



## Legislation Text

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**File #:** RES 15-1687, **Version:** 1

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Authorizing the City to enter into a Joint Powers Agreement with the State of Minnesota, which includes an indemnification clause, to pursue bridge engineering and soil boring, testing, and other activities necessary to determine the feasibility of a bridge connecting the Bruce Vento Nature Sanctuary to the Samuel H. Morgan Regional Trail.

WHEREAS, the Parks and Recreation Department is completing the design and engineering for a bicycle and pedestrian bridge that will connect the Samuel H. Morgan Regional Trail and the Bruce Vento Nature Sanctuary; and

WHEREAS, to complete the bridge engineering and design, the City wishes to collect soil borings in the area of the Bruce Vento Nature Sanctuary subject to a conservation easement granted to the State of Minnesota; and

WHEREAS, in order to pursue bridge engineering and the soil boring, testing, and other activities necessary to determine the feasibility of a bridge connecting the nature sanctuary to the Regional Trail, it is necessary to amend the Conservation Easement dated November 22, 2002; and

WHEREAS, in order to pursue amendment of the Conservation Easement, it is necessary to enter into a Joint Powers Agreement with the State, through its commissioner of natural resources, to set forth the services to be provided by the State's staff, and appropriate reimbursement for costs incurred in drafting, reviewing, and approving necessary documents to allow the soil boring and other testing to proceed; and

WHEREAS, the State has requested that the City indemnify it for any claims or causes of action arising out of the City's own intentional, willful, or negligent acts or strict liability in performance of the Joint Powers Agreement, and that the City cannot pursue the feasibility of the bridge to connect the trails without such indemnification; now, therefore, be it

RESOLVED, that the City Council hereby authorizes the appropriate city official to enter into a Joint Powers Agreement with the State of Minnesota in substantially the form attached hereto, and to further execute an amendment to the November 22, 2002 Conservation Agreement to permit the Department of Parks and Recreation to pursue soil borings and other testing as needed to determine the feasibility of constructing a bicycle/pedestrian bridge to connect the Samuel H. Morgan Regional Trail to the Bruce Vento Nature Sanctuary and the Bruce Vento Regional Trail.