

Legislative-Citizen Commission on Minnesota Resources

MEMO: Agenda Item #8

DATE: June 5, 2019

SUBJECT: Met Council request to purchase land in public ownership

Background

Met Council is asking for approval to use ENRTF funds to purchase land that is currently in public ownership. This requires LCCMR approval per M.S. 116P.

116P.18 LANDS IN PUBLIC DOMAIN.

Money appropriated from the trust fund must not be used to purchase any land in fee title or a permanent conservation easement if the land in question is fully or partially owned by the state or a political subdivision of the state or was acquired fully or partially with state money, unless:

(1) the purchase creates additional direct benefit to the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources; and

(2) the purchase is approved, prior to the acquisition, by an affirmative vote of at least 12 members of the commission.

Approval is being sought to add four parcels of land, totaling 89.81 acres and approximately 3 miles of trail, to the Minnesota River Bluffs Regional Trail as part of *M.L. 2017, Chp. 96, Sec. 2 subd. 9(a) Metropolitan Regional Park System Land Acquisition – Phase V*. The property is on the bluffs above the Minnesota River adjacent to the Minnesota Department of Natural Resources' Seminary Fen Scientific and Natural Area and Raguette Wildlife Management Area.

The land is currently owned by Hennepin County Regional Rail Authority (HCRRA) and the proposed purchaser is Carver County, a park implementing agency of Met Council. HCRRA purchased a 12-mile corridor, which includes this 3 mile segment and spans Hennepin and Carver County, for \$2.45 million in 1990 for possible use for light rail. In 1994 while the light rail route was being determined, HCRRA executed leases with Three Rivers Park District (Three Rivers) and the City of Chanhassen to build and operate an unpaved trail across the property.

Carver County is interested in purchasing the property for permanent use as the Minnesota Bluffs Regional Trail because, as of 2010, the corridor is no longer being considered for light rail, the land is located in Carver County but owned by Hennepin County, and Carver County is currently leasing the property with a 180-day termination period.

Acquisition of this land would provide protection to this natural resource (M.S. 116P.02 includes "regional recreation open space systems" in the definition of "other natural resources") and buffer existing publicly owned natural resources.

Purchase of the property would also enable correction of a significant slope failure that occurred during the lease period, and that led to closure of a portion of the trail, resulting in users needing to make a 6-mile detour around the site on roads not well suited for bike and pedestrian use. The estimated cost to repair the trail is \$1.45 million and HCRRA has agreed to use proceeds of the sale for this purpose.

The market value of the property as of a March 22, 2019 appraisal is \$5.81 million and the purchase price is \$1.7 million. The donated value will be used as the local match required on purchases of land as part of the regional park system using ENRTF funds. ENRTF would be contributing \$1.02 million to the purchase of the land and the remaining \$680,000 would come from Met Council bonding.

Attachments

- Map of parcels and trail

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Action

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

Move to approve Met Council's amendment request to use funds to acquire approximately 90 acres of publicly owned land for the Minnesota River Bluffs Regional Trail by Carver County from Hennepin County Regional Rail Authority, contingent upon proceeds being used for costs to repair the slope damage to Carver County's satisfaction.

Requires affirmative vote of at least 12 members.