

**Recording requested by and
when recorded mail to:**

Ramsey County Parks and Rec. Dept.
Attn. Dir Planning and Development,
2015 Van Dyke St.
Maplewood, MN 109

**DEPARTMENT OF THE ARMY
SUPPLEMENTAL AMENDMENT NO. 1
TO
EASEMENT NO. DACA45-2-19-6017
LOCATED ON
ARDEN HILLS ARMY NATIONAL GUARD TRAINING SITE
RAMSEY COUNTY, MINNESOTA**

THIS AMENDMENT, entered into by and between the **SECRETARY OF THE ARMY**, hereinafter referred to as the “Grantor”, as represented by the officer executing this agreement, and the **COUNTY OF RAMSEY**, a political subdivision, referred to as the “Grantee” and the future owner of the area identified as the former Primer Tracer Area (PTA) hereinafter referred to as “PTA-Grantee”.

WHEREAS, on the 13th day of August 2019, the Grantor entered into Easement No. DACA45-2-19-6017, granted in perpetuity to the Grantee, beginning 1 March 2019 for the construction, installation, operation, maintenance, repair, removal, upgrade, and replacement of **a public access road, trails, and utilities, such as but not limited to natural gas, water - in various forms, electric power (transmission and distribution) and communications as needed to support the development of the Rice Creek North Trail Corridor Master Plan and the development of the PTA**, and related Facilities, hereinafter collectively referred to as the "Facilities", over, across, under, in and upon approximately 15.42 acres of lands of the United States as identified as Parcel “C” in **Exhibits “A” and “B”** attached to the original easement, and;

WHEREAS, all references to “Sub-Grantee” will be changed to “PTA-Grantee”, and;

WHEREAS, SPQR Arden Hills, LLC is to be added, as the PTA-Grantee to the Easement No. DACA45-2-19-6017, and;

WHEREAS, the PTA-Grantee has requested the first sentence in Condition “1. TERM” to be amended to remove the language shown after the date; and

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WHEREAS, the PTA-Grantee has requested that Condition “18. TERMINATION” to be deleted; and

WHEREAS, the area defined in Exhibits “A” and “B” has changed and will need to be corrected; and it is in the best interest of the Government to do so; and

WHEREAS, the Grantor agrees with the requested changes to Easement DACA45-2-19-6017;

NOW THEREFORE: in consideration of the premises, effective upon the recording of the deed from the Federal Government to SPQR Arden Hills, LLC, for the former Primer Tracer Area as shown in Exhibit “B-2”, Easement No. DACA45-2-19-6017 is amended as follows:

1. All references to “Sub-Grantee” will be changed to “PTA-Grantee”.
2. Lines 9 through 12 of the granting clause are deleted and replaced with the following:

“hereinafter referred to as the “Grantee”, and the SPQR Arden Hills, LLC, a Minnesota limited liability company, with its principal offices located at 1128 Harmon Place, Suite 320, Minneapolis, MN 55403, hereinafter referred to as the “PTA-Grantee.” The term or reference to the Grantee will refer to both the Grantee and the PTA Grantee in Conditions 3 through 29 below.”

3. Line 7 of the second paragraph under NOW THEREFORE: at the top of page 2, is deleted in its entirety and replaced with the following:

“and upon approximately 15.80 acres of lands of the United States as identified as Parcel “C” in”

4. The first sentence of Condition 1 is deleted in its entirety and replaced with the following:

“This Easement is hereby granted in perpetuity, beginning **1 March 2019.**”

5. Condition 3 a. under “NOTICES” is hereby deleted in its entirety and replaced with the following:

“3. NOTICES

a. All correspondences and notices to be given pursuant to this easement shall be in writing and addressed, if the to the Grantee, to Ramsey County Parks and Recreation Department, Attention Director of Planning and Development, 2015 Van Dyke Street, Maplewood, Minnesota 55109; if to the PTA-Grantee, to SPQR Arden Hills, LLC, Attn: Mario J. Cocchiarella, Manager, 1128 Harmon Place, Suite 320, Minneapolis, MN 55403 with a copy provided to Taft Stettinius & Hollister LLP, Attn: Patrick J. Lindmark, 2200 IDS Center, 80th South 8th Street, Minneapolis, MN 55402; and if to the Grantor, to: the Commander, Omaha District, U. S. Army Corps of Engineers, real Estate Division, ATTN: CENWO-RE-M, 1616 Capitol Avenue, Suite 9000, Omaha, Nebraska 68102-4901; with reference to the Easement number; **DACA45-2-19-6017**, or as may from time

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to time otherwise be directed by the parties. The Grantor, Grantee and PTA-Grantee have an obligation to ensure that the other parties have their accurate address.”

6. Condition 18 “TERMINATION” is hereby deleted in its entirety.

7. Condition 29 “SPECIFIC USE AND DEVELOPMENT CONDITIONS”, j. is deleted in its entirety and replaced with the following:

“j. Grantee agrees to work with the Grantor and the PTA-Grantee, as needed, in the location of utilities for the former PTA and the public access road. The public access road will run in a generally north-south direction. Such north-south public access road and north-south utilities will be located in the approximate area as shown on Exhibit “B-2” and will be restricted to approximately 66’ in width. East-west utilities connecting to such north-south utilities will be located within and confined to the northernmost 30’ of the Premises, running parallel and immediately adjacent to County Road I. All utilities shall be located underground. The Grantee is not responsible for any drive or utility connection from the access road to the former PTA.

8. Exhibits “A” and “B” are deleted in their entirety and replaced with Exhibits “A-1” and “B-2”.

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IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army this _____ day of _____, 2024.

RICK L. NOEL
Deputy Chief, Real Estate Division
Real Estate Contracting Officer

A C K N O W L E D G M E N T

STATE OF NEBRASKA

COUNTY OF DOUGLAS

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for said County and State, within my jurisdiction, the within named RICK L. NOEL, who acknowledged that he is the Real Estate Contracting Officer, U.S. Army Engineer District, Omaha, and that in said capacity he executed the above and foregoing Supplemental Agreement No. 1 to **Easement for Roads and Utilities Rights-Of-Way** by authority of the Secretary of the Army for the purposes therein expressed and as the act and deed of the United States of America.

GIVEN UNDER MY HAND AND SEAL, this _____ day of _____,
_____.

(SEAL)

NOTARY PUBLIC

My Commission Expires:

**Easement No. DACA45-2-19-6017
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The above Amendment No. 1 to Easement No. DACA45-2-19-6017, including all conditions and provisions thereof, is hereby accepted this _____ day of _____, 2024.

RAMSEY COUNTY, MINNESOTA

APPROVED AS TO FORM:

Kathleen Ritter
Assistant County Attorney

Trista Martinson
Chair, Ramsey County Board of Commissioners

By:
Chief Clerk, Ramsey County Board of Commissioners

ACKNOWLEDGMENT

STATE OF MINNESOTA

COUNTY OF RAMSEY

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the county and state, on this _____ day of _____, 2024, within my jurisdiction, the within named _____, who acknowledged that she is _____ of the Ramsey County Board of Commissioners for the County of Ramsey, a political subdivision, duly organized and existing under and by virtue of the laws of the State of Minnesota, and that for and on behalf of the said political subdivision, and as its act and deed executed the above and foregoing instrument after having been duly authorized by said political subdivision so to do.

(SEAL)

NOTARY PUBLIC

My Commission Expires:

Easement No. DACA45-2-19-6017
Supplemental Amendment No. 1

The above Amendment No. 1 to Easement No. DACA45-2-19-6017, including all conditions and provisions thereof, is hereby accepted this _____ day of _____, 2024.

SPQR Arden Hills, LLC, a Minnesota limited liability company

Mario J. Cocchiarella
Its: Manager

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the county and state, on this _____ day of _____, 2024, within my jurisdiction, the within named Mario J. Cocchiarella, who acknowledged that he is its Manager for SPQR Arden Hills, LLC, a Minnesota limited liability company, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after having been duly authorized by said company so to do.

(SEAL)

NOTARY PUBLIC

My Commission Expires:

EASEMENT

Parcel C

A tract of land situated in the N $\frac{1}{2}$ of Section 9, Township 30 North, Range 23 West, Ramsey County, Minnesota, said tract being more particularly described as follows:

Beginning at the NE corner of the NW $\frac{1}{4}$ of said Section 9, Township 30, Range 23 West, Ramsey County, Minnesota;

Thence South 89°55'31" East, a distance of 450.04 feet along the North line of the NE $\frac{1}{4}$ of said Section 9;

Thence South 00°43'50" East, a distance of 1,375.83 feet along a line parallel with the East line of the NW $\frac{1}{4}$ of said Section 9;

Thence South 89°49'50" West, a distance of 500.02 feet;

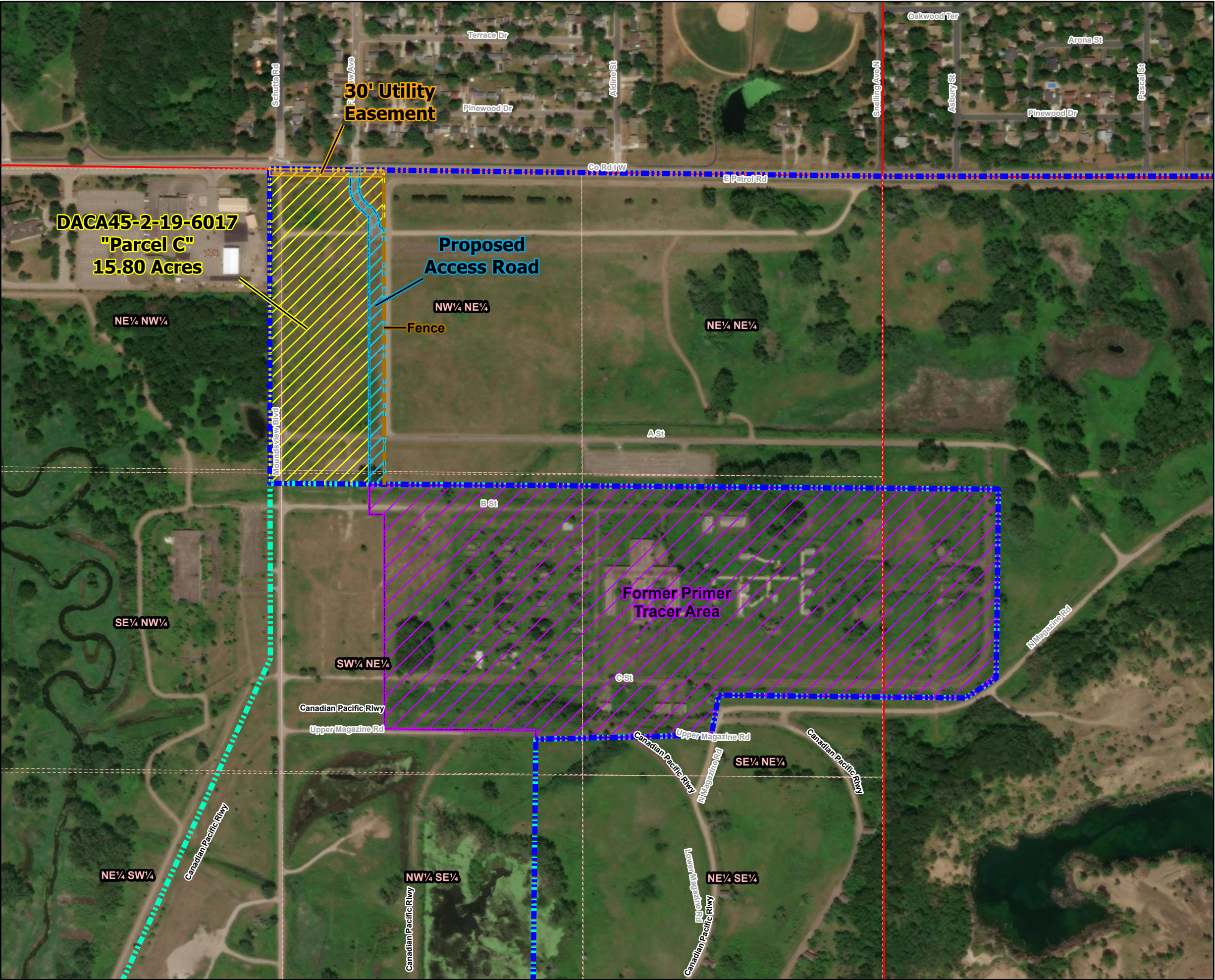
Thence North 00°43'50" West, a distance of 1,378.00 feet along a line parallel with the East line of the said NW $\frac{1}{4}$ of said Section 9 to a point on the North line of the NW $\frac{1}{4}$ of said Section 9;

Thence South 89°52'52" East, a distance of 50.00 feet along the North line of the NW $\frac{1}{4}$ of Said Section 9 to the **Point of Beginning**.

The tract of land herein described contains 15.80 acres, more or less.

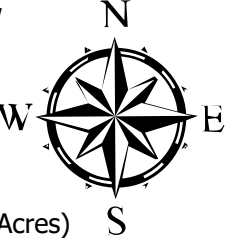
26MAR2023MLL

EXHIBIT "A-1" ATTACHED TO AND
MADE A PART OF DACA45-2-19-6017

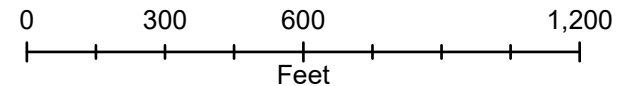
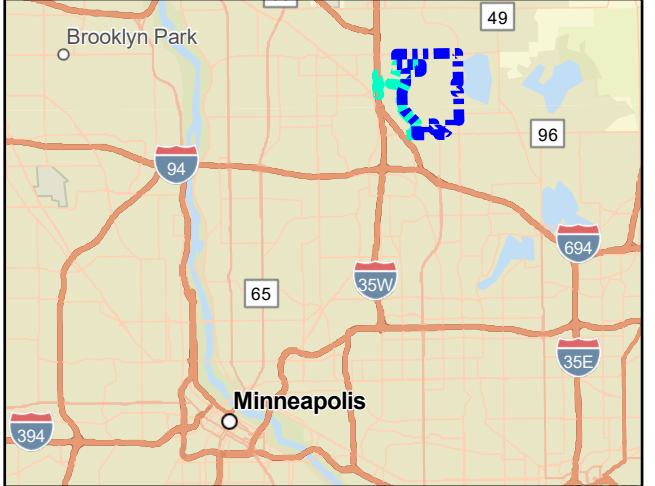


**Arden Hills
Army Training Site
Ramsey County, MN**

T30N,R23W
4th P.M.



- Fence
- AHATS Licensed Area
- TCAAP Fee Boundary
- DACA45-2-19-6017 (±15.80 Acres)
- Proposed 66' Access Road
- 30' Utility Easement
- Former Primer Tracer Area
- Sections
- 1/4 1/4 Sections



Disclaimer: The Government furnishes this data and the recipient accepts and uses it with the express understanding that the United States Government makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the information and data furnished. The United States shall be under no liability whatsoever to any person by reason of any use made thereof. Data displayed on this map are approximations derived from GIS layers and should NOT be used in place of survey data or legal land descriptions.

Real Estate
CENWO-RE-S

Produced By:
Kyle Gaston
Production Date:
05 FEB 2024
Revised By:
Revision Date:

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**US Army Corps
of Engineers®**
Omaha District

**EXHIBIT "B-2" ATTACHED TO AND
MADE A PART OF DACA45-2-19-6017**