

OFFICE OF COUNTY RECORDER  
COUNTY OF BELTRAMI, MINNESOTA

THIS IS TO CERTIFY  
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0000479440  
*Paula Wilson* DEPUTY

CHARLENE D. STURK  
COUNTY RECORDER

PAGES: 12

**SOO LINE TRAIL RULES AND SAFETY REGULATIONS**

**ORDINANCE #37**

**BELTRAMI COUNTY, MINNESOTA**

**Adopted: November 4, 2003**

**PURPOSE: Providing for the management of the abandoned Soo Line railroad right of way within the boundaries of Beltrami County, Minnesota.**

**WHEREAS,** Beltrami County has purchased from the Canadian Pacific Railway Company (the former Soo Line Railway), an abandoned railway right of way within its boundaries over and across premises described in Appendix A attached hereto; and

**WHEREAS,** Beltrami County will maintain a corridor either through ownership or easement that is deemed to be necessary for the continued operation by the County of a future recreational and otherwise permitted 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 Beltrami 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 use thereof.

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

**SECTION I. SHORT TITLE**

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

**SECTION II. 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 III. JURISDICTION**

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

**SECTION IV. DEFINITION OF WORDS AND PHRASES**

County: The County of Beltrami.

County Board: The Beltrami County Board of Commissioners and their authorized representatives.

Department: Beltrami County Natural Resource Management.

Emergency Equipment:

Crash, fire, rescues or police motor vehicles or such other equipment as the County Land Commissioner may designate as necessary to safeguard and maintain the said right of way.

Person: Any individual, firm, partnership, corporation, organization, trustee, association, or other entity.

Service, Maintenance And Construction Equipment:

Approved equipment normally operated for the construction, repair and maintenance of said right of way.

Vehicle: All-terrain vehicles, off highway motorcycles and snowmobiles as described by Minnesota Statutes or bicycles and horse drawn vehicles. The term vehicle does not include automobiles, trucks, dune buggies or other motorized vehicles with a total dry weight of 900 pounds or more.

**SECTION V. AUTHORIZED USE WITHOUT PERMIT**

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

- A. Recreational trail for pedestrians and for vehicles as defined herein, unless otherwise restricted by this ordinance.
- B. Access road to County lands for management purposes.
- C. Access road for fire protection and prevention.
- D. Access road for law enforcement and emergency purposes.
- E. Access road for maintenance work on public draining systems.

**SECTION VI. AUTHORIZED USES, SPECIAL PERMIT REQUIRED**

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

- A. Access road for the harvesting, use and management of natural resources, such as timber, gravel, peat, minerals and other natural resources.
- B. Installation and maintenance of utilities, such as electric transmission lines, telephone communication lines, gas, oil and other transmission lines.
- C. Special events as are hereinafter described.
- D. For such other uses as may be subsequently approved by the County Board upon proper application.
- E. Roadway or farm crossing, when property on both sides of the right of way is owned or leased by the same owner, corporate or individual.

**SECTION VII. 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. This refers to the trail tread only and does not apply to any lands transferred to other units of government for road purposes.
- 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. By automobiles, trucks, dune buggies or other motorized vehicles with total dry weight of 900 pounds or more unless allowed by special permit or emergency or County vehicles.
- G. By all-terrain vehicles or off highway motorcycles as defined herein between November 30 and April 1. Exceptions may be authorized by the Beltrami County Land Commissioner during periods of minimal snowfall.
- H. Blocking or gating right-of-way by private landowner.
- I. Operating on the banks of the railroad grade.

**SECTION VIII. SPECIAL PERMITS**

The special permits provided for above shall be issued by the Beltrami County Land Commissioner. The Land Commissioner may at his discretion require a deposit, fee or use fee prior to issuance of a special use permit herein:

Said deposit or use fee 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 special permittee, it being specifically provided that damages in excess of the amount of the damage deposit 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 or conditions as to the time constraints for the utilization thereof or regular seasonal restrictions. Said permit may also set forth special restrictions as the area upon the right of way which may be utilized by the special permittee so that multiple use of the trail may be continuously accomplished. Said permit may also set forth restrictions as to the size, type and weight of equipment to be driven or hauled upon the right of way. Said permit may also require temporary uses of signs by the permittee warning of the special use of the right of way for the protection of the regular recreational users. In the event that any of the conditions imposed by the special permit, or if any of the regulations imposed by this Ordinance are not followed and complied with by a user, the special permit to use the same may be immediately cancelled and revoked upon written notice from the Land Commissioner to the permittee, and further use of the right of way after receipt of said notice by the permittee 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 permittee shall be required to display the special permit. Failure to do so upon such reasonable request shall be considered to be a violation of this Ordinance.

**SECTION IX. TRAIL PLOWING**

At least three inches of snow must be left upon the surface of the right of way of the trail after plowing between December 1 and April 1 of each winter.

**SECTION X. FIREARMS**

Firearms and bows may be discharged in compliance with laws related to their discharge along other county and state forest trails.

**SECTION XI. TRAIL SIGNS**

The County Land Commissioner shall be responsible for the placement of signs upon the trail and its right of way.

**SECTION XII. 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 construction and maintenance of said fencing shall be at the sole expense of the adjacent landowner.

**SECTION XIII. SAFETY**

All traffic regulations applicable to highways, streets and trails within the State of Minnesota shall be applicable to the utilization of 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.

Motorized vehicles may not be operated in excess of the speed limit allowed by law for their use on public lands. Beltrami County reserves the right to post trail speeds with regard to various uses.

**SECTION XIV. ACCESS**

Access to said trail shall only be allowed at points where the trail intersects a road or an authorized driveway. No motorized vehicles shall travel on or off the trail tread at any other location along said trail.

**SECTION XV. 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, foot races, etc.

**SECTION XVI. DESIGNATED TRAIL USE**

Until the Beltrami County Board grants written authorization, no User Group, Special Interest Group or individual may actively maintain any portion of this right-of-way as a designated use corridor.

**SECTION XVII. ENFORCEMENT**

It shall be the duty of the Beltrami County Land Commissioner to monitor the uses of the right of way to ensure compliance with this Ordinance. The Beltrami County Sheriff's Department shall enforce all State laws and regulations and the terms of this Ordinance upon said right of way.

**SECTION XVIII. 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 Beltrami County.

**SECTION XIX. 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 XX. FREE AND HARMLESS**

On property within this corridor that is transferred to any other local unit of government, through conveyance or sale, it shall be understood that Beltrami County, its officials and employees, shall in no

way be liable and shall be held free and harmless from any and all damages, claims or actions which may arise as a result of the action of any person upon the premises who may be injured or have claim.

**SECTION XXI. TRANSFER OF OWNERSHIP**

On lands that are not necessary to maintain the continued permitted uses of said right-of-way, Beltrami County will work with local units of government in the conveyance of lands deemed necessary for public use. Any lands not necessary for future public use and not within the borders of tax-forfeited lands may be considered for sale to private ownership through a public land sale.

Any costs needed to move trail tread within the right of way following a transfer of ownership will be borne by the local government requesting the conveyance.

**SECTION XXII. 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 Beltrami on the 4th day of November, 2003

BELTRAMI COUNTY BOARD OF COMMISSIONERS

Dated: 11/4/03

Chair

ATTESTED:

PUBLISHED ON: November 16, 2003

## Appendix A

Beginning at Mile Post 372.89, also known as railroad engineer's survey station 133+67, in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 12, Township 146 North, Range 34 West, which is also the centerline of C.S.A.H. No. 11, and extending in a westerly direction to Mile Post 388.72, also known as railroad engineer's survey station 2430+52, in the SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , Section 18, Township 148 North, Range 35 West, which is also the westerly line of Beltrami County, said property being of varying width on either side of the centerline of the abandoned railroad right-of-way located over and across the following Sections:

### Township 146 North, Range 34 West

Section 12 NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 1 SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 2 NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$

### Township 147 North, Range 34 West

Section 35 SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 34 SE $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 27 SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 28 SW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 29 NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 20 SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 19 NE $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 18 SE $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$

### Township 147 North, Range 35 West

Section 13 SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 12 SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 11 SE $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$   
Section 2 SW $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 3 NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$

### Township 148 North, Range 35 West

Section 34 SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 33 NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 28 SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SW $\frac{1}{4}$ , NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 29 NE $\frac{1}{4}$  SE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 20 SW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 19 SE $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  NW $\frac{1}{4}$ , NW $\frac{1}{4}$  NW $\frac{1}{4}$   
Section 18 SW $\frac{1}{4}$  SW $\frac{1}{4}$

Forum Communications  
**Pioneer**  
P.O. Box 455  
Bemidji, MN 56619-0455  
PHONE: 218-759-7760  
FAX: 218-751-2193

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**Legal Publication Statement**

11/17/03

Beltrami Co. Natural Resource Mgmt.  
505 Bemidji Ave N. Suite 3  
Bemidji, MN 56601

Account #20328310

Date(s): 1 da; 11/16

Soo Line Trail Ordinance #36

\$284.34

Please include a copy of this statement with your payment.

218-759-7760

751-2193



LEGAL ADVERTISEMENT  
SOO LINE TRAIL RULES AND SAFETY  
REGULATIONS

ORDINANCE #303

BELTRAMI COUNTY, MINNESOTA

PURPOSE: Providing for the management of the abandoned Soo Line railroad right of way within the boundaries of Beltrami County, Minnesota.

WHEREAS, Beltrami County has purchased from the Canadian Pacific Railway Company (the former Soo Line Railway), an abandoned railway right of way within its boundaries over and across premises described in Appendix A attached hereto, and

WHEREAS, Beltrami County will maintain a corridor either through ownership or easement that is deemed to be necessary for the continued operation by the County of a future recreational and otherwise permitted right of way facility;

WHEREAS, it is deemed expedient that all traffic of every kind and type on said right of way owned and operated by the County of Beltrami 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 use thereof.

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

**SECTION I. SHORT TITLE**  
This ordinance shall be known as the Soo Line Trail Rules and Safety Regulations Ordinance and will be referred herein as "this Ordinance".

**SECTION II. 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 III. JURISDICTION**  
The rules and regulations herein governing the management and safety of the Soo Line Railway Right of Way Trail shall apply to the entire right of way within Beltrami County, Minnesota.

**SECTION IV. DEFINITION OF WORDS AND PHRASES**

County: The County of Beltrami.  
County Board: The Beltrami County Board of Commissioners and their authorized representatives.

Department: Beltrami County Natural Resource Management.

Emergency Equipment: Crash fire, rescue or police motor vehicles or such other equipment as the County Land Commissioner may designate as necessary to safeguard and maintain the said right of way.

Person: Any individual, firm, partnership, corporation, organization, trustee, association, or other entity.

Service, Maintenance, And Construction Equipment: Approved equipment normally operated for the construction, repair and maintenance of said right of way.

Vehicle: All-terrain vehicles, off highway motor cycles and snowmobiles, as described by Minnesota Statutes or bicycles and horse drawn vehicles. The term vehicle does not include automobiles, trucks, dune buggies or other motorized vehicles with a total dry weight of 900 pounds or more.

**SECTION V. AUTHORIZED USE WITHOUT PERMIT**

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

- A. Recreational trail for pedestrians and for vehicles as defined herein, unless otherwise restricted by this ordinance.
- B. Access road to County lands for management purposes.
- C. Access road for fire protection and prevention.
- D. Access road for law enforcement and emergency purposes.
- E. Access road for maintenance work on public drainage systems.

**SECTION VI. AUTHORIZED USES, SPECIAL PERMIT REQUIRED**

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

- A. Access road for the harvesting, use and management of natural resources; such as timber, gravel, peat, minerals and other natural resources.
- B. Installation and maintenance of utilities, such as electric transmission lines, telephone communication lines, gas, oil and other transmission lines.
- C. Special events as are hereinafter described.
- D. For such other uses as may be subsequently approved by the County Board upon proper application.
- E. Roadway or farm crossing, when property on both sides of the right of way is owned or leased by the same owner, corporate or individual.

**SECTION VII. 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. This refers to the trail tread only and does not apply to any lands transferred to other units of government for road purposes.
- 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. By automobiles, trucks, dune buggies or other motorized vehicles with total dry weight of 900 pounds or more unless allowed by special permit or emergency or County vehicles.
- G. By all-terrain vehicles or off highway motor cycles as defined herein between November 30 and April 1. Exceptions may be authorized by the Beltrami County Land Commissioner during periods of minimal snowfall.
- H. Blocking or gating right-of-way by private landowner.
- I. Coasting on the banks of the railroad grade.

**SECTION VIII. SPECIAL PERMITS**

The special permits provided for above shall be issued by the Beltrami County Land Commissioner. The Land Commissioner may, at his discretion, require a deposit, fee or use fee prior to issuance of a special use permit herein.

Said deposit or use fee 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 special permittee, it being specifically provided that damages in excess of the amount of the damage deposit fee may be recovered by the County

plowing between December 1 and April 1 of each winter.

**SECTION X. FIREARMS**  
Firearms and bows may be discharged in compliance with laws related to their discharge along other county and state forest trails.

**SECTION XI. TRAIL SIGNS**  
The County Land Commissioner shall be responsible for the placement of signs upon the trail and its right of way.

**SECTION XII. 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 construction and maintenance of said fencing shall be at the sole expense of the adjacent landowner.

**SECTION XIII. SAFETY**  
All traffic regulations applicable to highways, streets and trails within the State of Minnesota shall be applicable to the utilization of 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.

Motorized vehicles may not be operated in excess of the speed limit allowed by law for their use on public lands. Beltrami County reserves the right to post trail speeds with regard to various uses.

**SECTION XIV. ACCESS**  
Access to said trail shall only be allowed at points where the trail intersects a road or an authorized driveway. No motorized vehicles shall travel on or off the trail tread at any other location along said trail.

**SECTION XV. 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, foot races, etc.

**SECTION XVI. DESIGNATED TRAIL USE**  
Until the Beltrami County Board grants written authorization, no User Group, Special Interest Group or individual may actively maintain any portion of this right-of-way as a designated use corridor.

**SECTION XVII. ENFORCEMENT**  
It shall be the duty of the Beltrami County Land Commissioner to monitor the uses of the right of way to ensure compliance with this Ordinance. The Beltrami County Sheriff's Department shall enforce all State laws and regulations and the terms of this Ordinance upon said right of way.

**SECTION XVIII. VIOLATION AND PENALTY**  
Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor. The penalty provisions are in addition to any other remedy or action available in law or as a matter of right to Beltrami County.

**SECTION XIX. 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 XX. FREE AND HARMLESS**  
On property within this corridor that is transferred to any other local unit of government, through conveyance or sale, it shall be understood that Beltrami County, its officials and employees, shall in no way be liable and shall be held free and harmless from any and all damages, claims or actions which may arise as a result of the action of any person upon the premises who may be injured or have claim.

**SECTION XXI. TRANSFER OF OWNERSHIP**  
On lands that are not necessary to maintain the continued permitted uses of said right-of-way, Beltrami County will work with local units of government in the conveyance of lands deemed necessary for public use. Any lands not necessary for future public use and not within the borders of tax-forfeited lands may be considered for sale to private ownership through a public land sale. Any costs needed to move trail tread within the right of way following a transfer of ownership will be borne by the local government requesting the conveyance.

**SECTION XXII. 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 Beltrami on the 4th day of November, 2003.

Appendix A  
Beginning at Mile Post 372.89, also known as railroad engineer's survey station 133-67, in the NE 1/4 NE 1/4, Section 12, Township 148 North, Range 34 West, which is also the centerline of C.S.A.H. No. 11, and extending in a westerly direction to Mile Post 388.72, also known as railroad engineer's survey station 2430.52, in the SW 1/4 SW 1/4, Section 18, Township 148 North, Range 35 West, which is also the westerly line of Beltrami County, said property being of varying width on either side of the centerline of the abandoned railroad right-of-way located over and across the following Sections:

- Township 148 North, Range 34 West**
  - Section 12: NE 1/4 NE 1/4, SW 1/4 SE 1/4, SE 1/4 SW 1/4, NW 1/4 NW 1/4
  - Section 2: NE 1/4 SE 1/4, SE 1/4 NE 1/4, NW 1/4 NW 1/4, NW 1/4 NW 1/4
- Township 147 North, Range 34 West**
  - Section 35: SW 1/4 SW 1/4
  - Section 34: SE 1/4 SE 1/4, NE 1/4 SE 1/4, NW 1/4 SE 1/4, NW 1/4 NW 1/4, NW 1/4 NW 1/4
  - Section 27: SW 1/4 SW 1/4
  - Section 28: SW 1/4 SE 1/4, NE 1/4 SE 1/4, NW 1/4 SE 1/4, NW 1/4 NW 1/4, NW 1/4 NW 1/4
  - Section 29: NW 1/4 NE 1/4
  - Section 20: SE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 NW 1/4
  - Section 19: NE 1/4 NE 1/4
  - Section 18: SE 1/4 SE 1/4, SW 1/4 SE 1/4, SE 1/4 NW 1/4, NW 1/4 NW 1/4, SW 1/4 SE 1/4, NW 1/4 NW 1/4

uses as defined herein, unless otherwise restricted by this ordinance.

B. Access road to County lands for management purposes.

C. Access road for fire protection and prevention.

D. Access road for law enforcement and emergency purposes.

E. Access road for maintenance work on public drainage systems.

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B. Installation and maintenance of utilities, such as electric transmission lines, telephone communication lines, gas, oil and other transmission lines.

C. Special events as are hereinafter described.

D. For such other uses as may be subsequently approved by the County Board upon proper application.

E. Roadway or farm crossing, when property on both sides of the right-of-way is owned or leased by the same owner, corporate or individual.

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

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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. By automobiles, trucks, dune buggies or other motorized vehicles with total dry weight of 800 pounds or more unless allowed by special permit or emergency or County vehicles.

G. By all-terrain vehicles or off highway motorcycles as defined herein between November 30 and April 1. Exceptions may be authorized by the Beltrami County Land Commissioner during periods of minimal snowfall.

H. Blocking or gating right-of-way by private landowner.

I. Operating on the banks of the railroad grade.

**SECTION VIII. SPECIAL PERMITS.**

The special permits provided for above shall be issued by the Beltrami County Land Commissioner. The Land Commissioner may, at his discretion require a deposit, fee or use fee prior to issuance of a special use permit herein:

Said deposit or use fee 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 special permittee, if being specifically provided that damages in excess of the amount of the damage deposit 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 or conditions as to the time constraints for the utilization thereof or regular seasonal restrictions. Said permit may also set forth special restrictions as the area upon the right of way which may be utilized by the special permittee so that multiple use of the trail may be continuously accomplished. Said permit may also set forth restrictions as to the size, type and weight of equipment to be driven or hauled upon the right of way. Said permit may also require temporary uses of signs by the permittee warning of the special use of the right-of-way for the protection of the regular recreational users. In the event that any of the conditions imposed by the special permit, or if any of the regulations imposed by this Ordinance are not followed and complied with by a user, the special permit to use the same may be immediately cancelled and revoked upon written notice from the Land Commissioner to the permittee, and further use of the right of way after receipt of said notice by the permittee shall be considered to be in violation of this Ordinance. Upon reasonable request of the Land Commissioner or duty of his agents or any law enforcement officer or his agents, a special permittee shall be required to display the special permit. Failure to do so upon such reasonable request shall be considered to be a violation of this Ordinance.

**SECTION IX. TRAIL CLOSING.**

At least three inches of snow must be left upon the surface of the right of way of the trail after

to any other local unit of government, through conveyance or sale. It shall be understood that Beltrami County, its officials and employees shall in no way be liable and shall be held free and harmless from any and all damages, claims or actions which may arise as a result of the action of any person upon the premises who may be injured or have claim.

**SECTION XXI. TRANSFER OF OWNERSHIP.**

On lands that are not necessary to maintain the continued permitted uses of said right-of-way, Beltrami County will work with local units of government in the conveyance of lands deemed necessary for public use. Any lands not necessary for future public use, and not within the borders of tax-forfeited lands may be considered for sale to private ownership through a public land sale.

Any costs needed to move trail tread within the right of way following a transfer of ownership will be borne by the local government requesting the conveyance.

**SECTION XXII. 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 Beltrami on the 4th day of November, 2003.

**Appendix A.**

Beginning at Mile Post 372.69, also known as railroad engineer's survey station 133+67, in the NE¼ NE¼, Section 12, Township 146 North, Range 34 West, which is also the centerline of C.S.A.H. No. 11, and extending in a westerly direction to Mile Post 388.72, also known as railroad engineer's survey station 2430+52, in the SW¼ of SW¼, Section 16, Township 146 North, Range 35 West, which is also the westerly line of Beltrami County, said property being of varying width on either side of the centerline of the abandoned railroad right-of-way located over and across the following Sections:

**Township 146 North, Range 34 West**

Section 12 NE¼ NE¼

Section 1 SE¼ SE¼, SW¼ SE¼, NE¼ SW¼, NE¼ SW¼, NW¼ SW¼

Section 2 NE¼ SE¼, SE¼ NE¼, SW¼ NE¼, SE¼ NW¼, NE¼ NW¼, NW¼ NW¼, NW¼ NW¼

**Township 147 North, Range 34 West**

Section 35 SW¼ SW¼

Section 34 SE¼ SE¼, NE¼ SE¼, NW¼ SE¼, SW¼ NE¼, SE¼ NW¼, NE¼ NW¼, NW¼ NW¼, NW¼ NW¼

Section 27 SW¼ SW¼

Section 28 SW¼ SE¼, NE¼ SE¼, NW¼ SE¼, SW¼ NE¼, SE¼ NW¼, NE¼ NW¼, NW¼ NW¼, NW¼ NW¼

Section 29 NE¼ NE¼

Section 20 SE¼ SE¼, SW¼ SE¼, NW¼ SE¼, NE¼ SW¼, SE¼ NW¼, SW¼ NW¼, NW¼ NW¼, NW¼ NW¼

Section 19 NE¼ NE¼

Section 18 SE¼ SE¼, SW¼ SE¼, NW¼ SE¼, NE¼ SW¼, SE¼ NW¼, SW¼ NW¼, NW¼ NW¼, NW¼ NW¼

**Township 147 North, Range 35 West**

Section 13 SE¼ NE¼, NE¼ NE¼, NW¼ NE¼

Section 12 SW¼ SE¼, SE¼ SW¼, NE¼ SW¼, NW¼ SW¼, SW¼ SW¼, NW¼ NW¼

Section 11 SE¼ NE¼, NE¼ NE¼, NW¼ NE¼

Section 2 SW¼ SE¼, SE¼ SW¼, NE¼ SW¼, NW¼ SW¼, SW¼ SW¼, SW¼ SW¼

Section 9 NE¼ SE¼, SE¼ NE¼, SW¼ NE¼, NW¼ NE¼, NE¼ NW¼, NE¼ NW¼, NW¼ NW¼, NW¼ NW¼

**Township 148 North, Range 35 West**

Section 34 SE¼ SW¼, SW¼ SW¼, NW¼ SW¼

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

Section 28 SE¼ SW¼, SW¼ SW¼, NW¼ SW¼

Section 29 NE¼ SE¼, SE¼ NE¼, SW¼ NE¼, NW¼ NE¼, NE¼ NW¼, NE¼ NW¼, NW¼ NW¼, NW¼ NW¼

Section 20 SW¼ SW¼

Section 19 SE¼ SE¼, NE¼ SE¼, NW¼ SE¼, SW¼ NE¼, SE¼ NW¼, NW¼ NW¼, NW¼ NW¼, NW¼ NW¼

Section 18 SW¼ SW¼

### AFFIDAVIT OF PUBLICATION

State of Minnesota, }  
County of Beltrami } SS

DENNIS DOEDEN, being duly sworn, on oath says that he is the Publisher of the Newspaper known as THE PIONEER, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Beltrami County Nat. Resource Management/Ordinance #36 Soo Line Trail which is attached was cut from the columns of said newspaper, and was printed and published once each day, for One successive days; It was first published on Sunday, the 16th day of November, 2003, and was thereafter printed and published on every Sunday to and including Sunday, the 16th day of Nov., 2003; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: *Dennis Doeden*

TITLE: Publisher

Subscribed and sworn to before me on this 17th day of Nov., 2003

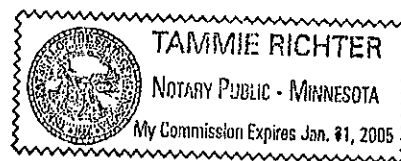
*Tammie Richter*  
Notary Public

#### RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 7.30
- (2) Maximum rate allowed by law for the above matter \$ 7.30
- (3) Rate actually charged for the above matter \$ 3.65 less 5%

Rate information is based on the cost of one lower case alphabet.

PAID DEC 03 2003



XVII-30 PUBLIC NOTICE - Affidavit of Publication Sept. 4, 1984 (replaces XVI-26)

The Pioneer, Bemidji

AFFIDAVIT OF PUBLICATION

State of Minnesota, }
County of Beltrami } ss

LEGAL ADVERTISEMENT
NOTICE OF PUBLIC HEARING
Notice of Intention to Enact Beltrami County
Soo Line Trail Rules and Safety Regulations
Ordinance

Notice is hereby given that the Beltrami County Board of Commissioners will hold a Public Hearing on the proposed Beltrami County Soo Line Trail Rules and Safety Regulations Ordinance. The Public Hearing on this Ordinance will be held on Tuesday, October 7, 2003, at 5:30 p.m. in the County Board Room, at the Lakeside Service Center, at 605 Bemidji Avenue NW, in Bemidji.

The purpose of the Ordinance is to provide for a use of the abandoned Soo Line railroad right of way within the boundaries of the County. A complete copy of the proposed Ordinance is available for public review at the County Administrator's Office, Third Floor, Beltrami County Courthouse, 619 Beltrami Avenue NW, Bemidji, MN 56601 or the proposed Ordinance may be seen on the Beltrami County website: www.cc.beltrami.mn.us.

Dated this day, September 3, 2003.

Anthony M. Murphy
County Administrator

1 da; 9/20

DENNIS DOEDEN, being duly sworn, on oath says that he is the Publisher of the Newspaper known as THE PIONEER, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all of the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Beltrami County Auditor/Beltrami Co. Soo Line Trail Rules which is attached was cut from the columns of said newspaper, and was printed and published once each day, for One successive days; it was first published on Saturday, the 20th day of September, 2003, and was thereafter printed and published on every Saturday to and including Saturday, the 20th day of Sept., 2003.

and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]
TITLE: Publisher

Subscribed and sworn to before me on this 22nd day of Sept., 2003.

[Signature]
Notary Public

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ 7.30
(2) Maximum rate allowed by law for the above matter \$ 7.30
(3) Rate actually charged for the above matter \$ 3.65

Rate information is based on the cost of one lower case alphabet.