

Letter of Understanding
Between the City of Shakopee and the Shakopee Mdewakanton Sioux Community
Concerning the Vacation of a Public Road Easement and the Future Provision of a
Roadway Connection

This letter of understanding (the “Letter”) memorializes the commitments of the City of Shakopee (the “**City**”) and Shakopee Mdewakanton Sioux Community (the “**Community**”) concerning the vacation of a public road easement located on Community’s land in return for the agreement to provide a future road connecting Eaglewood Drive to 160th Street East according to the terms and conditions set forth below.

1. Community’s Property. The Community owns the property located northwest of the intersection of C.S.A.H No. 17 (aka Marschall Road South) and 160th Street East in Shakopee, Minnesota (the “Property”), as more fully described in the attached Exhibit A, and as depicted in the attached Exhibit B.
2. Public Rights of Way. The Property is currently encumbered with an easement for public road purposes, which easement area is located in the north half of the property, as set forth in Document No. 157910, recorded in the Office of the Scott County Recorder (the “ROW”).
3. C.S.A.H. No. 17 Corridor Study. The Community and the City were participants in the corridor study for C.S.A.H. No. 17, along with Scott County. Part of that study included proposed improvements to the section of C.S.A.H. No. 17 adjacent to the Property, which improvements would include the closure of the current access the Community enjoys from C.S.A.H. No. 17 to certain farm improvements located on the Property, most prominently the Wozupi Tribal Gardens.
4. Vacation of City’s Public Road Easement. The City agrees to vacate its public road easement listed in Document No. 157910 as it no longer serves a public purpose because it does not conform to the access spacing requirements identified in the C.S.A.H. No 17 Corridor Study.
5. Future Connection. The Community agrees that when the current access to the property from C.S.A.H. 17 is closed by Scott County, the Community will cooperate with the City to establish a roadway connecting 160th Street East on the south of the Property to Eaglewood Drive on the north of the Property (the “Future Connection”) of an adequate width agreeable to both parties.
6. Timing and Location of Replacement Easement. The City and Community agree that the connecting roadway will not need to be established and constructed until the current access to the Community’s improvements, including the Wozupi Tribal Gardens, from C.S.A.H. No. 17 is closed. The location of the connecting roadway has not been specifically determined at the time of this Letter, but the Parties hereto agree in principle that it will connect 160th Street East to Eaglewood Drive in a reasonably direct route, and

provide access to the Community's improvements, including the Wozupi Tribal Gardens. A proposed location of the connecting roadway is depicted by the red dashed line, labeled "Future Connection," on the attached Exhibit B. The City and Community agree that this location is subject to change, and is only included herein as a general reference. The Parties will work together to determine the ultimate location of the connecting roadway at the time that the current access to the Community's improvements, including the Wozupi Tribal Gardens, from C.S.A.H. No. 17 is closed.

This letter of understanding is entered into on May ____, 2017.

City of Shakopee

Shakopee Mdewakanton Sioux Community

By: _____
Its: Mayor

By: _____
Its:

By: _____
Its: City Administrator

By: _____
Its:

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

All that real property located in Section 32, Township 115, Range 22, Scott County, Minnesota, described as follows:

Parcel 1:

That part of Government Lot 1, Section 32, Township 115, Range 22, Scott County, Minnesota, located west of County Road 17.

AND

Parcel 2:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Fifteen (115), Range Twenty-two (22) EXCEPT the South 655.25 feet of the East 349.98 feet thereof and EXCEPT the West 340.84 feet thereof.

ALSO

That part of the North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Fifteen (115), Range Twenty-two (22), described as commencing at the Southwest corner of said North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$); thence on an assumed bearing of South 89 degrees 28 minutes 57 seconds East, along the South line of said North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$), a distance of 362.20 feet to the actual point of beginning of the land to be described; thence North 49 degrees 02 minutes 54 seconds East a distance of 343.80 feet; thence North 55 degrees 15 minutes 27 seconds East a distance of 340.00 feet; thence North 80 degrees 10 minutes 26 seconds East a distance of 406.08 feet; thence North 32 degrees 12 minutes 20 seconds East a distance of 696.22 feet to a point distant 440 feet South of the South line of Eaglewood 3rd Addition and 990 feet West of the East line of said Southwest Quarter (SW $\frac{1}{4}$); thence South 89 degrees 54 minutes East, along a line parallel with and 440 feet South of the South line of said Eaglewood 3rd Addition, a distance of 990.00 feet to the East line of said Southwest Quarter (SW $\frac{1}{4}$); thence Southerly, along the East line of said Southwest Quarter (SW $\frac{1}{4}$), a distance of 1,096.25 feet to the Southeast corner of said North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$), thence Westerly, along the South line of h Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) to the actual point of beginning.

AND

Parcel 3:

That part of the North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) AND of the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-two (32), Township One Hundred Fifteen (115), Range Twenty-two (22), described as: Commencing at the Southwest corner of said North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$); thence on an assumed bearing of South 89 degrees 28 minutes 57 seconds East, along the South line of said North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$), a distance of 362.20 feet; thence North 49 degrees 02 minutes 54 seconds East a distance of 343.80 feet; thence North 55 degrees 15 minutes 27 seconds East a distance of 340 feet to the actual point of beginning of the land to be described; thence North 80 degrees 10 minutes 26 seconds East a distance of 406.08 feet; thence North 32 degrees 12 minutes 20 seconds East a distance of 696.22

feet to a point distant 440 feet South of the south line of EAGLEWOOD 3RD ADDITION and 990 feet West of the East line of said Southwest Quarter (SW $\frac{1}{4}$); thence North 00 degrees 06 minutes East, parallel with East line of said Southwest Quarter (SW $\frac{1}{4}$), a distance of 440.00 feet to the South line of EAGLEWOOD 3RD ADDITION; thence Westerly, Southerly and Westerly along the boundary line of EAGLEWOOD 3RD ADDITION a distance of 1,073.68 feet to the East of EAGLEWOOD 2ND ADDITION; thence Southerly along the easterly of EAGLEWOOD 2ND ADDITION a distance of 500.00 feet to a point in the easterly line of Lot Three (3), Block Three (3), EAGLEWOOD 2ND ADDITION distant 142.86 feet northerly of the Southeast corner of said Lot Three (3); thence South 71 degrees 15 minutes 24 seconds East a distance of 336.08 feet; thence Southerly on a non-tangential curve concave to the East, having a radius of 380.00 feet and a chord bearing of South 6 degrees 26 minutes 38 seconds East, for a distance of 375.37 feet to the actual point of beginning.

EXHIBIT B

DEPICTION OF PROPERTY and LOCATION OF CURRENT AND POSSIBLE FUTURE RIGHT OF WAY EASEMENTS

