

**By Colvin Roy**

**Approving Stipulation of Settlement with State of Minnesota and Metropolitan Council for Cedar Lake Trail - Phase III.**

Whereas, the City of Minneapolis (the "City") completed Phase I and Phase II of the Cedar Lake Trail between the West City limits and Royalston Avenue in 1995; and

Whereas, extension of the Cedar Lake Trail from Royalston Avenue to the Mississippi River ("Cedar Lake Trail Phase III a/k/a Cedar Lake Bike Trail Phase III") is a high priority for the City of Minneapolis ("City") and its residents; and

Whereas, the State of Minnesota ("State") and Metropolitan Council ("Met Council") have entered into various agreements with BNSF Railway Company ("BNSF") under which Met Council is operating the Northstar Commuter Train on real estate owned by BNSF lying between Azine Alley and Royalston Avenue which the City desires to cross with the Cedar Lake Trail – Phase III, and which is legally described in Exhibit A attached hereto ("Easement Parcels"); and

Whereas, the City staff and counsel retained by the City have negotiated a proposed Stipulation of Settlement in pending eminent domain proceedings which, if approved, will authorize the City to construct, operate, maintain and repair the Cedar Lake Trail across the Easement Parcels in accordance with plans and specifications prepared on behalf of the City and approved by the State and Met Council; and

Whereas, construction of the trail is scheduled to be commenced and completed in 2010; and

Whereas, under the proposed Stipulation of Settlement, the City will not be required to pay compensation to the State or Met Council, the State will issue a permit to the City to authorize construction and operation of the Cedar Lake Trail within the Easement Parcels, and the City will agree to remove the trail improvements from the Easement Parcels within one year following written notice from the State or Met Council that they require use of the Easement Parcels for rail (or ancillary) purposes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That upon approval of the proposed Stipulation of Settlement by the City Attorney, the City Finance Officer is authorized to execute the certificate of approval confirming approval of the Stipulation on behalf of the City.

## EXHIBIT A

### Legal Descriptions of the Easements To Be Acquired

**Parcel No. 16** (Affects Tax Parcel No. 22-029-24-13-0107):

Property Address: 405 Washington Avenue North  
Minneapolis, Minnesota

**Description of Easement Being Acquired:**

A permanent easement for the construction, operation, repair, maintenance, and reconstruction of a recreational trail and its appurtenances (including, but not limited to, storm sewer, communication facilities, and other utility facilities ancillary to said recreational trail, use of said trail for bicycle and foot travel, and use of said trail by maintenance vehicles, law enforcement vehicles, and emergency vehicles) on, upon, over, under, and across that part of Lots 2, 15 and 16, Block 22, **BRADFORD AND LEWIS ADDITION TO MINNEAPOLIS**, Hennepin County, Minnesota and that part of the abandoned alley within said Block 22 lying northerly of the following described "Line A":

"Line A" is described as beginning at a point on the Southwesterly line of Block 10, HOAG'S ADDITION TO MINNEAPOLIS, said Hennepin County, distant 29.27 feet Northwesterly from the most Southerly corner of said Block 10; thence Northeasterly along a straight line to a point in the Southwesterly line of said Block 22, distant 107.48 feet Northwesterly from the most Southerly corner of said Block 22; thence Northeasterly along the prolongation of the last described line 105.27 feet; thence Northeasterly along a non-tangential curve concave to the South having a radius of 1875.86 feet, the chord of said curve is measured 13 degrees 24 minutes 52 seconds to the right from said prolongation of the last described line to the Northeasterly line of said Block 22 and said "Line A" there terminating.

The permanent easement to be acquired is that part of the above-described property that lies 9.00 feet northwesterly and 14.00 feet southeasterly of the following described line: Commencing at the most southerly corner of said Block 10; thence North 45 degrees 01 minutes 39 seconds West, assumed bearing along the southwesterly line of said Block 10, a distance of 17.87 feet to the point of beginning; thence North 45 degrees 03 minutes 49 seconds East a distance of 88.06 feet; thence northeasterly along a tangential curve concave to the southeast having a radius of 1000.00 feet and a central angle of 01 degrees 08 minutes 45 seconds for a distance of 20.00 feet; thence North 46 degrees 12 minutes 34 seconds East, tangent to said curve a distance of 29.86 feet; thence northeasterly along a tangential curve concave to the northwest having a radius of 1015.00 feet and a central angle of 01 degrees 08 minutes 45 seconds for a distance of 20.30 feet; thence North 45 degrees 03 minutes 49 seconds East, tangent to last described curve, a distance of 400.40 feet; thence northeasterly along a tangential curve concave to the southeast having a radius of 550.00 feet and central angle of 18 degrees 33 minutes 00 seconds for a distance of 178.07 feet; thence

North 63 degrees 36 minutes 51 seconds East a distance of 30.17 feet to the northeasterly line of said Block 22 and said line there terminating.

The sidelines of said permanent easement shall be prolonged or shortened to intersect said "Line A" and said Northeasterly line of said Block 22.

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

The area of the permanent easement is 3,072 square feet.

**Interests Being Encumbered:**

The names of the parties having an interest in the above-described land and the nature of their interests to the best of Petitioner's knowledge based upon a review of records in the office of the County Recorder and Registrar of Titles in and for Hennepin County, Minnesota are set forth below. It is the intention of the Petitioner to encumber all interests in the above described real property, and to acquire all rights and possession thereof including, but not limited to, all of the interests of those parties named below.

<b>NAME</b>	<b>NATURE OF INTEREST</b>
BNSF Railway Company, a Delaware corporation (fka Burlington Northern, Inc.; fka Burlington Northern Railroad Company; fka Great Northern Pacific & Burlington Lines, Inc.; fka Burlington Northern Transportation Company; and fka The Burlington Northern and Santa Fe Railway Company)	Fee Owner
Metropolitan Council, an agency of the State of Minnesota	Lessee pursuant to Memorandum of Lease for the Minneapolis Track Lease Agreement, dated May 31, 2007, recorded August 21, 2009, as document No. A9408283 between BNSF, as Lessor, and Metropolitan Council, as Lessee, relating to the Northstar Commuter Rail Operation.
State of Minnesota Commissioner of Transportation	Easement pursuant to Memorandum of Easement recorded in Hennepin County, dated May 31, 2007, recorded June 4, 2007, as Document No. 8987896; Memorandum of Easement recorded in Hennepin County, dated December 11, 2007, recorded January 17, 2008, as Document No. 9087080; Memorandum of Easement recorded in Hennepin County, dated May 30, 2008, recorded June 24, 2008, as Document 9151008;

	<p>Memorandum of Easement recorded in Hennepin County, dated March 21, 2009, recorded April 2, 2009, as Document No. A9229151.</p> <p>“Purchase and Sale Agreement” dated as of March 7, 2007, by and between BNSF, as Seller, and the State of Minnesota, as Buyer.</p>
Northstar Corridor Development Authority	Possible holder of an interest
U. S. Bank Trust National Association, a National Banking Association, (successor to First Trust of New York, National Association and Morgan Guaranty Trust Company of New York), as Trustee; and Laura Roberson of St. Louis, Missouri (successor to Bartlett Ford, Jacob M. Ford, II and W. A. Johnson), as Trustee	Mortgagees under Consolidated Mortgage dated March 2, 1970, given by Burlington Northern, Inc., as amended, and supplemented
City of Minneapolis	Special Assessments

**Parcel No. 17:** (Permanent easement affects Tax Parcel No. 22-029-24-14-0163)  
(Temporary easement affects Tax Parcels Nos. 22-029-24-14-0157  
and 22-029-24-14-0163)

Property Address: 332 ½ Washington Avenue North  
Minneapolis, Minnesota

**Description of Easements Being Acquired:**

A permanent easement for the construction, operation, repair, maintenance, and reconstruction of a recreational trail and its appurtenances (including, but not limited to, storm sewer, communication facilities, and other utility facilities ancillary to said recreational trail, use of said trail for bicycle and foot travel, and use of said trail by maintenance vehicles, law enforcement vehicles, and emergency vehicles) on, upon, over, under, and across that portion of Block 33, TOWN OF MINNEAPOLIS, Hennepin County, Minnesota, together with the 16.0 foot wide alley within said Block, described as follows:

Commencing at the most Westerly corner of said Block 33; thence Northeasterly along the Northwesterly line thereof a distance of 120.00 feet to the True Point of Beginning of the parcel to be described; thence Northeasterly along a straight line to a point on the Northeasterly line of said Block 33 distant 75.0 feet Southeasterly of the most Northerly corner of said Block 33, as measured along the Northeasterly line thereof; thence Southeasterly along said Northeasterly line a distance of 13.55 feet; thence Southwesterly along a straight line to the point of intersection with said Northwesterly line of Block 33 distant 80.66 feet Northeasterly from the most Westerly corner of Block 33; thence Northeasterly along said Northwesterly line to the True Point of Beginning.

and

That part of Block 33, TOWN OF MINNEAPOLIS, Hennepin County, Minnesota described as lying Northwesterly of a line running from a point on the Northwesterly line of said Block 33 distant 120 feet Northeasterly from the most Westerly corner of said Block 33 to a point on the Northeasterly line of said Block 33 distant 75.00 feet Southeasterly from the most Northerly corner of said Block 33.

The permanent easement to be acquired is that part of the above-described property that lies within 10.00 feet northerly of the following described centerline:

Commencing at the most Westerly Corner of said Block 33; thence on an assumed bearing North 44 degrees 38 minutes 50 seconds East, along the Northwesterly line of said Block 33, a distance of 65.36 feet to the point of beginning; thence North 63 degrees 36 minutes 51 seconds East a distance of 195.96 feet; thence Northeasterly along a tangential curve concave to the southeast having a radius of 15,000.00 feet and a central angle of 00 degrees 12 minutes 27 seconds for a distance of 54.30 feet; thence North 63 degrees 49

minutes 17 seconds East, tangent to said curve, for a distance of 41.61 feet to the Northeasterly line of said Block 33 and said line there terminating.

The sidelines of said permanent easement shall be prolonged or shortened to intersect the Northwesterly and Northeasterly lines of said Block 33.

**Together with** a temporary 10-foot-wide easement for construction and access purposes that lies northwesterly of and adjacent to said permanent easement. The sidelines of said temporary easement shall be prolonged or shortened to intersect the Northwesterly and Northeasterly lines of said Block 33.

The temporary easement shall commence on April 1, 2010 and shall expire on the earlier of (i) completion of the construction work, as determined by the City of Minneapolis project manager, or (ii) 11:59:59 p.m. central standard time, December 31, 2010.

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

The area of the permanent easement is 1,202 square feet.

The area of the temporary easement is 2,431 square feet.

**Interests Being Encumbered:**

The names of the parties having an interest in the above-described land and the nature of their interests to the best of Petitioner's knowledge based upon a review of records in the office of the County Recorder and Registrar of Titles in and for Hennepin County, Minnesota are set forth below. It is the intention of the Petitioner to encumber all interests in the above described real property, and to acquire all rights and possession thereof including, but not limited to, all of the interests of those parties named below.

<b>NAME</b>	<b>NATURE OF INTEREST</b>
BNSF Railway Company, a Delaware corporation (fka Burlington Northern, Inc.; fka Burlington Northern Railroad Company; fka Great Northern Pacific & Burlington Lines, Inc.; fka Burlington Northern Transportation Company; and fka The Burlington Northern and Santa Fe Railway Company)	Fee Owner
Metropolitan Council, an agency of the State of Minnesota	Lessee pursuant to Memorandum of Lease for the Minneapolis Track Lease Agreement, dated May 31, 2007, recorded August 21, 2009, as document No. A9408283 between BNSF, as Lessor, and Metropolitan Council, as Lessee, relating

	to the Northstar Commuter Rail Operation
State of Minnesota Commissioner of Transportation	Easement pursuant to Memorandum of Easement recorded in Hennepin County, dated May 31, 2007, recorded June 4, 2007, as Document No. 8987896; Memorandum of Easement recorded in Hennepin County, dated December 11, 2007, recorded January 17, 2008, as Document No. 9087080; Memorandum of Easement recorded in Hennepin County, dated May 30, 2008, recorded June 24, 2008, as Document 9151008; Memorandum of Easement recorded in Hennepin County, dated March 21, 2009, recorded April 2, 2009, as Document No. A9229151. “Purchase and Sale Agreement” dated as of March 7, 2007, by and between BNSF, as Seller, and the State of Minnesota, as Buyer.
Northstar Corridor Development Authority	Possible holder of an interest
U. S. Bank Trust National Association, a National Banking Association, (successor to First Trust of New York, National Association and Morgan Guaranty Trust Company of New York), as Trustee; and Laura Roberson of St. Louis, Missouri (successor to Bartlett Ford, Jacob M. Ford, II and W. A. Johnson), as Trustee	Mortgagees under Consolidated Mortgage dated March 2, 1970, given by Burlington Northern, Inc., as amended, and supplemented
City of Minneapolis	Special Assessments

**Parcel No. 19**

(Affects Tax Parcel No. 22-029-24-14-0528)

Property Address: 322 Second Street North  
Minneapolis, Minnesota

**Description of Easements Being Acquired:**

A permanent easement for the construction, operation, repair, maintenance, and reconstruction of a recreational trail and its appurtenances (including, but not limited to, storm sewer and other utility facilities ancillary to said recreational trail, use of said trail for bicycle and foot travel, and use of said trail by maintenance vehicles, law enforcement vehicles, and emergency vehicles) on, upon, over, under, and across that part of Lots 1, 2, 3, 7, 8, 9, 10, and 11, and the vacated alley, all in Block 26, TOWN OF MINNEAPOLIS, Hennepin County, Minnesota lying southeasterly of REGISTERED LAND SURVEY NO. 1741, said Hennepin County and also lying northerly of a line running parallel with and 25 feet southerly of the hereinafter described Line 1:

AND

That part of Lot 2, Block 26, TOWN OF MINNEAPOLIS, Hennepin County, Minnesota lying southerly of a line running parallel with and 25 feet southerly of the following described Line 1:

Line 1: From the point of intersection of the centerline of 3rd Avenue North and the centerline of Washington Avenue North, in the City of Minneapolis, run northwesterly on an azimuth of 314 degrees 20 minutes 02 seconds (azimuth oriented to Minnesota State Plane Coordinate System, South Zone) for 448.40 feet to the point of beginning of Line 1; thence on an azimuth of 63 degrees 16 minutes 41 seconds for 771.37 feet; thence deflect to the right on a 01 degree 00 minute 00 second curve (delta angle of 06 degrees 31 minutes 15 seconds) for 652.08 feet and there terminating.

The permanent easement to be acquired is that part of the above-described property that lies 10.00 feet on both sides of the following described centerline:

Commencing at the most westerly corner of said Lot 3; thence on an assumed bearing of North 45 degrees 18 minutes 14 seconds West, along the southwesterly line of said Block 26, a distance of 9.76 feet to the point of beginning of the centerline to be described; thence North 63 degrees 49 minutes 17 seconds East a distance of 246.93 feet; thence Northeasterly along a tangential curve concave to the southeast, said curve having a radius of 3000.00 feet and a central angle of 01 degrees 33 minutes 49 seconds for a distance of 81.87 feet; thence North 65 degrees 23 minutes 06 seconds East, tangent to said curve, for a distance of 32.18 feet to the intersection with the northeasterly line of said Block 26 and said line there terminating.

The sidelines of said permanent easement shall be prolonged or shortened to intersect said southwesterly line of said Block 26 and the northeasterly line of said Block 26.

**Together with** a temporary 10-foot-wide easement for construction and access purposes that lies northwesterly of a line lying 10.00 feet northwesterly of the above-described centerline and its extensions and also lying southeasterly of a line lying 20.00 feet northwesterly of the above-described centerline and its extensions. The sidelines of said temporary easement shall be prolonged or shortened to intersect said southwesterly line of said Block 26 and the northeasterly line of said Block 26.

The temporary easement shall commence on April 1, 2010 and shall expire on the earlier of (i) completion of the construction work, as determined by the City of Minneapolis project manager, or (ii) 11:59:59 p.m. central standard time, December 31, 2010.

According to the map or plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota.

The area of the permanent easement is 1,754 square feet.

The area of the temporary easement is 3,610 square feet.

**Interests Being Encumbered:**

The names of the parties having an interest in the above-described land and the nature of their interests to the best of Petitioner's knowledge based upon a review of records in the office of the County Recorder and Registrar of Titles in and for Hennepin County, Minnesota are set forth below. It is the intention of the Petitioner to encumber all interests in the above described real property, and to acquire all rights and possession thereof including, but not limited to, all of the interests of those parties named below.

<b>NAME</b>	<b>NATURE OF INTEREST</b>
BNSF Railway Company, a Delaware corporation (fka Burlington Northern, Inc.; fka Burlington Northern Railroad Company; fka Great Northern Pacific & Burlington Lines, Inc.; fka Burlington Northern Transportation Company; and fka The Burlington Northern and Santa Fe Railway Company)	Fee Owner
Metropolitan Council, an agency of the State of Minnesota	Lessee pursuant to Memorandum of Lease for the Minneapolis Track Lease Agreement, dated May 31, 2007, recorded August 21, 2009, as document No. A9408283 between BNSF, as Lessor, and Metropolitan Council, as Lessee, relating to the Northstar Commuter Rail Operation
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Northstar Corridor Development Authority	Possible holder of an interest
U. S. Bank Trust National Association, a National Banking Association, (successor to First Trust of New York, National Association and Morgan Guaranty Trust Company of New York), as Trustee; and Laura Roberson of St. Louis Missouri	Mortgagees under Consolidated Mortgage dated March 2, 1970, given by Burlington Northern, Inc., as amended, and supplemented

(successor to Bartlett Ford, Jacob M. Ford, II and W. A. Johnson), as Trustee	
City of Minneapolis	Special Assessments

**Parcel No. 24**

(Affects Tax Parcel No. 22-029-24-14-0008)

Property Address: 300 First Street North  
Minneapolis, Minnesota

**Description of Easements Being Acquired:**

A permanent easement for the construction, operation, repair, maintenance, and reconstruction of a recreational trail and its appurtenances (including, but not limited to, storm sewer and other utility facilities ancillary to said recreational trail, use of said trail for bicycle and foot travel, and use of said trail by maintenance vehicles, law enforcement vehicles, and emergency vehicles) on, upon, over, under, and across the BNSF Railway Company right-of-way crossing Lots 4, 5, 6, 7 and 8, Block 9, **TOWN OF MINNEAPOLIS**, Hennepin County, Minnesota and the vacated alley in said Block 9.

The permanent easement to be acquired is that part of the above-described property that lies 10.00 feet on both sides of the following described centerline:

Commencing at the most southerly corner of said Block 9; thence on an assumed bearing of North 45 degrees 13 minutes 59 seconds West, along the southwesterly line of said Block 9, a distance of 60.96 feet to the point of beginning of the centerline to be described; thence North 65 degrees 23 minutes 06 seconds East a distance of 71.69 feet; thence Northeasterly along a tangential curve concave to the southeast, said curve having a radius of 1000.00 feet and a central angle of 04 degrees 45 minutes 42 seconds for a distance of 83.11 feet; thence North 70 degrees 08 minutes 48 seconds East, tangent to said curve, to the intersection with the southeasterly line of said Block 9 and said centerline there terminating.

The sidelines of said permanent easement shall be prolonged or shortened to intersect said southwesterly and southeasterly lines of said Block 9.

**Together with** a temporary 10-foot-wide easement for construction and access purposes that lies northwesterly of a line lying 10.00 feet northwesterly of the above-described centerline and its extensions and also lying southeasterly of a line lying 20.00 feet northwesterly of the above-described centerline and its extensions. The sidelines of said temporary easement shall be prolonged or shortened to intersect said southwesterly line and the southeasterly line of said Block 9.

The temporary easement shall commence on April 1, 2010 and shall expire on the earlier of (i) completion of the construction work, as determined by the City of Minneapolis project manager, or (ii) 11:59:59 p.m. central standard time, December 31, 2010.

The area of the permanent easement is 1134 square feet.

The area of the temporary easement is 2006 square feet.

**Interests Being Encumbered:**

The names of the parties having an interest in the above-described land and the nature of their interests to the best of Petitioner's knowledge based upon a review of records in the office of the County Recorder and Registrar of Titles in and for Hennepin County, Minnesota are set forth below. It is the intention of the Petitioner to encumber all interests in the above described real property, and to acquire all rights and possession thereof including, but not limited to, all of the interests of those parties named below.

<b>NAME</b>	<b>NATURE OF INTEREST</b>
BNSF Railway Company, a Delaware corporation (fka Burlington Northern, Inc.; fka Burlington Northern Railroad Company; fka Great Northern Pacific & Burlington Lines, Inc.; fka Burlington Northern Transportation Company; and fka The Burlington Northern and Santa Fe Railway Company);	Fee Owner
Metropolitan Council, an agency of the State of Minnesota	Lessee pursuant to Memorandum of Lease for the Minneapolis Track Lease Agreement, dated May 31, 2007, recorded August 21, 2009, as document No. A9408283 between BNSF, as Lessor, and Metropolitan Council, as Lessee, relating to the Northstar Commuter Rail Operation
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Northstar Corridor Development Authority	Possible holder of an interest
U. S. Bank Trust National Association, a National Banking Association, (successor	Mortgagees under Consolidated Mortgage dated March 2, 1970, given by Burlington

to First Trust of New York, National Association and Morgan Guaranty Trust Company of New York), as Trustee; and Laura Roberson of St. Louis, Missouri (successor to Bartlett Ford, Jacob M. Ford, II and W. A. Johnson), as Trustee	Northern, Inc., as amended, and supplemented
City of Minneapolis	Special Assessments