



Board of County Commissioners Agenda Request

4A

Agenda Item #

Requested Meeting Date: June 24, 2025

Title of Item: Limited Use Permit with MN DOT for ATV Trail

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <input type="checkbox"/> Hold Public Hearing <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Information Only
Submitted by: Dennis (DJ) Thompson		Department: Land
Presenter (Name and Title): Dennis (DJ) Thompson, Land Commissioner		Estimated Time Needed: 5 Minutes
Summary of Issue: <p>The Mille Lacs Connector ATV trail will be crossing State Highway 65 in White Pine Township. In order to construct the trail in the right of away, a Limited Use Permit (LUP) is needed from MN DOT. The attached resolution authorizes Aitkin County to apply for that permit.</p>		
Alternatives, Options, Effects on Others/Comments:		
Recommended Action/Motion: Adopt resolution for execution of a Limited Use Permit with the Commissioner of Transportation, State of Minnesota.		
Financial Impact: <i>Is there a cost associated with this request?</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>What is the total cost, with tax and shipping? \$</i> <i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED June 24, 2025

By Commissioner: xxx

20250624-xxx

**Execution of a Limited Use Permit Between Aitkin County and the Commissioner of Transportation,
State of Minnesota**

WHEREAS, Aitkin County will be the administrator of the Mille Lacs Connector ATV trail, and

WHEREAS, part of the Mille Lacs Connector ATV will run the right of way west of State Highway 65 and cross to the east of State Highway 65 (Sections 20, 28, & 29 of T45N, R23W).

NOW THEREFORE BE IT RESOLVED, that Aitkin County, as trail sponsor, has the responsibility for the maintenance and repair of the trail for those portions of State Highway 65 as depicted on the attached map and authorizes execution of a Limited Use Permit between Aitkin County and the Commissioner of Transportation, State of Minnesota.

Commissioner xxx seconded the adoption of the resolution and it was declared adopted upon the following vote

xxx MEMBERS PRESENT

All Members Voting xxx

**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

I, John Welle, County Engineer, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 24th day of June 2025, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 24th day of June 2025

John Welle
County Engineer



APPLICATION FOR ACCESS (DRIVEWAY) PERMIT

Document Management System # _____
 District _____ Permit # _____
 C.S. _____ T.H. _____
 R.P. _____
 (THIS SECTION FOR MnDOT OFFICE USE ONLY.)

ATTACH A SKETCH OF THE PROPOSED WORK AREA AND RELATION TO TRUNK HIGHWAY.
 SUBMIT TO DISTRICT OFFICE OF MINNESOTA DEPARTMENT OF TRANSPORTATION.

APPLICANT Aitkin County	TELEPHONE 218-927-7364	ADDRESS (Street, City, State, Zip) 307 Second St NW, Aitkin, MN 56431
PROPERTY OWNER Aitkin County	TELEPHONE	ADDRESS (Street, City, State, Zip)

LOCATION OF PROPOSED WORK (City/Township) (County) (Distance) (N-S-E-W) SPECIFIC ROAD INTERSECTION OR LANDMARK
 Highway 65 in White Pine Twp Aitkin 0.64 Miles North of 230 Street

WILL THIS ACCESS BE WITHIN TRIBAL LANDS? ☐ Yes ☒ No IF YES, WHICH ONE?

PURPOSE OF DRIVEWAY <input type="checkbox"/> Temporary <input type="checkbox"/> Field Entrance <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Proposed Public Street <input type="checkbox"/> Commercial (Specify Type)	REQUESTED ENTRANCE WIDTH 12' Feet	PROPERTY IS IN <input type="checkbox"/> Platted Area <input checked="" type="checkbox"/> Unplatted Area	ZONING FOR PROPERTY IS
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IS BUILDING TO BE CONSTRUCTED <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (Specify Type)	WILL BUILDING BE <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	NUMBER OF PRESENT DRIVEWAYS TO PROPERTY
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EXACT LOCATION OF PRESENT DRIVEWAY(S) The existing intersection of MN-65 and E White Pine Trl; east side of MN-65	EXACT LOCATION OF PROPOSED DRIVEWAY(S) Proposed entrance will be for a designated ATV trail; situated directly across from E White Pine Trl to create 4-way intersection
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LEGAL DESCRIPTION OF PROPERTY
 N1/2 of Section 29

WORK TO START ON OR AFTER October 2025	DATE WORK TO BE COMPLETED BY May 2026
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APPLICANT'S ACCEPTANCE, WAIVER AND INDEMNIFICATION

The undersigned applicant hereby agrees to comply with applicable statutes, rules, and all the standard conditions and special provisions of this permit. The applicant understands and agrees that no work in connection with this application will be started until the application has been approved and the permit issued.

The applicant also understands that this permit may also be subject to the approval of local road authorities having joint supervision over said street or highway, and may be subject to applicant's compliance with the rules and regulations of the Minnesota Environmental Quality Board and/or any other affected governmental agencies.

The applicant is aware of circumstances or hazards that may arise while performing the work associated with this application that could result in injury, loss, damage or death, and the applicant assumes the risk of such circumstances, dangers or hazards, whether reasonably foreseeable or not.

The undersigned applicant expressly agrees that except for negligent acts of the State, its agents and employees, the applicant or his/her agents or contractor shall assume all liability for, and save the State, its agents and employees, harmless from any and all claims for damages, actions or causes of action arising out of the work to be done in connection with this application and permit.

NAME AND TITLE Dennis Thompson, Land Commissioner	EMAIL ADDRESS dennis.thompson@aitkincountymn.gov
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DATE June 13, 2025	SIGNATURE
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DO NOT WRITE BELOW THIS LINE

PERMIT NOT VALID UNLESS BEARING SIGNATURE AND NUMBER

AUTHORIZATION OF PERMIT

In consideration of the applicant's agreement to comply in all respects with the applicable laws and the conditions of the Commissioner of Transportation pertaining to this permit, permission is hereby granted for the work to be performed as described in the above application, said work to be performed in accordance with the following standard conditions and special provisions:

SEE ATTACHED STANDARD CONDITIONS AND SPECIAL PROVISIONS

_____ Date All Work To Be Completed By	_____ Authorized MnDOT Signature	_____ Date of Authorized Signature
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DISTRIBUTION Original to Area Maintenance Engineer Applicant Subarea Supervisor Roadway Regulations Supervisor	DEPOSIT REQUIREMENTS <input type="checkbox"/> No Deposit Required <input type="checkbox"/> Deposit Required in the Amount of \$ _____ Date Deposit Received _____ Deposit to be returned upon satisfactory completion of all work	DEPOSIT TYPE Cashier's Check # _____ Certified Check # _____ Money Order # _____ Bond # _____
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DATE WORK COMPLETED (The date when the work is completed must be reported to the MnDOT District Permits Office)

STATUTE AND RULES

Minn. Stat. §160.18 ACCESS TO ROADS; APPROACHES.

Subdivision 1. Culvert on existing highway. Except when the easement of access has been acquired, a road authority, as to a highway already established and constructed may grant by permit a suitable approach to the highway. The requesting abutting property owner shall pay for the cost and installation of any required culverts unless a road authority, other than the commissioner, adopts by resolution a policy for the furnishing of a culvert to an abutting owner when a culvert is necessary for suitable approach to a road. The policy may include provisions for the payment of all or part of the costs of furnishing the culvert by the abutting landowner.

Subd. 2. Approaches to new highway. Except when the easement of access has been acquired, the road authorities in laying out and constructing a new highway or in relocating or reconstructing an old highway shall construct suitable approaches thereto within the limits of the right-of-way where the approaches are reasonably necessary and practicable, so as to provide abutting owners a reasonable means of access to such highway.

Subd. 3. Access for particular uses. The owner or occupant of property abutting upon a public highway, having a right of direct private access thereto, may provide such other or additional means of ingress from and egress to the highway as will facilitate the efficient use of the property for a particular lawful purpose, subject to reasonable regulation by and permit from the road authority as is necessary to prevent interference with the construction, maintenance and safe use of the highway and its appurtenances and the public use thereof.

Minn. Rules part 8810.4100 DEFINITIONS OF DISTRICT AND STREET CLASSIFICATIONS.

Subpart 1. Scope. In the absence of an established classification by local authorities, the definitions in subparts 2 to 5 shall govern.

Subp. 2. Major Street. "Major street" means any road that has an average annual daily traffic volume of 1,500 vehicles or greater.

Subp. 3. Minor Street. "Minor street" means any road that has an average annual daily traffic volume less than 1,500 vehicles.

Subp. 4. Rural district. "Rural district" means all other locations not meeting the urban district definition.

Subp. 5. Urban district. "Urban district" means those properties contiguous to the trunk highway system of the state of Minnesota, including any street, that are built up with structures devoted to business, industry, or dwelling houses where such structures are situated at intervals of less than 100 feet for a distance of one-quarter of a mile or more.

8810.4300 PURPOSE AND SCOPE.

Subpart 1. Purpose. The purpose of parts 8810.4100 to 8810.5600 is to establish certain optimum design specifications for driveways providing a means of ingress to and egress from private property located along and adjacent to the right-of-way of the trunk highway system of the state of Minnesota.

Subp. 2. Scope. The scope of parts 8810.4100 to 8810.5600 is confined within the framework of and intended to be consistent with Minnesota Statutes 1965, section 160.18, subdivision 3.

8810.4400 DRIVEWAY PERMITS.

Authorization to construct or alter a driveway shall consist of a permit duly signed by the district engineer of the Minnesota Department of Transportation having responsibility for the maintenance and construction of the trunk highway in question. No driveway shall be constructed from or to a trunk highway until such permit has been obtained and supplemented by those permits that may be required by local governing authorities.

The commissioner of transportation may require the applicant, or their contractor, to furnish a deposit in the form of a cashier's check, certified check, a surety bond on corporate undertaking, in favor of the state of Minnesota, commissioner of transportation for any expense incurred by the state in the repairing of damage to any portion of the trunk highway right-of-way caused by work performed under a work permit or a permit for construction, including any out of the ordinary engineering supervision and inspection expense provided by the state. In those instances wherein a deposit is required, the amount of the deposit shall be specified in the special provisions of the permit. If a check is furnished, any moneys remaining over and above such expense shall be returned to the applicant.

8810.5200 CHANGES IN USE.

In the event of a change in land use or major change in the traffic pattern of the existing facility, existing driveways are not automatically perpetuated and new driveway access applications shall be submitted.

8810.5300 REVOKING ACCESS.

If the terms of the permit are violated, or if the commissioner of transportation determines that continuance of a driveway access is particularly hazardous, the commissioner may under the authority vested by law revoke the access.

8810.5400 PROHIBITED USES.

No part of the right-of-way of a trunk highway or of a street over which a trunk highway is routed may be used for servicing of vehicles or the conduct of private business.

8810.5600 VARIANCES.

A variance from the standards set forth in parts 8810.4100 to 8810.5500 may be allowed by the commissioner when the variance will facilitate the safe, efficient use of the property for a lawful purpose and will not interfere with the construction, maintenance, or safe and efficient use of the highway and its appurtenances by the public.

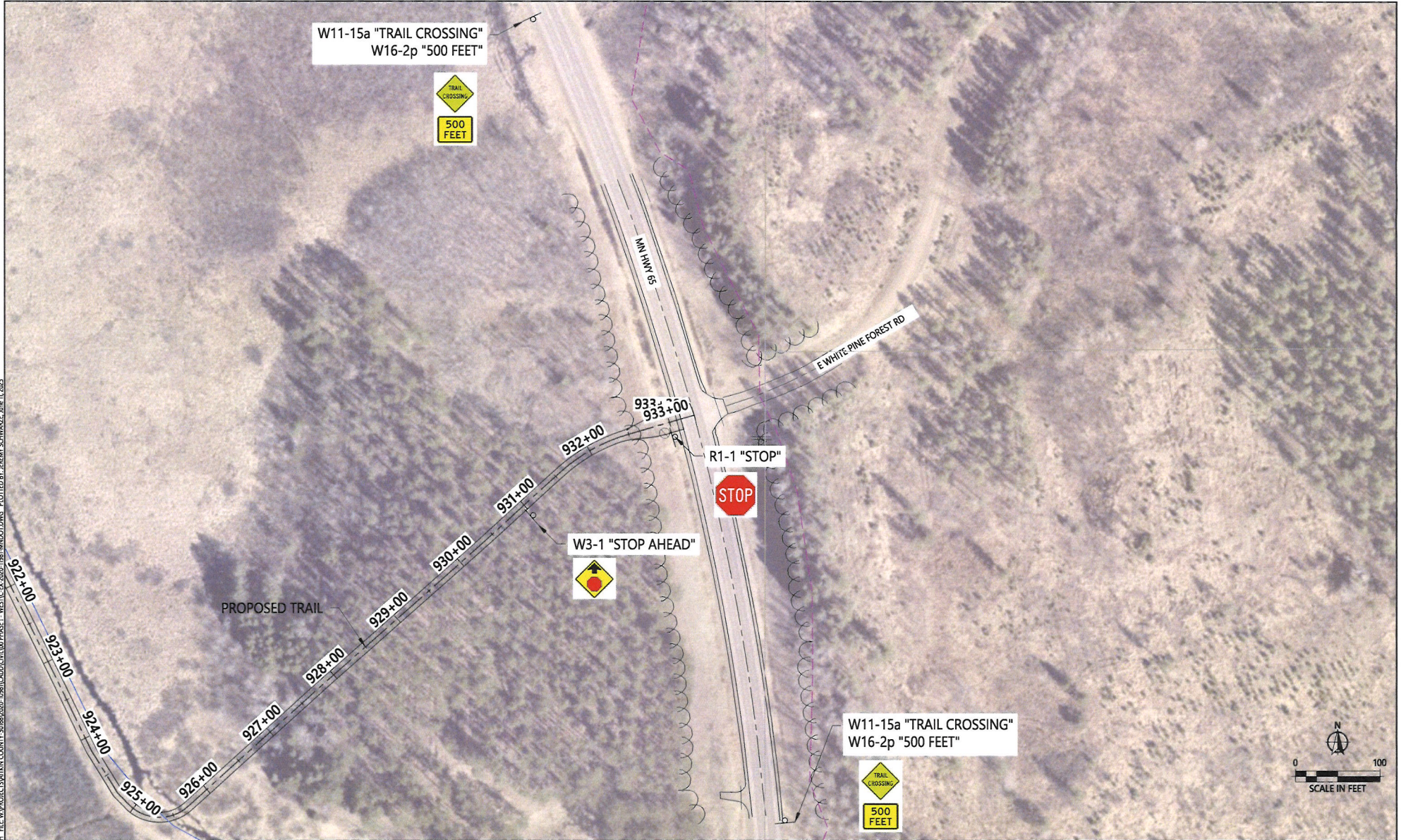
ACCESS PERMIT GENERAL INFORMATION

To minimize site plan changes, a plat review shall be approved by the Minnesota Department of Transportation in accordance with Chapter 505 of the Minnesota Statutes and Minnesota Rule 8810.4100 – 8810.5600 prior to the issuance of any access permit. By this means, construction and maintenance plans for the portion of the trunk highway under consideration may suggest alternate or improved methods or standards of construction or reconstruction to the property owner and/or lessee.

CONDITIONS OF ACCESS PERMIT

1. This permit is subject to compliance with Minnesota Statutes §160.18, Minnesota Rules parts 8810.4100 through 8810.5600 and each of these conditions.
2. No work under this application shall be started until application has been approved and the permit issued.
3. Any permanent signs or permanent traffic barriers (including crash cushions) installed on the State Highway system must be deemed crashworthy under the American Association of State Highway and Transportation Officials (AASHTO) "Manual for Assessing Safety Hardware, 2016 (MASH-16)". Where work on or near the traveled roadway is necessary, proper traffic signs, channelizing devices, warning lights, and barricades shall be erected to protect traffic, employees, and pedestrians. All temporary traffic control devices and methods shall conform to the Minnesota Field Manual on Temporary Traffic Control Zone Layouts, Minnesota Manual on Uniform Traffic Control Devices (MMUTCD), Minnesota Standard Signs and Markings Manual, and the appropriate provisions of Standard Specification 1710. All temporary traffic control devices shall be deemed crashworthy under the American Association of State Highway and Transportation Officials (AASHTO) "Manual for Assessing Safety Hardware, 2016 (MASH-16)" with exceptions as noted under MnDOT Technical Memorandum No. 19-03-T-01 Crashworthy Requirements for Temporary Traffic Control Devices. (See memo at: <http://dotapp7.dot.state.mn.us/edms/download?docId=2434220>)
4. Unless adequately protected by a traffic barrier, there shall be no work within the clear zone, nor shall pipe materials, equipment or other objects be stored within the clear zone. If temporary traffic barrier is used, it will be placed according to the "MnDOT Temporary Barrier Guidance Manual" (December 2018). (See website at: www.dot.state.mn.us/trafficeng/workzone/doc/Temporary%20Barrier%20Guidance%20Manual%20181129.pdf) Any temporary traffic barrier (including crash cushions) must be deemed crashworthy under MASH-16.
5. Any person acting as a Flagger for permitted work shall have attended a training session taught by a MnDOT Qualified Flagger Trainer within the twelve months immediately preceding the start date of all flagging activity. A Flagger shall receive a Flagger Qualification Card, signed by a MnDOT Qualified Flagger Trainer, upon successful completion of this training. During all flagging activity, a Flagger must carry a signed Flagger Qualification Card on that Flagger's person and be in possession of a current Minnesota Flagging Handbook. The Minnesota Flagging Handbook is available from MnDOT Qualified Flagger Trainers or from a MnDOT District Office.
6. No foreign material such as dirt, gravel, or bituminous material shall be deposited or left on the road during the construction of driveway or installation of drainage facilities.
7. Upon completion of work, the permit holder must restore the trunk highway to its original condition or a condition satisfactory to Minnesota Department of Transportation, and the roadside shall be cleaned to its original status.
8. After driveway construction is completed the permittee shall notify the Area Maintenance Engineer or his authorized representative that the work has been completed and is ready for final inspection and approval by the Minnesota Department of Transportation.
9. No changes or alterations in entrances may be made at any time without prior written permission from the Minnesota Department of Transportation.
10. Driveways shall be so constructed as to slope down away from the shoulder line of the trunk highway according to the most recent MnDOT Standard Plate No. 9000.
11. A security deposit may be required to insure proper restoration of highway surfaces and to cover payment for any damage to highways or State property. Additionally, any expense incurred by the Minnesota Department of Transportation above the posted deposit will be assessed against the applicant. In the event construction has not been started by the "WORK TO BE COMPLETED BY" date, this permit becomes null and void and the deposit will be refunded.

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WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

DRAWN BY:
CHECKED BY:

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED PROFESSIONAL PROFESSIONAL UNDER THE PROFESSIONAL REGULATION ACT, CHAPTER 326A, MINNESOTA STATUTES.

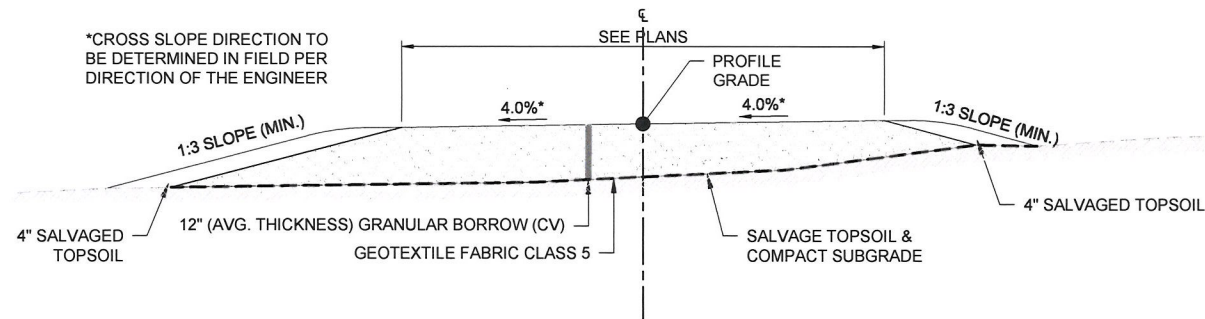
LIC. NO.:
DATE:

DATE	REV#	REVISIONS DESCRIPTION

AITKIN COUNTY ATV TRAIL
ACCESS PERMIT EXHIBIT - SIGNAGE PLAN

1 OF 3
PROJECT #: 2020-11981

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TYPICAL SECTION - NEW TRAIL CONSTRUCTION