

**Amendment to Agreement Dedicating a Land-Use License
for the Brown’s Creek Restoration Project
Between the City of Stillwater and
Brown’s Creek Watershed District**

This amends the March 19, 2024, agreement (Agreement) between the City of Stillwater, a Minnesota municipal corporation (Stillwater), and Brown’s Creek Watershed District, a special purposes governmental entity of the State of Minnesota with purposes and powers set forth at Minnesota Statutes chapters 103B and 103D (BCWD), to revise the property-access area to be used by BCWD’s contractor for construction and maintenance of a creek-improvement project.

Recitals

A. Stillwater and BCWD entered into the Agreement to provide BCWD with rights to access the Brown’s Creek Nature Preserve, 10.8 acres of certain real property owned in fee by Stillwater at the southwest corner of McKusick Road North and Neal Avenue North in the City of Stillwater, Washington County property identification number 19-030-20-41-0001 (the Stillwater Property) to construct “the Project,” a creek-restoration construction and improvement defined and specified in the Agreement;

B. As contemplated by the Agreement, BCWD has awarded a construction contract for the Project to a responsible and qualified bidder, and the selected contract has identified an alternative route to access the Stillwater Property than is specified in the Agreement, and Stillwater concurs that the route specified by the contractor and shown in Exhibit BB, attached hereto and incorporated into this amendment as a term hereof, and the associated alteration of the “Project Area,” as defined in the Agreement, are feasible and acceptable; and

C. Stillwater and BCWD are authorized by Minnesota Statutes section 471.59 to enter into this amendment to designate a new access route for purposes of the Project.

Amendment

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated into and made a part of this amendment, and to facilitate the Project for the benefit of the public, the parties agree as follows:

1. Replacement of Access-Route Exhibit. Exhibit B to the Agreement is deleted in its entirety and replaced with Exhibit BB to this amendment.

All terms of the Agreement not expressly altered or amended by this amendment remain in full force and effect.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, the undersigned have executed this amendment with the intent to be legally bound by its terms as of the date this amendment is fully executed by both parties.

City of Stillwater

By Ted Kozlowski
Its Mayor

Attest

By Beth Wolf
Its City Clerk

Date:_____

Brown's Creek Watershed District

By Klayton Eckles
Its President

Approved as to form and execution

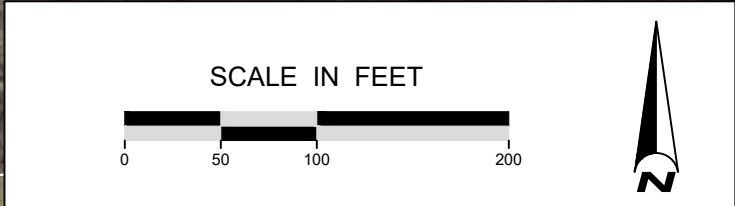
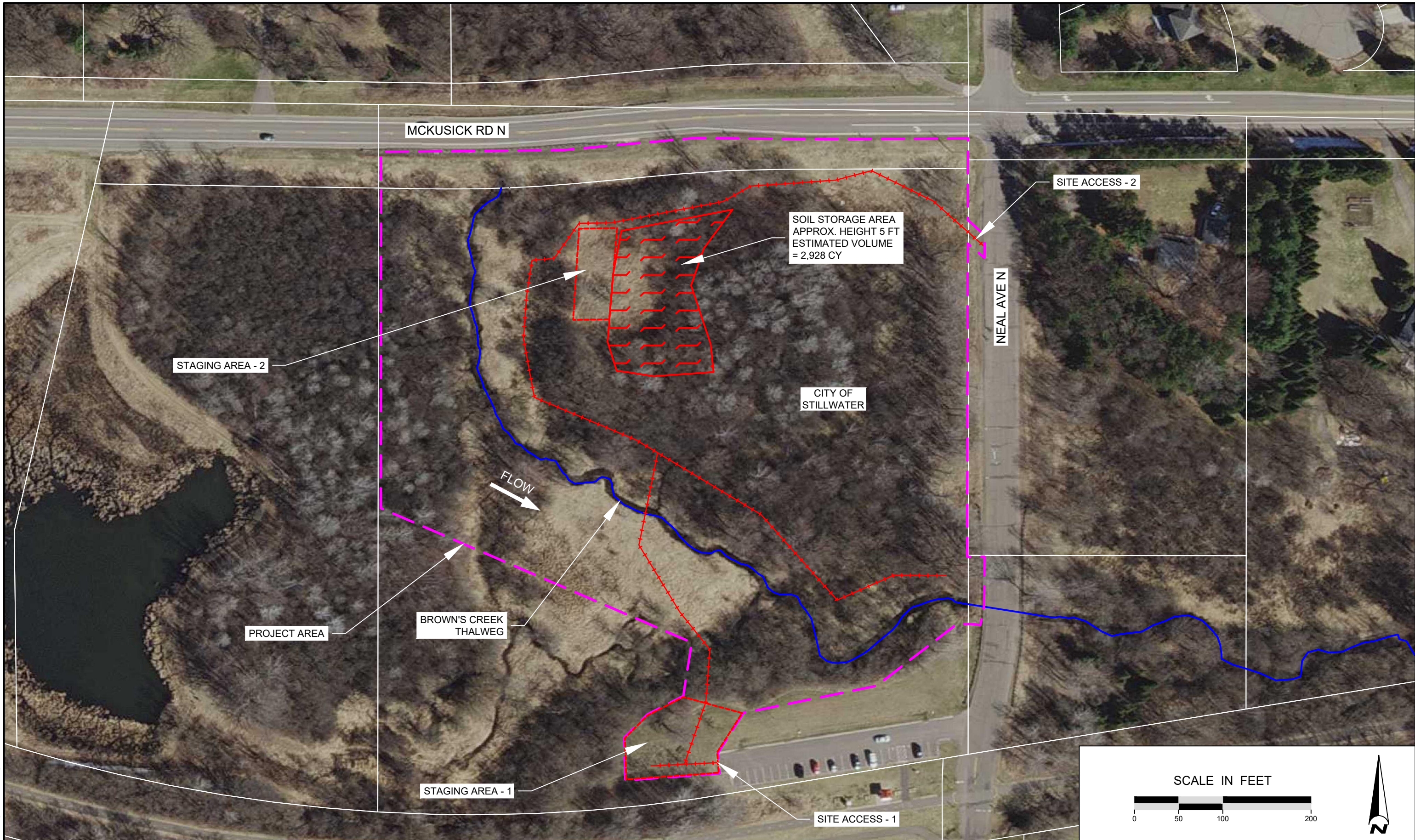
BCWD counsel

Date:_____

EXHIBIT BB

Site Plan - Project Area

DRAFT



NOT FOR CONSTRUCTION

EOR water ecology community
 EMMONS & OLIVIER RESOURCES, INC.
 1919 UNIV. AVE. W. #300 ST. PAUL, MN
 TEL: 651.770.8448 WWW.EORINC.COM

DATE	NO.	DESCRIPTION
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DESIGNED BY: EOR
 DRAWN BY: DEM
 CHECKED BY: MJM
 EOR JOB #0041-0418

BROWN'S CREEK WATERSHED DISTRICT

BROWN'S CREEK PARK STREAM RESTORATION
 WASHINGTON COUNTY, STILLWATER, MN
 BROWN'S CREEK WATERSHED DISTRICT OAKDALE, MN 55128

EXHIBIT BB: PROJECT AREA
 SHEET 01 OF 01

Plot Date: 04/19/2024
 Drawing Name: X:\Clients_VD\041_Brown's_Ck_Pk_Restor\09_GNIS\Wg\0041_0418-Easement-Exhibit-City_041824.dwg
 User: 40418-LEBASE
 40041_0418-LEBASE: images: \\images\BCWD_logs_C\Users\D\Messing\AppData\Local\Temp\md20_17722