

TO: Mayor and City Council

FROM: Jed Petersen, Public Works Director

SUBJECT: Minnesota Energy Resources Easement

MEETING DATE: Tuesday February 20, 2024

BACKGROUND

Minnesota Energy Resources (MERC) has been requested to relocate the gas distribution facilities in preparation for road work along Cannon St W and 3rd St. The planned relocation includes installing facilities on City owned property at the intersection of Cannon St W and 3rd St N in the City of Cannon Falls, Goodhue County, Minnesota, in locations shown on the attached Easement and map which, when executed, would grant MERC the right to install and maintain the necessary facilities.

REQUESTED COMMISSION ACTION

Motion and approval for the Gas Easement for Minnesota Energy Recourses.



2/13/2024

Minnesota Energy Resources
P.O. Box 19001
Green Bay, WI 54307-9912
www.minnesotaenergyresources.com

City of Cannon Falls
ATTN: Jed Peterson, Public Works
918 River Rd
Cannon Falls, MN 55009

Dear Customer:

Minnesota Energy Resources (MERC) has been requested to relocate the gas distribution facilities in preparation for road work along Cannon St W and 3rd St. Our planned relocation includes installing facilities on City owned property at the intersection of ***Cannon St W and 3rd St N in the City of Cannon Falls, Goodhue County, Minnesota***, in locations shown on the attached easement which, when executed, would grant us the right to install and maintain the necessary facilities.

I have enclosed two copies of the easement for your review. The exhibit is only temporary until the final one can be completed. When the final exhibit is complete we will send it along with a copy of the easement for your review. After you review the exhibit, the document will be recorded with the Office of the Register of Deeds. Signing this document will allow MERC to install facilities on your property in the location described in the easement.

*You will note that the documents **require** you to sign them in the presence of a **Notary Public**.* Please make the necessary arrangements to meet with a Notary Public in your vicinity and have the Notary sign the documents where indicated. All signatures and blanks filled in must be completed in **BLACK INK** to be accepted by the Register of Deeds for recording.

Please return one of the documents to me in the pre-paid envelope provided at your earliest convenience. The second document is for your records. Installation cannot be scheduled until the completed document has been received.

Please contact me if you have any questions regarding the easement. Please refer to Work Request **3392588**. Thank you.

Sincerely,

Erin Jolivette – Sr. Real Estate Agent
Minnesota Energy Resources Company
(920) 433-1892
Erin.Jolivette@wecenergygroup.com

Enclosure

pw director

From: Bill Angerman <bangerman@whks.com>
Sent: Wednesday, February 14, 2024 1:50 PM
To: Neil Jensen
Cc: Daren Sikkink; David Martin; Cory Felderman; pw director
Subject: RE: [EXTERNAL] FW: Gas Utility Easement for Cannon Falls Road Project; MERC WR# 3392588

Neil – See below from Cory. Seems OK to me also.

Thanks
Bill

William Angerman, P.E. | Executive Vice President, COO
Voice: 507.288.3923 | www.whks.com



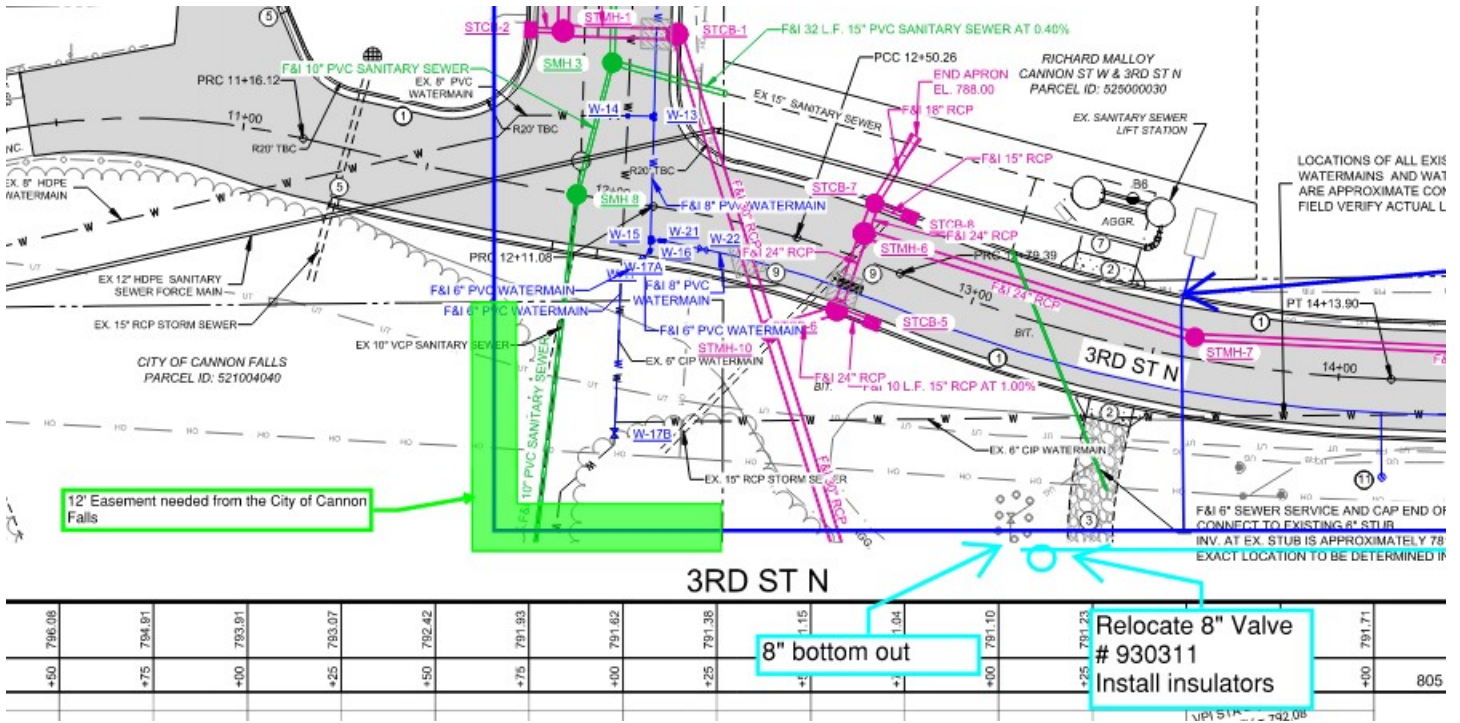
Click [here](#) to subscribe to our newsletter.



From: Cory Felderman <CFelderman@Whks.com>
Sent: Wednesday, February 14, 2024 11:08 AM
To: Bill Angerman <bangerman@whks.com>; David Martin <dmartin@whks.com>
Cc: Daren Sikkink <DSikkink@Whks.com>
Subject: RE: [EXTERNAL] FW: Gas Utility Easement for Cannon Falls Road Project; MERC WR# 3392588

Bill,

I don't see anything wrong with this. The main issue is the existing parcel at the intersection extends into the roadway. I don't really see any advantage to having them closer to the roadway, since they would still need an easement. See screenshot below of what it looks like, the easement is in green. The blue line is a 8" high pressure main. We have already communicated with MERC our concerns about the potential conflict with the new sewer and storm sewer and will stake this in the field prior to install.



Let me know if you need anything else from me.

Thanks,

Cory Felderman | Associate
 Direct: 507.722.7183 | Office: 507.288.3923
www.whks.com



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From: Bill Angerman <bangerman@whks.com>
Sent: Tuesday, February 13, 2024 1:48 PM
To: David Martin <dmartin@whks.com>; Cory Felderman <CFelderman@Whks.com>
Cc: Daren Sikkink <DSikkink@Whks.com>
Subject: FW: [EXTERNAL] FW: Gas Utility Easement for Cannon Falls Road Project; MERC WR# 3392588

David and Cory – Can one of you take a look at this.

Thanks
 Bill

William Angerman, P.E. | Executive Vice President, COO
 Voice: 507.288.3923 | www.whks.com



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From: Neil Jensen <njensen@cannonfallsmn.gov>

Sent: Tuesday, February 13, 2024 1:44 PM

To: Bill Angerman <bangerman@whks.com>; Cory Felderman <CFelderman@Whks.com>

Cc: pw director <pwdirector@cannonfallsmn.gov>; zoning admin <zoningadmin@cannonfallsmn.gov>

Subject: [EXTERNAL] FW: Gas Utility Easement for Cannon Falls Road Project; MERC WR# 3392588

Bill,

Can your group review this easement request from MERC? It is on the 23/24 recon project by the bridge. Let me know if it is OK or if they can stay closer to the street. I know we moved the street over a little.

Thanks,

Neil L. Jensen

Cannon Falls City Administrator

918 River Road

Cannon Falls, MN 55009

507-263-9304

From: pw director <pwdirector@cannonfallsmn.gov>

Sent: Tuesday, February 13, 2024 12:01 PM

To: Neil Jensen <njensen@cannonfallsmn.gov>; zoning admin <zoningadmin@cannonfallsmn.gov>

Subject: FW: Gas Utility Easement for Cannon Falls Road Project; MERC WR# 3392588

Neil and Zach,

I am not familiar with the process for Merc to acquire an easement on city property.

Jed Petersen

Cannon Falls Public Works Director

825 Cannon River Ave

Cannon Falls, MN 55009

507-263-9344

From: Jolivette, Erin E <Erin.Jolivette@wecenergygroup.com>

Sent: Tuesday, February 13, 2024 11:44 AM

To: pw director <pwdirector@cannonfallsmn.gov>

Subject: Gas Utility Easement for Cannon Falls Road Project; MERC WR# 3392588

Hi Jed,

I work for the Minnesota Energy Resources (MERC) in the Real Estate department and I have been tasked to acquire an easement on City owned property for an upcoming road project along Cannon St and 3rd St.

The Easement document is attached. I understand there may be board approval required. If that is the case, please let me know when the next meeting will be held so I can provide an update for our schedule.

Let me know if there are any questions/concerns with the easement document or if this needs to be forwarded on to someone else.

I look forward to working with the City through this process.

Thank you & have a great day,

Erin E. Jolivette, PE, LREA

Sr. Real Estate Agent – Distribution Right of Way

WEC Energy Group

Office: 920.433.1892

Erin.Jolivette@wecenergygroup.com

Serving WEC Energy Group, Wisconsin Public Service, Wisconsin River Power, Michigan Gas Utilities, Minnesota Energy Resources, Peoples Gas and North Shore Gas

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GAS EASEMENT/MINNESOTA

3316575 MERC

THIS INDENTURE, made this _____ day of _____, between, **City of Cannon Falls, a municipal corporation under the laws of Minnesota**, 918 River Rd, Cannon Falls, MN 55009 hereinafter called "Grantor" for One and no/100 dollar (\$1.00) and other valuable consideration paid by **MINNESOTA ENERGY RESOURCES CORPORATION**, a Delaware Corporation, 2685 145th Street West, Rosemount, Minnesota, 55068, its successors and assigns, hereinafter called "Grantee", receipt whereof is hereby acknowledged, does hereby grant unto said Grantee, its successors and assigns, the perpetual right, permission, authority, privilege and easement, to construct, install, operate, maintain, remove, and replace a pipeline or pipelines and all necessary and usual appurtenant equipment thereto, all for the purpose of transmitting gas upon, over, across, within, and/or beneath certain easement areas as shown below, or on the attached Exhibit "A", on land owned by said Grantor in the **City of Cannon Falls, County of Goodhue, State of Minnesota**, described as follows, to-wit:

Return to: Minnesota Energy Resources Corporation Real Estate Dept. P.O. Box 19001 Green Bay, WI 54307-9001 Parcel Identification Number (PIN) 521004040

Part of the Two (2) Blocks between First Street and Third Street and North of Stoughton Street, neither lotted or numbered, North of the Cannon River, located in the Original Plat of Cannon Falls, being part of the Northeast Quarter of the Northwest Quarter (NE 1/4-NW 1/4) of Section 18, Township 112 North, Range 17 West, **City of Cannon Falls, County of Goodhue, State of Minnesota**, as shown on the attached Exhibit "A".

Grantee shall have the right to access Grantor's property outside of the easement area for the purpose of gaining access to the easement area in the event direct access to the easement area is not possible. Grantee shall notify Grantor, when possible, before accessing Grantor's property, except in the event of an emergency.

Grantee shall refill any trenches in which said gas lines are laid, promptly and properly tamp the same and restore the surface of the ground and if Grantee shall at any future time open said trenches for the purpose of repairing, renewing, or removing said gas lines, it will, as soon as said work is done, reasonably restore the surface of the ground, and that all work performed by Grantee on said land will be performed in a proper workmanlike manner, and that during the progress of the work, Grantee will properly safeguard said trench.

Grantee shall have the right to control all brush and trees within the easement area by cutting, trimming and/or other means as determined by the Grantee which in its judgment may interfere with or endanger the maintenance or operation of said gas facilities.

Grantor further grants to the Grantee, its successors and assigns, the perpetual right, privilege and easement to enter upon said strip of land for the purpose of laying, patrolling, repairing, renewing, replacing, or removing the said facilities. Grantor warrants it is the owner of the land and has the right, without title restriction, to execute and deliver this instrument.

Grantor agrees that it will not construct any improvements, including buildings, concrete structures, or other objects, or change the grade more than four (4) inches over any gas lines without first securing the prior written consent of Grantee. This agreement is to insure the conformance of the use of the easement with the all applicable federal and state natural gas safety codes and Grantee's construction standards. Grantor further agrees that all costs incurred through the relocation of said facilities to avoid such buildings, concrete structures, or other objects or to obtain proper depth of land cover shall be borne by Grantor.

Grantee shall pay Grantor for damage or loss, which directly arises out of the use of this easement by Grantee. However, following the initial clearing of the easement areas, Grantee shall have no liability for the subsequent removal, trimming or cutting of trees and brush from the easement areas.

The rights conveyed to Grantee may be exercised from time to time as may be necessary and convenient to Grantee and the failure of Grantee to exercise any rights shall not limit or extinguish such rights. The rights of the Grantee shall only be extinguished or modified by written instruments executed by Grantee and filed of record in the County and State aforesaid. The laws of the State of Minnesota shall govern this easement agreement.

The covenants herein contained shall bind the parties hereto and their respective heirs, executors, administrators, successors, and assigns.

WITNESS the hand and seal of the Grantor the day and year first above written.

City of Cannon Falls

Corporate Name

Sign Name

Print name & title

Sign Name

Print name & title

STATE OF _____)
)SS
COUNTY OF _____)

This instrument was acknowledged before me this _____ day of _____, _____, by the above-named _____ of **City of Cannon Falls, a municipal corporation under the laws of Minnesota**, to me known to be the Grantor(s) who executed the foregoing instrument on behalf of said Grantor(s) and acknowledged the same

Sign Name _____
Print Name _____

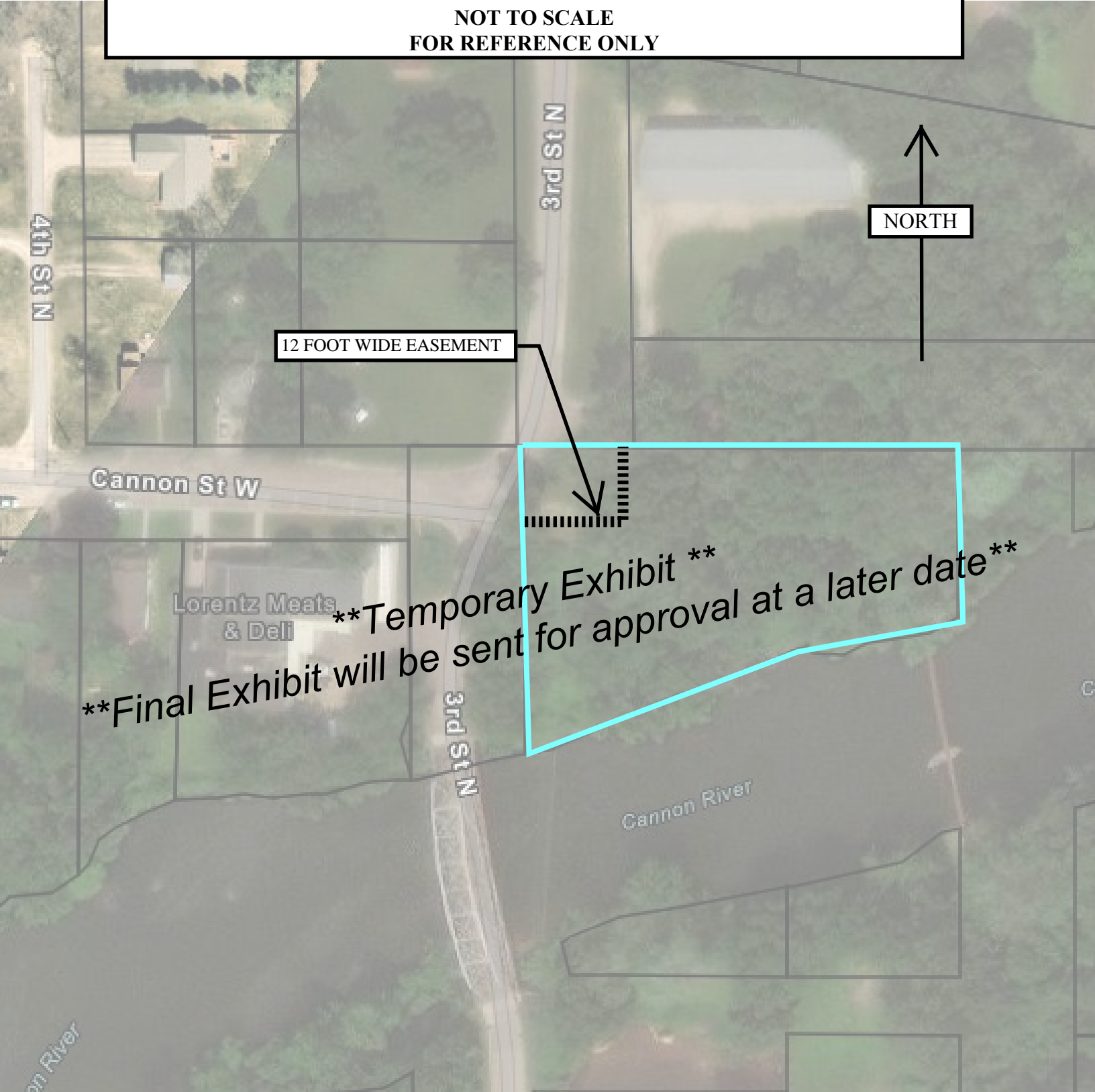
Notary Public, State of _____
My Commission expires: _____

This instrument drafted by: Erin Jolivette
MINNESOTA ENERGY RESOURCES CORPORATION
2830 S. Ashland Avenue, Green Bay, Wisconsin, 54304

Date	County	Municipality	Site Address	Parcel Identification Number
February 13, 2024	Goodhue	City of Cannon Falls	Cannon St W & 3rd St N	521004040
Real Estate No.	MERC District	WR#	WR Type	I/O
3316575	Rosemount-93	3392588	GMAP	21100078GC

TEMPORARY EXHIBIT "A"

NOT TO SCALE
FOR REFERENCE ONLY



4th St N

3rd St N

NORTH

12 FOOT WIDE EASEMENT

Cannon St W

Lorentz Meats
& Deli

****Temporary Exhibit ****
****Final Exhibit will be sent for approval at a later date****

3rd St N

Cannon River

on River