

**CITY OF SHAKOPEE
SCOTT COUNTY**

**TURNBACK AGREEMENT
COUNTY HIGHWAY NO. 15**

THIS AGREEMENT, made and entered into this 14th day of September, 2016, by and between the City of Shakopee, a body politic and corporate under the laws of the State of Minnesota, hereinafter referred to as the "City" and the County of Scott, a body politic and corporate existing under the laws of the State of Minnesota, hereinafter referred to as the "County," both hereinafter collectively referred to as the "Parties."

WITNESSETH:

WHEREAS, the County seeks to reconvey to the City, County Highway (CH) 15, from 760 feet north of the north right-of-way line of CH 16 to 6th Avenue West in the City of Shakopee, including all County owned right-of-way, as shown on Attachment 1.

WHEREAS, the County Board of Commissioners has the authority under Minnesota Statute 163.11 to turnback County roads to Cities; and

WHEREAS, CH 15 no longer serves a County highway function north of CH 16 as discussed at the joint workshop of the City Council and County Board. The roadway primarily provides local collector and B minor arterial access within the City of Shakopee to the north of CH 16 and serves less of a mobility function and, thereby, being better suited to be on the City roadway system; and

WHEREAS, the County needs to maintain control of the influence area of the CH 16 and CH15 intersection to ensure proper function of the operations of this intersection in the future; and

WHEREAS, the Parties desire to transfer jurisdiction of a portion of CH 15 in an orderly fashion and have therefore set forth their respective obligations to accomplish this objective; and

WHEREAS, the City has prepared a West End Study and has developers considering subdivision of property which includes extending CH16 from its current termini at CH 15 to the west concluding at CH 69.

WHEREAS, as also discussed at the joint meeting of City/County/Township on March 22, 2016, the City agrees to follow the County's access management strategies and policies on CH 69 and CH15 to the south of CH 16 within the City limits to ensure safe and continuous movement of traffic; and

WHEREAS, this includes no access on CH 69 between the north ramp and Vierling Drive and no access on CH 15 between the south ramp and CH 16 as these highways both provide A minor arterial functions on the highway system.

NOW, THEREFORE, IT IS HEREBY AND HEREIN MUTUALLY AGREED, in consideration of each Party's promises and considerations herein set forth, as follows:

1. Transfer of jurisdiction of the portion of CH 15 located within the City as described in Attachment 1 and depicted in Attachment 2, shall be in accordance with Minnesota Statute §163.11. Full execution and approval of this Agreement by both parties shall be deemed to satisfy the requirements of that statute. Transfer of jurisdiction is contingent upon full execution and approval of this Agreement, and adoption of a revoking resolution by the Scott County Board of Commissioners. The effective date of this transfer shall be August 30, 2015 if completion of the fully executed agreement occurs sooner.
2. The County shall provide the City with all available diagrams, as-built surveys, right of way information, traffic engineering documentation, and with copies of all active highway and utility permits, where applicable. The County shall provide documentary evidence of transfer of ownership to the Scott County Recorder at its sole expense.
3. The County represents and warrants to the City that:
 - a. the County holds the roadway free and clear of all liens, charges and encumbrances; and
 - b. the County has received no notice of any action, litigation, investigation or proceeding of any kind pending against the County or the roadway, or any part thereof, nor to the best of the County's knowledge, is any such action, litigation, investigation or proceeding pending or threatened; and

- c. the County has not entered into any contract or agreement with any third party which affects the roadway, the term of which extends beyond the date of this Agreement.
4. Scott County shall execute the quit claim deed necessary for conveying this segment to the City of Shakopee.
5. The County shall do a mill and overlay, restriping and sign replacement prior to the release of the roadway.
6. The City agrees that it will not permit any new entrances other than those that exist as of May 1, 2016 on CH 15 between CH 16 and the Trunk Highway (TH) 169 south ramp terminal. The City also agrees that the existing field access on the west side and residential access on the east side of this segment will be removed when those properties are developed/redeveloped. See Attachment 3.
7. The City commits to compliance with the Minor Arterial access guidelines on CH 69 north of TH 169 and will not allow access between the ramp terminal and Vierling Drive.
8. The City and County will work together with development to ensure that CH 16 is extended between CH 15 and CH 69 as shown in Attachment 4. The roadway design will most likely be a two lane highway and must be built to County State Aid design standards. The County will allow a median and landscaping in the boulevard, if the City agrees to maintenance of these elements and conducts the appropriate permit review for sight distance and clear zone. The final design will be agreed to at the actual time of construction, given land uses developed may impact traffic projections for the roadway.
9. City shall assume all responsibility for the road upon the completion of the transfer.
10. The County shall indemnify the City against, and shall hold the City harmless from, any loss, cost, expense or damage, including reasonable attorneys' fees, directly arising out of or resulting from the County's breach of any of the representations and warranties herein contained, whether such loss, cost, expense or damage arises prior to or after the date of this Agreement, provided that the City did not have knowledge of said breach on or before the date of this Agreement.

8. This Agreement is between the City and the County as the only parties and no provision of this Agreement shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the Agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.
9. This Agreement represents the full and complete understanding of the Parties and both Parties represent that neither Party is relying on any prior agreements or understandings, whether oral or written. This Agreement shall be modified, if at all, with the signed, written consent of both Parties.

IN WITNESS WHEREOF, the City and the County have caused this Agreement to be duly executed on the day and year first above written.

CITY OF SHAKOPEE

(SEAL)

By 
Bill Mars, Mayor

And 
William H. Reynolds,
City Administrator

Date 8/16/16

Date 8/16/16

COUNTY OF SCOTT

ATTEST:

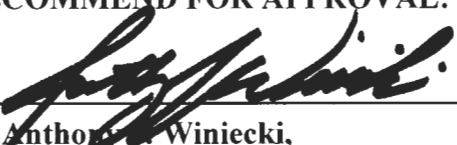
By 
Gary L. Shelton,
County Administrator

By Barbara Marschall
Barbara Marschall,
Chair of Its County Board

Date 8-25-16

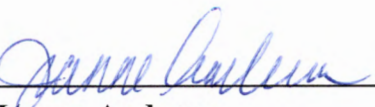
Date 8-30-16

RECOMMEND FOR APPROVAL:

By 
Anthony J. Winiacki,
County Engineer

Date 7-6-16

APPROVED AS TO FORM:

By 
Jeanne Andersen,
Assistant County Attorney

Date 8/29/16

Attachments: Title Transfer Documents

- Attachment 1: Description
- Attachment 2: Turnback Map
- Attachment 3: Access Management Plan Between CH 16 & South Ramp
- Attachment 4: CH16 Future Extension

Attachment 1

Description of Turn Back

Commencing at Right of Way Boundary Corner B16 as shown on MINNESOTA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAT NO. 70-15, according to the record plat thereof, on file in the Office of the County Recorder in and for Scott County, Minnesota; thence North 03 degrees 12 minutes 18 seconds West, along the boundary of said plat, a distance of 30.00 feet; thence North 88 degrees 29 minutes 48 seconds East, perpendicular to the east line of the Northeast Quarter of Section 14, Township 115 North, Range 23 West, Scott County, Minnesota, to the intersection with the centerline of Scott County State Aid Highway No. 15, said point being approximately 1480 feet north of the southeast corner of said Northeast Quarter, the same being the point of beginning; thence northerly along the centerline of said Scott County State Aid Highway No. 15 to its intersection with the centerline of 6th Avenue in the City of Shakopee and there terminating.

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	August 2, 2016
Resolution No.:	2016-144
Motion by Commissioner:	Wolf
Seconded by Commissioner:	Ulrich

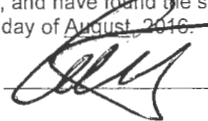
NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners in and for the County of Scott, Minnesota, that the Chairperson of the Board is authorized to enter into an Agreement with the City of Shakopee for the turnback of a segment of County Highway 15 and authorizes staff to execute the quit claim deed conveying this segment to the City of Shakopee upon completion of the project; and

BE IT FINALLY RESOLVED, that approval of this Agreement is subject to approval by the County Attorney's Office as to form.

COMMISSIONERS	VOTE			
Wagner	☒ Yes	☐ No	☐ Absent	☐ Abstain
Wolf	☒ Yes	☐ No	☐ Absent	☐ Abstain
Beard	☐ Yes	☐ No	☒ Absent	☐ Abstain
Marschall	☒ Yes	☐ No	☐ Absent	☐ Abstain
Ulrich	☒ Yes	☐ No	☐ Absent	☐ Abstain

State of Minnesota)
County of Scott)

I, Gary L. Shelton, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on the 2nd day of August, 2016 now on file in my office, and have found the same to be a true and correct copy thereof.
Witness my hand and official seal at Shakopee, Minnesota, this 2nd day of August, 2016.



County Administrator

Administrator's Designee

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date:	August 2, 2016
Resolution No.:	2016-144
Motion by Commissioner:	Wolf
Seconded by Commissioner:	Ulrich

RESOLUTION NO. 2016-144; AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE CITY OF SHAKOPEE FOR THE TURNBACK OF A SEGMENT OF COUNTY HIGHWAY 15 AND AUTHORIZING THE EXECUTION OF QUIT CLAIM DEEDS CONVEYING THIS SEGMENT TO THE CITY OF SHAKOPEE

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WHEREAS, this includes no access on CH 69 between the north ramp and Vierling Drive and no access on CH 15 between the south ramp and CH 16; and

WHEREAS, the City of Shakopee will consider the Turnback Agreement for approval at the August 3, 2016 City Council meeting; and

WHEREAS, the Turnback Agreement lays out the parties responsibilities for the transfer of jurisdiction including the timing of executing quit claim deeds.