

Legislative-Citizen Commission on Minnesota Resources

MEMO: Agenda Item #7
DATE: June 5, 2019
SUBJECT: Met Council and Carver County Request for Utility Easement

Background

Met Council and Carver County are requesting LCCMR approval for an underground utility easement across two parcels purchased as part of a larger assemblage of lands with ENRTF funds for Lake Waconia Regional Park. This requires LCCMR approval per M.S. 116P.15 Subd. 2 (b).

The utility easement is being requested to allow the City of Waconia to improve water and sewer services for the park and adjacent community. The parcels were acquired with funding from M.L. 2007, Chp. 30, Sec. 2, Subd. 4(f) and M.L. 2011, Special Session, Chp. 2, Art. 3, Sec. 2, Subd. 4(c).

The easement area totals 43,818 square feet (~1.0 acre). Carver County's County Right of Way Agent, who is a certified appraiser, prepared a value opinion known as a Minimum Damage Acquisition Report (MADR) that valued the utility easement for Parcel F at \$88,400 and Parcel B at \$12,400. Per M.S. 116P. 10 (c), Carver County is proposing to reimburse the ENRTF for a proportion of the minimum damage acquisition value equal to the proportion of ENRTF used toward the original purchase of the land. This proportionate combined value is \$27,728.

In compliance with statute M.S. 116P.15 Subd. 2 (b), the chairs and ranking minority members of House and Senate Environment Committees have been notified.

Additionally, Met Council and the County are providing LCCMR notification that a pre-existing utility permit is being reissued to specify a larger pipe, though the size of the easement will not change. This is a technical change in their permit that does not require LCCMR action.

Related Statutes

116P.15 LAND ACQUISITION RESTRICTIONS. Subd. 2.Restrictions; modification procedure

(b) recipient of funding who acquires an interest in real property subject to this section may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the commission or its successor. The commission shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the trust fund or Minnesota future resources fund at least 15 business days before approval under this paragraph. The commission shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property...

116P.10 ROYALTIES, COPYRIGHTS, PATENTS, AND SALE OF PRODUCTS AND ASSETS.

(c) If a project supported by the fund results in net income from the sale of products or assets developed or acquired by an appropriation from the fund, the appropriation must be repaid to the fund in an amount equal to the percentage of the project's total funding provided by the fund. The commission may include in its legislative bill a recommendation to relinquish the income if a plan is approved for reinvestment of the income in the project or when the amount of the original grant or loan, plus interest, has been repaid to the fund.

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Attachments

- Letter from Carver County to Met Council
- Letter form Met Council to LCCMR

Action

If acceptable to the commission, the following motion could be considered:

Approve/deny Met Council and Carver County's written request to grant a utility easement on Parcels B & F acquired with Environment and Natural Resources Trust Funds for Lake Waconia Regional Park and accept payment of \$27,728 to the Fund.