

**THREE RIVERS PARK DISTRICT
APPLICATION FOR PERMIT
TEMPORARY ENCROACHMENT ON PARK DISTRICT LANDS**

DATE: April 25, 2013 ENCROACHMENT PERMIT NO: 2013- 3

NAME OF APPLICANT: Dana H. Young PHONE: 952-474-4755

TITLE: City Administrator BUSINESS: City of Deephaven

ADDRESS: 20225 Cottagewood Road, Deephaven, MN 55331

E-MAIL: DanaYoung@mchsi.com

PARK DISTRICT LANDS AFFECTED: Lake Minnetonka LRT Regional Trail

LOCATION BY LEGAL DESCRIPTION: 100' west and 100' east of the existing centerline of the Vine Hill Bridge located in the City of Deephaven, MN. Please see attached map.

DESCRIPTION OF WORK TO BE PERFORMED ON PARK DISTRICT LANDS:
(Include plans, as appropriate, for review)

Reconstruction of the Vine Hill Bridge (Bridge No. 27505) located over the Lake Minnetonka LRT Regional Trail in Deephaven, Minnesota. Preliminary bridge plans are attached.

PERMITS REQUIRED FROM OTHER AGENCIES: Yes X No

IF YES, SPECIFY:
Hennepin County Regional Railroad Authority will require the City of Deephaven to enter into a Bridge Agreement.

ALL WORK UNDER THIS PERMIT TO BE COMPLETED ON OR BEFORE 12-31-14
Date

PAYMENT DUE AT TIME OF SIGNATURE: \$250.00
Submittal of this application for permit does not guarantee approval. Three Rivers Park District reserves the right to approve or reject this permit application at its sole discretion. Work may not begin until all appropriate signatures and approvals are obtained and payment is received.

THIS PERMIT, IF APPROVED, IS SUBJECT TO THE ATTACHED CONDITIONS - Additional conditions may apply.

Conditions of this permit agreed to by the applicant:

1. Permittee may use the described Park District lands for only the purposes described in this application.
2. All work shall be performed in a manner which minimizes interference with Park District operations.
3. Permittee acknowledges that this permit creates no easement or other interest in the land on which the work will be performed.
4. Permittee will cause the permit premises to be restored at Permittee's sole cost and expense to as good as pre-work conditions, including but not limited to such items as replacement of adequate top soil, seeding, sodding where necessary, finish grading to original grade, pavement repair or replacement, and other reasonable restoration measures deemed necessary to the satisfaction of the Superintendent of Three Rivers Park District, or his designee.
5. For excavation work as defined by Minnesota State Statutes Chapter 216D. Excavation Notice System (Please refer to excerpt below). Permittee is responsible for contacting Gopher State One Call (GSOC) notification. Permittee shall also hire a private utility locator, at Permittee's sole expense, to locate all private utilities that are not located by the facility operators as notified by GSOC. The private utilities shall be marked within the actual limits of work with paint or flags. Permittee is responsible to notify Three Rivers Park District when underground utilities are marked in the field by facility operators and private utility locator, so that the Park District can document marked locations with GPS or digital photos.

For Reference Only:

Chapter 216D. Excavation Notice System (excerpt)

216D.01 DEFINITIONS.

Subd. 5. **Excavation** "Excavation" means an activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic or pneumatically powered tool, or machine-powered equipment of any kind, or by explosives. Excavation does not include:

- (1) the extraction of minerals;
- (2) the opening of a grave in a cemetery;
- (3) normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch;
- (4) plowing, cultivating, planting, harvesting, and similar operations in connection with growing crops, trees, and shrubs, unless any of these activities disturbs the soil to a depth of 18 inches or more;
- (5) gardening unless it disturbs the soil to a depth of 12 inches or more; or
- (6) planting of windbreaks, shelterbelts, and tree plantations, unless any of these activities disturbs the soil to a depth of 18 inches or more.

6. For underground utility installations, Permittee will install tracer wire with all non-conductive buried utilities in accordance with underground utility laws of the Minnesota State Statutes.
7. After completion of construction operations the Permittee shall carefully backfill all excavated areas and remove from the permit premises all clearing debris and all surplus materials of any kind or nature, including construction roads, all to the satisfaction of the Superintendent of Three Rivers Park District, or his designee.
8. If this permit grants Permittee permission to construct any improvement on Park District lands, Permittee shall:
 - a. be responsible for all design and construction of such improvements,
 - b. submit all plans and specifications for the Improvement to the Park District for review and approval prior to commencing construction,
 - c. be responsible for construction supervision,
 - d. be responsible for all underground utility locates (both public and private), underground utility preservation, utility installations, utility relocates, and utility abandonment in accordance with Minnesota State Statutes and as defined in previous conditions,
 - e. notify Park District when construction commences so that Park District may observe,
 - f. assume all responsibility for maintenance, repair or replacement of the improvement and any related facility, and
 - g. notify Park District upon completion of construction and schedule a final close-out meeting such that all permit requirements may be reviewed, approved, and closed out,
 - h. submit final close-out record or as-built information, as appropriate.
 - For any newly or rehabilitated improvement, the Permittee shall provide Three Rivers Park District with electronic record drawing data (dxf, dwg, or other approved format) representing the actual work performed as recorded in the field.
 - For installation of new underground utilities or abandonment of existing utilities, the Permittee shall provide Three Rivers Park District with electronic as-built drawing data (dxf, dwg, or other approved format) representing the actual work performed as surveyed in the field, including but not limited to, horizontal and vertical location (coordinates, linework, survey elevations, other) of abandoned and new facilities.

9. Permittee, its successors and assigns hereby agree that it will indemnify and hold harmless Three Rivers Park District against all liabilities, judgments, claims, costs and expenses including reasonable attorneys' fees, which may occur or arise against said Three Rivers Park District, arising in any manner from work performed under this permit.
10. No fires shall be started on the permit premises at any time by Permittee or its agents or employees or contractors, nor shall said Permittee clear cut any trees or brush, use or cause to be used on or about the permit premises any defoliant, herbicides or insecticides without special written permission of Three Rivers Park District.
11. Permits or copies shall be kept on the site of the work while it is in progress in the custody of the individual in charge, and shall be exhibited upon request made by any Three Rivers Park District Superintendent designee.
12. In the event of failure by Permittee to perform and comply with the prescribed conditions, Three Rivers Park District may revoke and annul this permit and direct said Permittee to remove any and all structures or property belonging to said Permittee upon a failure by Permittee to remove or repair as directed, Three Rivers Park District may perform any work at Permittee's expense.
13. If work cannot be completed within the dates specified, a written request for permission of extension must be made to the Superintendent of Three Rivers Park District.
14. Limitations

If Three Rivers Park District shall make any change or improvement to all or any part of the land described in this permit, and such change or improvement requires the moving or changing of the work on such land, then, in that event, the applicant herein shall, after notice in writing by Three Rivers Park District, alter, change, vacate or remove from Three Rivers Park District land that part of its facilities necessary to conform to the improvement at its own cost and without any cost to Three Rivers Park District.
15. At the discretion of the Park District and in accordance with this specific project, the following additional conditions apply:

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SIGNATURE PAGE

(I, We) the undersigned herewith accept the terms and conditions of this Permit No. 2013-__ as laid down by Three Rivers Park District and agree to fully comply therewith to the satisfaction of the Superintendent of Three Rivers Park District.

PERMITTEE:

By: Dana H. Young
Title: City Administrator
Business: City of Deephaven

Date: 4-29-13

AUTHORIZATION:

THREE RIVERS PARK DISTRICT

By: Boe R. Carlson
Boe R. Carlson, Associate Superintendent

Date: 6/27/13

By: Cris Gears
Cris Gears, Superintendent
and Secretary to the Board

Date: 06/27/13

PERMIT FEE: \$250.00

Paid by: paid

Date: _____