

411656

FILED MAY 31 '12 AT 7:41 AM

Diane M. Lafferty, County Recorder

On May 8, 2012, this ordinance was approved by the Aitkin County Board. Motion was made by Marcotte, 2nd by Niemi, passed unanimously.

OFFICIAL ORDINANCE
SOO LINE TRAIL RULES AND SAFETY REGULATIONS
AITKIN COUNTY, MINNESOTA

AN ORDINANCE PROVIDING FOR THE USE OF THE ABANDONED SOO LINE RAILROAD RIGHT OF WAY WITHIN THE BOUNDARIES OF AITKIN COUNTY, MINNESOTA.

The County Board of Aitkin County ordains that in the official ordinance – Soo Line Trail Rules and Safety Regulations dated October 4, 1988 and filed October 20, 1988 as document #254075 in the office of the Aitkin County Recorder, and the official ordinance - Soo Line Trail Rules and Safety Regulations dated June 9, 1992 and filed November 29, 1994 as Document #287888 in the office of the Aitkin County Recorder, and the official ordinance - Soo Line Trail Rules and Safety Regulations dated February 22, 2000 and filed March 1, 2000 as Document #323014 in the office of the Aitkin County Recorder, be amended and rewritten as follows:

WHEREAS, Aitkin County has purchased from the Soo Line Railway Company, an abandoned railway right of way within its boundaries over and across premises described in Appendix A attached hereto; and

WHEREAS, at least 100 feet of width of said right of way, being 50 feet on each side of the center line of the former rail line, is deemed to be necessary for the continued operation by the County of a recreational and commercial right of way facility; and

WHEREAS, it is deemed advisable that all traffic of every kind and nature on said right of way owned and operated by the County of Aitkin as aforesaid should be regulated and managed to ensure the safety of the users of the said right of way and of the general public and to protect and benefit the people, economy and natural resources of the County, allowing the most possible uses thereof.

NOW THEREFORE, the County Board of Commissioners of Aitkin County, Minnesota does ordain as follows:

SECTION 1 SHORT TITLE

This Ordinance shall be known as the Soo Line Trail Rules and Safety Regulations and will be referred herein as "this Ordinance"

SECTION 2 AUTHORITY

It is the intent and purpose of this Ordinance to establish certain rules and regulations for the operation, management and safety of the said abandoned Soo Line Railway Right of Way within this County in accordance with all existing Minnesota Statutes, Rules and Regulations.

SECTION 3 JURISDICTION

The rules and regulations herein governing the management and safety of the Soo Line Railway Right of Way Trail shall apply to all of 100 foot right of way within Aitkin County, Minnesota.

SECTION 4. DEFINITION OF WORDS AND PHRASES

- A. EMERGENCY EQUIPMENT: fire, rescue or law enforcement motor vehicles or such other equipment as the County Land Commissioner may designate as necessary to safeguard and maintain the said right of way.

- B. EMERGENCY PERSONNEL: 1) emergency medical technicians; 2) First Responders; and 3) volunteer firemen - all of which are when responding to a call or emergency.

- C. SPECIAL USE PERMIT : Permit issued for uses outlined in Section 6.

- D. SERVICE, MAINTENANCE AND CONSTRUCTION EQUIPMENT: Approved equipment normally operated for the construction, repair and maintenance of said right of way.

MOTORIZED RECREATIONAL VEHICLE: Off-highway motorcycles (OHM), snowmobiles, and all-terrain vehicles (ATV), as defined by Minnesota Statutes 84.787, 84.81& 84.92

SECTION 5 AUTHORIZED USES WITHOUT PERMIT

The said right of way trail may be used in the following manners without special use permits from the County:

- A. Recreational trail for motorized recreational vehicles as defined herein, and non-motorized uses such as hiking, bicycling, horseback riding unless otherwise restricted by this ordinance.

- B. Access road by authorized County personnel to County lands for management

purposes.

- C. Access road for fire protection and prevention.
- D. Access road for law enforcement and emergency purposes and personnel.

SECTION 6 AUTHORIZED USES, SPECIAL USE PERMIT REQUIRED

The said right of way may be used in the following manners upon special use permit only, which application and issuance is hereinafter provided for in this Ordinance:

- A. Temporary access road for the harvesting, use and management of natural resources, limited to timber, gravel, peat, and minerals.
- B. Special events including but not limited to, snowmobile races, dog sled races, bicycle races, etc.
- C. Temporary access for trapping nuisance beaver
- D. Temporary access to agricultural land (for hauling hay, etc.
- E. Access road for maintenance work on recreation trails, utilities and public drainage systems.
- F. Emergency alternate temporary public roadway.
- G. Advertisement signs for businesses
- H. For such other uses as may be subsequently approved by the County Board upon proper application.

SECTION 7 AUTHORIZED USES, EASEMENT REQUIRED

The said right of way may be used in the following manners subject to an easement approved by the County Board which application and issuance is subject to the County easement policy:

- A. Installation and maintenance of utilities, such as electric transmission lines, telephone communication lines, gas, oil and other transmission lines.
- B. Permanent roadway crossings, when property on both sides of the right of way is owned or leased by the same owner, corporation or individual.

SECTION 8 UNAUTHORIZED USES

Under no circumstances should the right of way governed by this Ordinance be used in the following manners:

- A. As a permanent public transportation route for normal highway traffic.
- B. As a permanent driveway or access to non county administered lands.
- C. As a log landing or storage area.
- D. As a gravel, peat or mineral storage or processing area.
- E. As a dumping area for garbage, refuse, debris, equipment, slash, spoils, or other refuse of any kind, at any time.

- F. Motorized vehicles not defined as motorized recreation vehicles in section 4 e.
- G. By ATV's or OHM as defined herein when the trail is being actively groomed for snowmobiling (typically between December 1 and April 1).

SECTION 9. SPECIAL USE PERMITS

Special use permits provided for above shall be issued by the County Land Commissioner following guidelines set by the County Board. The Land Commissioner shall require a fee prior to issuance of a special use permit herein. The fee for the special use permit will be based on mileage of right of way used, type of equipment\vehicles used, length of time of use, etc. The rate for said fees shall be reviewed by the County Board. Said fees will be utilized to recover the costs of issuing said special use permits and other costs related to said permits. Said fees may be utilized to assist in the defrayment of cost of repair of any damage to the right of way caused by the use thereof by the permit holder, it being specifically provided that damages in excess of the amount of the fee may be recovered by the County against the damaging user in appropriate civil litigation, injunctively and otherwise. The said special use permit may also set forth special restrictions, requirements, or conditions as to the time constraints, seasonal restrictions, the area upon the right of way which may be utilized, the size, type and weight of equipment to be driven or hauled, and standards for signage; so that multiple use of the trail may be continuously accomplished and for the protection of the regular recreational users. In the event that any of the conditions imposed by the special use permit or if any of the regulations imposed by this Ordinance are not followed and complied with by a user, the special use permit to use the same may be immediately canceled and revoked upon written notice from the Land Commissioner to the permit holder, and further use of the right of way after receipt of said notice by the permit holder shall be considered to be in violation of this Ordinance. Upon reasonable request of the Land Commissioner or any of his agents or any law enforcement officer or his agents, a special use permit holder shall be required to display the special use permit. Failure to do so upon such reasonable request shall be considered to be a violation of this Ordinance.

SECTION 10. TRAIL SNOW PLOWING

When the surface of the right of way of the trail is being groomed for snowmobiling (generally between December 1 and April 1), special use permit holders must leave at least a 10-foot wide section of the trail surface unplowed or leave a minimum of 2-inches of snow on the entire trail surface; to accommodate snowmobile use.

SECTION 11 FIREARMS

No discharge of any firearm or bow is permitted upon or across the right of way.

SECTION 12 SIGNAGE

The County Land Commissioner shall be responsible for the placement of directional and instructional signs upon the trail and its right of way. In addition to directional and instructional signing there may exist on the trail advertisement signs for businesses along the right of way, provided that a permit is first obtained from the County Land Commissioner for the placement of the said sign and further provided that said signs are designed, constructed, placed and maintained in a uniform manner as provided by the Land Commissioner and further provided that said signs do not in any way adversely affect primary uses of the right of way.

SECTION 13 FENCES

Owners of land adjacent to the right of way may construct and maintain fences along the right of way lines provided that said fences do not encroach upon the right of way and provided that said fencing shall be at the sole expense of the adjacent land owner.

SECTION 14. SAFETY

All traffic regulations applicable to highways and streets and trails within the State of Minnesota shall be applicable to the utilization to the right of way; however, the County reserves the right to provide for more limited and stringent safety and traffic regulations upon the right of way as it may deem in the public interest and safety. Unless otherwise posted, the maximum speed limit on the right of way shall be 50 miles per hour.

SECTION 15. SPECIAL EVENTS

Upon application and written permission granted by the County Land Commissioner the right of way may be used for special events pursuant to special conditions and time constraints provided in the permit for events such as, including but not limited to, snowmobile races, dog sled races, bicycle races, etc.

SECTION 16. ENFORCEMENT

It shall be the duty of the Aitkin County Land Commissioner to monitor the uses of the right of way to ensure compliance with this ordinance. The Aitkin County Sheriff's Office shall enforce and any licensed peace officer may enforce all State laws and regulations and the terms of this Ordinance upon said right of way.

SECTION 17. VIOLATION AND PENALTY

Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor. These penalty provisions are in addition to any other remedy or action

available in law or as a matter of right to Aitkin County.

SECTION 18. VALIDITY

Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

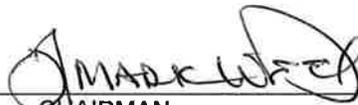
SECTION 19. EFFECTIVE DATE

This ordinance shall take effect and be enforced upon passage and publication.

PASSED, APPROVED AND ADOPTED by the Board of Commissioners of the County of Aitkin on the 8th day of May, 2012

AITKIN COUNTY BOARD OF COMMISSIONERS

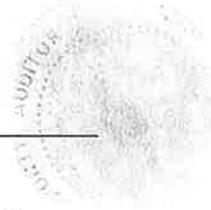
DATED: 5-22-2012



CHAIRMAN



AITKIN COUNTY AUDITOR



Drafted by:
Aitkin County Land Dept
209 2nd St. NW Room 206
Aitkin, Mn. 56431

E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25
E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 26
SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 23
SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14
E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15
S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10
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E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4

Township 51 North Range 26 West

S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33
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SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7

NE NW \rightarrow T
SW SW \rightarrow T
SW SE \rightarrow T

Township 51 North Range 27 West

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Township 52 North Range 27 West

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S $\frac{1}{2}$ Section 28

Township 43 North Range 24 West

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Township 44 North Range 23 West

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Township 44 North Range 22 West

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NW¼ NW¼ Section 4

Township 45 North Range 22 West

S½ SW¼, NE¼ SW¼, NW¼ SE¼, S½ NE¼, NE¼ NE¼ Section 33

SW¼ NW¼, N½ NW¼ Section 34

SE¼ SW¼, SW¼ SE¼, N½ SE¼ Section 27

NW¼ SW¼, S½ NW¼, NE¼ NW¼, N½ NE¼ Section 26

SE¼ SE¼ Section 23

SW¼ SW¼, N½ SW¼, N½ SE¼ Section 24

Land Commissioner

1/70 chg

5-31-9

RECORDED *1/1000*
TRACT INDEX *✓*
GRANTOR *✓*
GRANTEE *✓*
COMPARED *✓*

COUNTY RECORDER
ALTON COUNTY, MINNESOTA
FILED

MAY 31 2012 9A-M

Shirley A. Coffey
REC'D

411656