Recorder Document No. Pending

Easement – Excelsior Arms Corp., Lot 17, Block 1, Edina Interchange Center 3rd Addition, Hennepin County Document No. T05604305

Easement – David R. B. Chin and Laura Y. B. Chin, Lot 7, Block 9, La Buena Vista Addition, Hennepin County Document No. T05669282