OFFICE OF COUNTY RECORDER COUNTY OF BELTRAMI, MINNESOTA

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Caulou GOON GEPUTY

CHARLENE D. STURK COUNTY RECORDER

PAGES: 12

SOO LINE TRAIL RULES AND SAFETY REGULATIONS

ORDINANCE #37

BELTRAMI COUNTY, MINNESOTA

Adopted: November 4, 2003

<u>PURPOSE:</u> 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.

JURISDICTION SECTION III.

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.

DEFINITION OF WORDS AND PHRASES SECTION IV.

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 boarders 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 ______ day of ______ day of ______ 200_3

BELTRAMI COUNTY BOARD OF COMMISSIONERS

Dated: 11/4/03

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 NE¼ NE½, 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 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	NE¼ NE¼

Section 1 SE' SE' SE' SW' SE' SE' SW' NE' SW' NW' SW'

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

Township 147 North, Range 34 West

Section	35	SW1/4	SW1/4

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

Section 27 SW1/4 SW1/4

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

Section 29 NE¼ NE¼

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

Section 19 NE¼ NE¼

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

Section 11 SE¼ NE¼, NE¼ NE¼, NW¼ NE¼

Section 2 SW1/4 SE1/4, SE1/4 SW1/4, NE1/4 SW1/4, NW1/4 SW1/4, SW1/4 SW1/4

Section 3 NE¼ SE¼, SE¼ NE¼, SW¼ NE¼, NW¼ NE¼, NE¼ 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

Section 28 SE¼ SW¼, SW¼ SW¼, NW¼ SW¼

Section 29 NE'4 SE'4, SE'4 NE'4, SW'4 NE'4, NW'4 NE'4, NE'4 NW'4, NW'4 NW'4

Section 20 SW'/4 SW'/4

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

Section 18 SW¼ SW¼

Forum Communications

Pioneer

P.O. Box 455 Bemidji, MN 56619-0455 PHONE: 218-759-7760

FAX: 218-751-2193

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.

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Person: Any Individual, firm, partnership, corpo-ration, organization, trustee, association, or other

entity.

Service, Maintenance' And Construction
Equipment Approved equipment normally operated for the construction, repair and maintenance of the construction of the construction.

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A. Recreational trait for podestrians 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 life protection and prevention.

D. Access road for law enforcement and emergency purposes.

E. Access road for maintenance work on public

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

SECTION: VI. AUTHORIZED USES. SPECIAL PERMIT REGUIRED.

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 the Ordinance:

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The said tight of way may be used in the following manners upon special permit only, which application and issuance is hereinafter provided for in Bib. 3050accos of the herical resources.

B. Hatalation and maintenance of utilities, such as election tensemisters of inner consistence of the herical resources.

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

E. Roadway or farm crossing, when property on both sides of the right of way is owned or leased by the second of the right of way is owned or leased by the second of the right of way is owned or leased by the second of the right of way poverned by this Ordinance be used in the following manners:

A. As a permanent public france parallel or route for roomal highway fraits. This release to the trail fread only and does not apply to any facility and purposes.

B. As a permanent for your access to noncounty administering or storage area.

C. As a gravel, post or inherial storage or processing area.

C. As a dumping area for garbage, refuse, debris, eutomatical and the second of the refuse of all the processing area.

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SECTION X. FIREARMS
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SECTION X. 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
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right of way following a transfer of ownership will be bome 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 Beframin in the 4th day of November, 2009.

Appendix A

Beginning at Mille Post 372.89, also known as railroad engineer's survey station 133+67, in the NE's NE's, Section 12, Township 144 frost of the 10.5 A.H. No. 11, and extending in the contribution to Mille Post 3872.89, also known as railroad engineer's survey station in the contribution to Mille Post 3872.89, also known as railroad engineer's survey station in the contribution to Mille Post 3872.89, also known as railroad engineer's survey station and the contribution of the Post 3872.89, also known as railroad engineer's survey station and the contribution of the Post 3872.89, also known as allowed engineer's survey station in 48 North, Range 35 West, which glace the westerly line of Beltrami County Bections:

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Section 27 Section 28

Section 29 Section 20 Section 19 Section 18

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D. Access road for fire protection and prevention.

D. Access road for law enforcement and emer-

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E. Access road for maintenance work on public

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SECTION M. AUTHORIZED UBES. 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 the Ordinance.

A. Access road for the harvesting, use and management of matural resources; auch as limber, ravel, peat, minerate and other natural resources.

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

C. Special events as are haralinating described.

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

E. Readway 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 II. 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 fransportation route for normal highway traffic. This refers to the trail treading and the subsequently and deas 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 Gig landing or storage area.

E. As a dumping area for garbage, refuse, debrits, equipment, elasts, spole, or other refuse of any

cessing area. E. Ae a dumping area for garbage, refuse, debris, equipment, slash, spolle, or other refuse of any block at any time.

C. As a log landing or storage area.

D. As a gravel, peat or mineral storage or processing area.

E. As a dumpling area for garbage, refuse, debris, equipment. slash, spolle, 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 motorycles as defined herein between Nammer 30 and Beltrami County Land Commissioner during periods of minimal snowfall.

H. Blocking or gating right-bl-way by private landownen.

J. Operating on the banks of the ristroad grade.

SECTION VIII. SPECIAL PERMITS

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

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AFFIDAVIT OF PUBLICATION

State of Minnesota,

County of Beltrami

55

DENNIS DOEDEN, being duly sworn, on cath 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. Re	esource M	lanagement/O	rdinance			
#36 Soo Line Trail	which is	attached was o	cut from the			
columns of said newspaper, and was printe	d and pub	lished once ea	ch day, for			
One successive	days; it	was first	published			
on Sunday the 16th	day	November	., 20.03,			
and was thereafter printed and published on every Sunday						
to and including Sunday the 1	6 th	lay of Nov	., 20.03;			
and printed below is a copy of the lower case	alphabet	from A to Z, bo	th inclusive,			
which is hereby acknowledged as being the size	e and kind	of type used in t	he composi-			
tion and publication of the notice:	\wedge	\wedge				
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BY Non Nord						
TITLE: Publisher						
Subscribed and sworn to tollore me on this 17th., day of Nov., 20.03						
Thomas Suchter						
Notary Public						
,						
RATE INFORMATION						
(1) Lowest classified rate paid by	\$	7.30				
commercial users for comparable space		7.30				
(2) Maximum rate allowed by law for the above matter	\$	7.50	 ·			
(3) Rate actually charged for the above matter	\$	3.65 less 5%				

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





XVIII-30 PUBLIC NOTICE - Afficavit of Publication | Sapt. 4, 1984 (replaces XVII-28)

The Pioneer, Bernid :

AFFIDAVIT OF PUBLICATION

State of Minnesota,

Rules

LEGAL ADVERTISEMENT -NOTICE OF PUBLIC HEARING Notice of Intention to Enact Beltrami County Boo Line Trail Aules and Safety Regulations
Ordinance

Ordinance
Notice is hereby given that the Beitrami County Board of Commissioners will hold a Public Hearing on the proposed Beitrami County Soo Line Trail Rules and Salety 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 Conter, at 505 Bernidij Avenue NVV, in Bernidi.

The purpose of the Ordinance is to provide for a use to the abandence Soo Line railroad right of way within the boundaries of the County. A complete copy of the proposed Ordinance is available for public raylew at the County Administrator's

for public review at the County Administrator's Office. Third Floor, Beltrami County Countouse. 619 Beltrami Avenue NW. Bemidji, MN 55801 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

CENNIS DOEDEN, being duly aworn, on oath east 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 rewspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amonded:

(B) The printed Beltrami County Auditor/Beltrami Co. See Line Trail

Rules	which is anached was cut from the
One successive	e days; it was first published
on Saturday the 20th and the 20th and was thereafter printed and published	on every Sathrday
to and including Suturday the	20th day of Sept. 20.03
and printed below is a copy of the lower or	ise alphabet from A to Z. both Inclusive.
which is hereby acknowledged as being the i	ize and kind of type used in the composi-
tion and publication of the notice: abode(ghljkimn: BY	togreturiwxyz Oorl
וד	TLE: Publisher
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· RATE INFOR	RMATION
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Rate information is based on the cost of one to	ower case signabet.