



## Legislation Text

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**File #:** RES 12-878, **Version:** 1

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Authorizing the Department of Parks and Recreation to enter into a Limited Use Permit with and provide indemnification to the State of Minnesota, Department of Transportation, for the use of area within the right of way of Trunk Highway No. 13 for the Cherokee Regional Trail project.

WHEREAS, the Saint Paul City Council authorized proper city officials to apply for a Limited Use Permit with the State of Minnesota Department of Transportation for a regional trail in the right-of-way of Trunk Highway 13 in Resolution 12-162; and

WHEREAS, the State of Minnesota, through MnDOT, has granted a Limited Use Permit which will allow the construction and operation of a non-motorized recreational trail for an initial period of ten years; and

WHEREAS, in exchange for the no-cost Limited Use Permit the City is required to indemnify the State of Minnesota, its Commissioner of Transportation and employees and its successors and assigns as set forth in Paragraph 13 of the Permit; and

WHEREAS, the expenditure of money through the promise of indemnification requires the Council to make a finding of public purpose; and

WHEREAS, the design of Cherokee Regional Trail requires the use of an area within the right of way of Trunk Highway 13. Construction of Cherokee Regional Trail will bring additional opportunities for outdoor recreation, exercise, and leisure activities to the region and the Council finds that the construction will benefit the public; now, therefore, be it

RESOLVED, that the City Council hereby authorizes the appropriate city officials to enter into and execute the Limited Use Permit with the State of Minnesota, Department of Transportation, which contains an indemnification clause.