

**AGREEMENT**  
**City of Blaine and Rice Creek Watershed District**

This Agreement is entered into by the City of Blaine, a charter city, and the Rice Creek Watershed District, a political subdivision created pursuant to Minnesota Statutes chapter 103D.

**RECITALS**

A. The purpose of this Agreement is to resolve regulatory administration and compliance issues with respect to a parcel of land owned by Blaine, about 10 acres in size, with address 12260 Lexington Avenue NE, Blaine (the "Property").

B. Pursuant to Minnesota Statutes §103D.341, the District has duly adopted, and implements, rules that require permits for land disturbance and development.

C. In or about 2010, Blaine constructed a water tower facility and a paved access road on the Property. This construction was subject to District permitting rules, specifically concerning stormwater management (Rule C) and wetland alteration (Rule F), however Blaine did not obtain a District permit before performing the work. The parties sought to resolve the matter by means of an after-the-fact permit, but a permit was not issued and all compliance matters remained outstanding. Subsequently, Blaine constructed an additional gravel access road and installed a wellhead on the Property without obtaining a District permit.

D. Blaine proposes to do further work on the Property, consisting principally or entirely of subsurface water main and sanitary piping.

E. Due to scheduling needs, Blaine would like to obtain the District permit for this work while further deferring compliance activity related to the existing site improvements. Blaine represents that it has programmed construction of a water treatment facility on the Property within 2019-20, and that it will address stormwater and wetland compliance for both the existing improvements and the water treatment facility at that time. The District is willing to accommodate this request provided compliance is achieved by a date certain.

**TERMS**

1. The District will process Blaine's present application independently of existing site improvements and outstanding compliance issues related to those improvements. The parties will cooperate to approximately delineate the area that will be encumbered by vegetated wetland buffer when compliance is addressed. Blaine will limit surface disturbance of that part of the Property and its permit will require soil and vegetation restoration for any disturbance.

2. Blaine will achieve compliance for existing Property improvements as a part of its permit for a water treatment facility on the Property or by November 27, 2020, whichever earlier. If it must address compliance for existing improvements independently of its water treatment facility in order to meet this deadline, it will do so.

a. Blaine will achieve compliance for all existing improvements on the Property. Compliance will be determined with respect to District rules as of the date that the District Board of Managers

approves the set of compliance requirements, not as of the dates when the improvements occurred.

b. Compliance elements are expected to include, but may not be limited to:

- Stormwater best management practices (BMPs);
- Wetland boundary determination;
- Site-level wetland management corridor (WMC) delineation;
- Wetland no-loss determination, impact justification and replacement;
- Wetland buffer maintenance agreement;
- WMC wetland and buffer easement; and
- Public drainage system easement.

The maintenance agreement and easements will conform materially to District-maintained template documents. The parties expect that Blaine will provide for maintenance of stormwater BMPs through the existing programmatic stormwater facility maintenance agreement between the parties.

c. If the existing gravel road encroaches on the wetland buffer and Blaine would like to maintain it, Blaine will submit an after-the-fact variance request for consideration by the District Board of Managers. Any regulated wetland impacts from the gravel road (that is, those not qualifying for no-loss or exemption) will be evaluated as unpermitted impacts under District Rule F and Minnesota Wetland Conservation Act rules, as applicable.

3. Until compliance is achieved in accordance with this Agreement, Blaine will not: (a) subdivide the Property; (b) convey a fee interest in any part of it; or (c) lease or encumber any part of it so as to disable Blaine from complying with this Agreement or require that it obtain the consent of any third party in order to do so.

The parties concur that this Agreement is for mutual consideration and intend that it be legally binding.

**CITY of BLAINE**

\_\_\_\_\_  
Tom Ryan, Mayor

Date:

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Clark Arneson, City Manager

Date:

**RICE CREEK WATERSHED DISTRICT**

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Phil Belfiori, Administrator