

## **M.L. 2011 Project Abstract**

For the Period Ending June 30, 2015

**PROJECT TITLE:** MeCC VI - Dakota County Riparian and Lakeshore Protection (2.7 / 3.7)  
**PROJECT MANAGER:** Lisa West  
**AFFILIATION:** Dakota County  
**MAILING ADDRESS:** 14955 Galaxie Ave  
**CITY:** Apple Valley **STATE:** MN **ZIP CODE:** 55124  
**PHONE:** (952) 891-7018  
**E-MAIL:** lisa.west@co.dakota.mn.us  
**WEBSITE:** <http://www.co.dakota.mn.us>  
**FUNDING SOURCE:** Environment and Natural Resource Trust Fund  
**LEGAL CITATION:** M.L. 2011, First Special Session, Chp. 2, Art.3, Sec. 2, Subd. 04i2.7/3.7  
M.L. 2014, Chp. 226, Sec. 2, Subd. 19

**APPROPRIATION AMOUNT:** \$1,035,000

### Overall Project Outcome and Results

The project goal was to acquire permanent conservation easements along rivers, streams, and undeveloped lakeshore in Dakota County; prepare Natural Resource Management Plans (NRMPs) for conservation easements; and restore/enhance protected land. The project scope encompassed some of the best natural resource features found in the metropolitan region. A sound fiscal and ecological conservation approach was taken, while attempting to balance the interests, rights and responsibilities of private landowners, with public concerns about water, wildlife habitat, outdoor recreation, and climate change.

In November 2011, the Dakota County Board adopted a comprehensive Land Conservation Vision that included establishing permanent vegetative buffers along all rivers, streams and undeveloped lakeshore and protecting quality natural areas. The County's land conservation programs targeted specific areas in the County and mailings were issued to determine landowner interest. Program applications were reviewed and evaluated using County Board-approve criteria; and top-ranking projects were considered for permanent protection. Appraisals were conducted for recommended projects. NRMPs and baseline Property Reports were prepared for projects where landowners accepted purchase offers; and landowners agreed to cash or in-kind restoration and management contributions. Restoration projects were also completed on existing easement properties.

The project goals were to acquire an estimated 28 permanent conservation easements, totaling 287 acres, and restoring/enhancing 75 acres of protected land. Although the County's efforts generated a large number of potential projects, a wide variety of issues prevented projects from being completed. Landowner challenges included requesting unacceptable project changes during the acquisition process, inflated land/easement value expectations, and reluctance to commit to long-term or even short-term restoration/management. As a result, the County only acquired four conservation easements, totaling 195 acres, not meeting its goal; and completed NRMPs and/or restoration projects on eight properties, totaling 98 acres, which exceeded its goal. Approximately 4 miles of shoreline were permanently protected through this project.

## **M.L. 2011 Project Abstract**

For the Period Ending June 30, 2015

### Project Results Use and Dissemination

Information about the specific projects funded through this State appropriation is integrated with information about the County's comprehensive land conservation efforts that were initiated in 1998, with a farmland and natural areas protection plan partially funded by the Environment and Natural Resources Trust Fund. Implementation of the initial plan and subsequent revisions resulted in the permanent protection of 10,362 acres of natural areas and agricultural land and 51.5 miles of shoreland outside of the regional park and greenway system.

This project informed and improved internal and external County land conservation practices, procedures and policies. County staff has provided numerous local, regional and national presentations about how Dakota County has developed and implemented its successful programs. Information has appeared on TV and radio, as well as metropolitan newspapers and residential newsletters. Information can also be found on the County's web site at:

<https://www.co.dakota.mn.us/Environment/LandConservation/Pages/default.aspx>



## Environment and Natural Resources Trust Fund (ENRTF) M.L. 2011 Work Plan Final Report

---

**Date of Status Update:** 8/14/2015

**Final Report**

**Date of Work Plan Approval:** 8/11/2011

**Project Completion Date:** 6/30/2015

---

**Project Title: MeCC VI - Dakota County Riparian and Lakeshore Protection (2.7 / 3.7)**

**Project Manager:** Lisa West

**Affiliation:** Dakota County

**Address:** 14955 Galaxie Ave

**City:** Apple Valley **State:** MN **Zip code:** 55124

**Telephone Number:** (952) 891-7018

**Email Address:** lisa.west@co.dakota.mn.us

**Web Address:** <http://www.co.dakota.mn.us>

---

**Location:**

**Counties Impacted:** Dakota

**Ecological Section Impacted:** Minnesota and Northeast Iowa Morainal (222M), Paleozoic Plateau (222L)

---

<b>Total ENRTF Project Budget:</b>	<b>ENRTF Appropriation \$:</b>	1,035,000
	<b>Amount Spent \$:</b>	288,230
	<b>Balance \$:</b>	746,770

---

**Legal Citation:** M.L. 2011, First Special Session, Chp. 2, Art.3, Sec. 2, Subd. 04i2.7/3.7  
M.L. 2014, Chp. 226, Sec. 2, Subd. 19

**Appropriation Language:**

\$1,737,000 the first year and \$1,738,000 the second year are from the trust fund to the commissioner of natural resources for the acceleration of agency programs and cooperative agreements. Of this appropriation, \$150,000 the first year and \$150,000 the second year are to the commissioner of natural resources for agency programs and \$3,175,000 is for the agreements as follows: \$100,000 the first year and \$100,000 the second year with Friends of the Mississippi River; \$517,000 the first year and \$518,000 the second year with Dakota County; \$200,000 the first year and \$200,000 the second year with Great River Greening; \$220,000 the first year and \$220,000 the second year with Minnesota Land Trust; \$300,000 the first year and \$300,000 the second year with Minnesota Valley National Wildlife Refuge Trust, Inc.; and \$250,000 the first year and \$250,000 the second year with The Trust for Public Land for planning, restoring, and protecting priority natural areas in the metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and portions of the surrounding counties, through contracted services, technical assistance, conservation easements, and fee title acquisition. Land acquired with this appropriation must be sufficiently improved to meet at least minimum management standards, as determined by the commissioner of natural resources. Expenditures are limited to the identified project corridor areas as defined in the work program. This appropriation may

not be used for the purchase of habitable residential structures, unless expressly approved in the work program. All conservation easements must be perpetual and have a natural resource management plan. Any land acquired in fee title by the commissioner of natural resources with money from this appropriation must be designated as an outdoor recreation unit under Minnesota Statutes, section 86A.07. The commissioner may similarly designate any lands acquired in less than fee title. A list of proposed restorations and fee title and easement acquisitions must be provided as part of the required work program. An entity that acquires a conservation easement with appropriations from the trust fund must have a long-term stewardship plan for the easement and a fund established for monitoring and enforcing the agreement. Money appropriated from the trust fund for easement acquisition may be used to establish a monitoring, management, and enforcement fund as approved in the work program. An annual financial report is required for any monitoring, management, and enforcement fund established, including expenditures from the fund. This appropriation is available until June 30, 2014, by which time the project must be completed and final products delivered. M.L. 2014, Chapter 226, Section 2, Subdivision 19 extended the availability of this appropriation funding until June 30, 2015.

## **I. PROJECT TITLE: MeCC6 Dakota County Riparian and Lakeshore Protection**

### **II. PROJECT STATEMENT:**

The history of settlement and long-accepted agricultural land use practices have resulted in the loss, degradation and fragmentation of our natural resource systems. In Dakota County, only 3% of the pre-settlement plant communities remain intact. Despite increased public awareness of water-quality issues and improvement methods, as well as multi-agency efforts to assist landowners in implementing best management practices for water quality and habitat, nearly every river, stream and lake in Dakota County is listed as impaired for its designated uses.

In recent decades, the County has experienced substantial population increases and rapid residential development. Residential development is attracted to the natural features near which people want to live – especially lakes, rivers, and streams – a trend that contributes to the disappearance of habitat and deterioration of water quality. The County has a wealth of high-quality soils and a vibrant agricultural economy, but with recently high commodity prices, the pressure on agricultural producers to plant corn and soybeans fence row to fence row has never been greater. This combination of large-scale impacts and trends require a comprehensive, long-term, and collaborative approach if we are to maintain and improve our natural resource heritage and its many associated benefits.

At the same time, there are tremendous opportunities to proactively and successfully address these challenges. The economic downturn has slowed residential development and significantly lowered land prices. Intensity of storm events and localized flooding in Dakota County during the past few years has led agricultural landowners to reconsider planting in low-lying or wet areas. Sound plans have been developed and adopted that focus energy and resources on protecting and improving our natural infrastructure. The County has an excellent track record of working effectively with a wide variety of agencies, jurisdictions, organizations, and individuals to acquire and manage conservation easements and implement increased natural resource stewardship.

The goal of this project will be to acquire an estimated 27 permanent conservation easements, totaling 266 acres from willing landowners, along the Vermillion River and North, Middle and South Creeks, South Branch and their tributaries; and the Cannon River and its primary tributaries within the County (Dutch, Mud, Chub, Darden and Pine Creeks, and Trout Brook); to acquire permanent easements totaling 21 acres along Marcott Lakes in Inver Grove Heights; to prepare natural resource management plans on 287 acres; and to restore/enhance 75 acres of protected property.

The scale and scope of this project is both feasible and significant. It encompasses some of the best natural resource features found in the metropolitan region across a combination of urban, suburban and rural landscapes. It takes a precise and sound fiscal and ecological systems approach to conservation while attempting to balance the interests, rights and responsibilities of private landowners with the public's concerns about water, wildlife habitat, outdoor recreation, and climate change.

### **III. PROJECT STATUS UPDATES:**

#### **Project Status as of February 2012:**

In November 2011, the County Board adopted a comprehensive Land Conservation Vision that includes acquisition of inholdings and buffers of five regional parks and accelerated restoration within the five regional parks; a 200-mile multi-purpose greenway system that includes wildlife habitat, water quality and recreational trails; permanent vegetative buffers along all rivers, streams and undeveloped lakeshore; land cover-derived natural areas; and agricultural conservation zones. The County Board also adopted a dedicated stewardship fund as part of the 2012-2016 Capital Improvement Program budget for easement monitoring and natural resource management.

The new County staff person assigned to the project had to delay his involvement due to a number of state and federal issues involving the Lake Byllesby dam on the Cannon River. The contracted real estate person has not been able to devote as much time as anticipated. The staff real estate person is down to two days per week due to health reasons and is retiring in March. We hope to have a full-time replacement by the end of March. In summary, while there has been progress in a number of areas, we have not made as much progress on projects as we would have liked.

#### **Project Status as of August 2012:**

A one-year, term-limited real estate person was hired in April and the previously assigned person is now expected to devote more time to land conservation projects beginning in September. There has been internal recognition that land conservation has inadequate resources so a significant divisional reorganization is now underway to build additional staff capacity and should be implemented in the final quarter of 2012. The County Board has adopted "A Clean and Green County" as one of the five major goals of its overall vision. Preliminarily, the County Board will budget \$900,000 per year for land conservation for the next five years.

#### **Amendment Request 02/1/2013:**

While the County continues to make significant progress on a number of projects, a number of significant organization and staffing changes have occurred within the County that have created delays, prompting this amendment request to extend this project to 2014.

The Land Conservation Section was transferred from Parks and Open Space to Water Resources in the third quarter of 2012 in recognition of the critical relationship between land protection and management and water quality and the emphasis on working with private lands. In January, the Water Resources Department (Land, Groundwater, Surface Water and the Vermillion River Watershed) were merged with Environmental Management (Solid and Hazardous Waste, Recycling, and Contaminated Sites) to form a new Environmental Resources Department. During this process, the Water Resource Department Director retired. Positions have been and are continuing to be evaluated based on skills and priorities. The Real-estate Specialist, which had been a one-year, term-limited position has now been converted to a permanent, full-time position. A new supervisory position that will oversee shoreland zoning and riparian buffers has been established. Additional County staff will be reassigned to assist with land conservation efforts.

Other factors are involved in these delays. The key staff person responsible for the riparian buffer component of the project had to prioritize duties away from this project to deal with Lake Byllesby dam related projects including unanticipated repairs and improvements required by the Federal Energy Regulatory Commission. The County works with the federal Natural Resources Conservation Service (NRCS) on farmland protection projects that often include buffers and habitat areas. Due to an unanticipated change in their appraisal review process, eight 2011 projects involving 1,226 acres and millions of dollars had to be reappraised, renegotiated and documents updated in order to meet agreement timelines. This resulted in staff having to reprioritize projects and also created workload and timeline issues with appraisers.

While most of the issues have been or will be satisfactorily addressed, these many challenges, and the resulting new opportunities for more significant natural resource protection and management, require an extension of time period for completing this project.

Amendment Approved by the LCCMR June 24, 2013.

**Project Status as of February 2013:**

In addition to the ongoing efforts to protect the Marcott Lakes Area in Inver Grove Heights, and the progress made on the projects described in the Activity I Status section, 54 new riparian landowners who have property along the Vermillion River, Cannon River, and Chub Creek were contacted by the County since August 2012, to determine their interest in voluntarily participating in the buffer initiative. These landowners were identified based on an analysis of the river/stream quality and habitat on their property, their stewardship practices, likely interest in the initiative, and other factors. Each received a newly developed information package that included an introductory letter from the County, fact sheet explaining the overall project, County-generated map of the landowner's property with proposed easement boundaries and as many as six polygons representing the different landcover components, preliminary compensation amount (based on an incremental valuation formula tied to specific landcover components), a fact sheet explaining conservation easements, and a self-addressed, stamped postcard for interested landowners to return.

Follow-up phone calls have been made to approximately half of the initial 54 mailings. In addition to the projects described under Activity I results, two landowners have agreed to sell an easement using the formula and five other landowners have expressed strong interest and are in various stages of information exchange between themselves and the County. Several other interested landowners have requested that discussions wait until they return from their winter homes in the south.

Several property owners that were called after the initial mailing expressed no interest. Some stated the valuation formula tied to specific land classifications was too low, or in one case, "insulting." Others expressed concern that despite the potential receipt of payment for a conservation easement, they would still be burdened with paying taxes on the land, still have to maintain the land under easement, and lose some of their rights of ownership. Others stated they have no interest in an easement, but if the "price was right," they would consider selling the land to the County. Staff will complete follow-up calls with the remaining land owners in the next few weeks and distribute the information package to the next set of landowners.

Dakota County administers the DNR shoreland rules through the Dakota County Shoreland Zoning and Floodplain Management Ordinance. Staff is entering the third year of a three-year education-to-enforcement initiative to achieve compliance with maintaining a 50-foot permanent vegetated riparian buffer along DNR designated shoreland areas. It is anticipated that this buffer initiative will be effective in helping offset some of the land production value lost by landowners who are required to comply with the 50-foot permanent vegetated buffer requirement by providing compensation for adjacent areas outside of the buffer. Many of the shoreland landowners identified in the 50-foot buffer requirement have either complied or are willing to establish a buffer in 2013. Those landowners who achieved compliance represent a potentially receptive group for additional buffer easements.

Since the long-term County goal is to establish vegetative buffers along all rivers and streams, the County has now modified the scoring system to evaluate projects. The revised system is more objective and easier to apply and includes a minimum score for eligibility. See attached.

**Project Status as of December 2013:**

Significant progress has been made on the numerous acquisition projects that are in varying stages of completion. Appraisals have been completed or are underway. Negotiations have resulted in landowner agreements for many easements. Finalizing easements, completing Environmental Assessments, Property Reports, Natural Resource Management Plans (NRMP)/Stewardship Plans, securing federal

approval, updating title commitments and other documentation is now the next step for the majority of the acquisition projects.

The restoration projects have been delayed due to the associated delays in the acquisition projects and staffing constraints at the County. The primary staff person responsible for NRMPs has had to focus more time on groundwater and associated nitrate issues than anticipated. We are in the process of reassigning staff and reprioritizing projects to meet the agreement objectives.

The number, diversity and complexity of land conservation projects; including natural area protection, agricultural easements, park and greenway acquisition and shoreland easements, continues to be a challenge to manage.

#### **Project Status as of March 2014:**

The County has continued to approach shoreland landowners to assess their interest in working with the County on a conservation easement. By the end of 2013, each of 47 additional landowners had received an updated information package that included an introductory letter from the County, fact sheet explaining the overall project and current County Board approved compensation formula, County-generated map of the landowner's property with proposed easement boundaries and as many as six polygons representing different land-cover components, preliminary compensation estimate (based on an incremental valuation formula tied to specific land-cover components for those properties estimated at less than \$50,000), a fact sheet explaining conservation easements, and a self-addressed, stamped postcard for interested landowners to return. Staff made follow-up phone calls to landowners to gauge interest, answer any questions, and establish personal contact.

Of these landowners, 12 are now in some stage of the acquisition process that includes an appraisal (for acquisitions exceeding \$50,000), environmental site assessment, title search, and development of a Natural Resources Management Plan. Several other landowners continue to express interest in working with the County on conservation easements, but cite the need to consult with involved family members, renters, attorneys, or other trusted advisors. Six additional landowners were interested in larger-scale protection through the County's Farmland and Natural Areas (FNAP) program, but have shoreland that would also be eligible for funding through this program. The riparian properties currently "in the pipeline" include easements totaling an estimated 170 acres, including 19,600 feet of shoreland, at an estimated cost of \$378,000. These estimates do not include the FNAP natural area acquisitions in progress, which tend to be larger tracts of land.

The past reporting period has been challenging on several levels. Changes among the County staff occurring during the past six months include: 1) a new department manager; 2) departure of our real estate specialist; 3) recruitment and training of a replacement; 4) retirement of staff member responsible for environmental site assessments and easement monitoring; and 5) re-assignment of a new staff member working on NRMPs. In addition, a shortage of real-estate appraisers experienced in easement acquisition has lengthened timeframes, as well as recent guidance requiring that easements must be sent to the LCCMR 10 days before closing. All of these factors have made it difficult to complete all of the required steps to closing.

An additional barrier to moving projects forward is the quantity of the projects versus the size of the easements acquired. The County has a well-developed process for completing larger farmland and natural area easements, most of which require an appraisal, environmental site assessment, title search, NRMP and Landowner Agreement, document drafting, County Board approval and closing. The ShoreHolders program systematically markets to individual landowners with proposed easement areas that can be as small as five to ten acres. While small-acre easements do not require an appraisal, all of the other acquisition steps must still be completed. With temporary reductions in staff capacity, the number of acres and expense may not meet expected goals. There continues to be some ambivalence on the part of landowners related to taking cultivated land out of production and the permanent loss of revenue and then still having to pay taxes on the property. However, the County plans to complete as many of these projects as possible before the grant is completed.

### **Amendment Request (06/13/2014)**

Dakota County is requesting that the ability to expend funds from M.L. 2011, First Special Session, Chp. 2, Art.3, Sec.2, Subd. 04d2.6/3.7 MeCC Dakota County Lakeshore and Riparian Protection be extended until June 30, 2015. There are several reasons for this requested extension:

Dakota County has been without a land acquisition specialist since November of 2013 when the incumbent took a new position outside of the County. The County posted the position within two weeks and went through the interview and selection process with three fine candidates. After negotiations, none of the candidates accepted offers. The County revised the job description to reduce the qualifications. Twenty-six applications were received and twenty-four did not meet the minimum qualifications of having two-years of acquisition. The position remains unfilled and we are now pursuing a Request for Qualifications for a Land Acquisition Specialist.

The County has been involved in complicated and controversial land condemnation court proceedings with acquiring critical private properties in Spring Lake Park Reserve to protect high quality natural resources, culturally significant resources and to secure land control to prevent the loss of \$2+ million in federal funds to complete the second last segment of the 27-mile long Mississippi River Regional Trail. These proceedings have required re-prioritization of existing staff time.

The County has been undertaking extensive nitrate studies of the groundwater through additional Department of Agriculture funding. The results indicate a more wide-spread problem than anticipated. This public health issue has resulted in County natural resource staff being reallocated to work on this project.

The federal Farm Bill changed the farmland protection program and requirements. In order to meet a very short timeframe for submitting requests for \$1M+ in reimbursement funds, staff was diverted to this work.

Finally, the ongoing unresolved issues with the complicated and controversial Grannis property easement need to be discussed to determine the fate of this project.

This amendment request was approved by LCCMR June 30, 2014, to extend the availability of the funds until June 30, 2015, with the condition that specific parcels be amended to the acquisition list within the waterways approved in the original work plan.

### **Amendment Request (07/29/2014)**

The County requests that the following projects be approved as additions to the acquisition list: Bastien, Blair, Boucher, Dahl, S. Gergen, Grannis, Lindell Trust, Marthaler, Nicolai, G. Olson, D. Peterson, Robinson, M. Smith, R. Stoffel and Wergin/Renlund. Descriptions of these projects are included in previous and current status reports. These projects total 260 acres.

The County requests increasing the amount of funds available for appraisal services from \$20,000 to \$60,000. The anticipated number of projects with projected costs greater than the \$50,000 formula is higher than expected, the complications on the Grannis property valuation, and the DNR's \$20,000 limit for non-appraised projects requires more appraisal expenditures.

The County requests that the following projects be approved as additions to the restoration list: Betzold, Boucher, D. Gergen, P. Gergen Jr., S. Gergen, Grannis, Juenke, Lindberg, Lindell Trust, G. Olson, Robinson, Rowan, R. Stoffel and Wergin/Renlund. These projects include Natural Resource Management Plans (NRMP) on 309 acres and a minimum restoration of 120 acres. Descriptions of these projects are included in previous and current status reports.



The County requests that the amount of funds available for equipment and supplies (seed) for restoration be reduced from \$86,000 to \$46,000. The cost for seed was significantly less than anticipated for restoring more acres than projected in the workplan.

This amendment request was withdrawn, revised and resubmitted as the 4/7/15 amendment request.

#### **Project Status as of July 2014:**

A revised shoreland easement template incorporating LCCMR-recommended language has been completed and is being submitted for review by LCCMR staff as an addendum to this status report.

A land acquisition specialist was hired by the County on July 28, 2014. A Request for Qualifications was developed and distributed to potential land acquisition contractors with a July 7, 2014, due date. The County received five responses and is in the process of contracting for their services - some of which will be utilized for projects included in this work plan.

Dedicated staff and new business practices have been established within the Land Conservation Unit of the Environmental Resources Department to provide additional assistance in tracking and administering grant agreements and funding reimbursements.

The County Board authorized revisions to the easement valuation formula for properties classified as residential to address significant differences in tax-assessed value for these parcel for those parcel classified as agricultural. County staff intend to meet with DNR staff to see if the state grant agreements can be amended to allow the use of the County's easement valuation formula similar to what is allowed for Reinvest in Minnesota projects.

A new NRMP template is nearly finalized for updating previous NRMPs and as the basis for current and future NRMPs on all easements. This template is designed to be landowner friendly, more consistent, easier to develop for each project and better utilize internal staff and contractor expertise. Information menus, including photos and maps, for various sections have been developed and the appropriate sections can then be selected for individual projects. The template includes the following sections:

- Plan Purpose
- General Conservation Easement Information
- Executive Summary
- Introduction to County Land Conservation Goals and Activities
- Landscape Context
- Physical Conditions (geology, soils, topography, hydrology, ground and surface water)
- Vegetation (historical, ecological subsections, noxious and invasive species, and land cover types,
- Ecological Impacts (fire, disease, exotic species, climate change
- Plant Community Assessment (Rated as healthy, mixed, or unhealthy)
- Wildlife (existing populations of mammals, Birds, reptiles, amphibians and fish, relevant Species of Greatest Conservation Need)
- Other Considerations referenced in the easement
- Target Vegetation Communities
- Management Priorities
- Recommended Methods
- Five-Year Work Plan
- Long-Term Work Plan

#### **Project Status as of April 2015**

##### **Projects Withdrawn**

Dakota County staff has spent a significant amount of time working to acquire permanent conservation easements on several properties that are not moving forward for a variety of reasons. There are also some projects that are moving forward, but are not likely be finished in time to receive funding approval

for acquisition under this agreement. Should any of these projects re-emerge with renewed landowner interest, County staff will request appropriate amendments to active funding agreements.

The following projects, for which activity updates have been provided in past workplan updates, are not moving forward at this time: Bastien, W/L Bauer, Blair, M. Boyum, Clubb Family, J. Curry, Dahl, N. Girgen, W. Hallcock, Juenke, Kasel Estate, Lace Trust, Marthaler, G. Olson, Ozment/Seehusen, D. Peterson, Robinson, Ryan, and D. Stanton.

Although the Boucher, Grannis and Lindell Trust projects are still moving forward, they are being deleted from this agreement and are no longer included in the activity updates or on the Acquisition/Restoration List.

The County continues to experience substantial challenges to shoreland easement appraisals and valuation, successfully negotiating acquisition costs and securing landowner commitment to implementing natural resource management on the acquired easements.

- 1) Valuation: Despite the work plan approval of the sophisticated easement valuation formula for rural easements, with an estimated value of \$50,000 or less, the DNR agreement requires appraisals for projects valued at \$20,000 or more. This required that some of the formula-based projects in progress would need to be appraised.

The number of appraisers experienced and qualified to appraise these types of projects remains very limited, with extensive scheduling delays due to their work loads. Further, there are virtually no comparables for these types of appraisal projects. DNR appraisal standards require the larger parcel analysis, when these shoreland easements are a very small portion of these larger parcels. As a result, the appraisal process is more expensive and more time consuming and often results in values that are too low to be attractive to landowners. Finally, the appraisal process does not take into account the public benefits, such as protecting and enhancing water quality, wildlife habitat, open space, etc., being protected as a result of the easement, because those benefits are not included in the financial analysis.

- 2) Negotiations: As noted above, some landowners are rejecting the easement values as being too low. In part, many landowners believe their agricultural land is more valuable than current market trends and actual comparable sales. They're also having difficulty recognizing and acknowledging that the majority of the easement area, which is untillable, does not have a high value, and thus the overall value of the easement appears too low. Even when it's explained and sometimes separated within the overall value, they're focused on what they think they're being paid for the agricultural portion and reject the offer.
- 3) Natural Resource Management: The County requires development of a Natural Resource Management Plan (NRMP) with every easement. Initially, landowners were not required to implement the NRMP. Within the last several years, the County has worked with landowners to require that they contribute a modest amount of cash or in-kind services to begin implementing priority activities. Despite a willingness to include minimal amounts and be flexible, the combination of general landowner disinterest in management, the low easement value, and the older age or health constraints of some landowners – especially if they're not living on the land – has resulted in multiple landowners rejecting offers to purchase an easement, even if the value is acceptable.
- 4) General Acquisition Issues: There have been the usual and unusual complications associated with acquisitions, including, landowner health issues, family dynamics, landowner changes or delays resulting in necessary appraisal updates, staff workloads and priorities. For each offer accepted, we have perhaps three that are not accepted, recognizing time and resources spent on all of them with unequal returns.

### **Amendment Request (4/7/2015)**

#### **Conservation Easement Acquisition**

The County requests that the following projects be approved as additions to the acquisition list: S. Gergen, Nicolai, Smith, R. Stoffel, and Wergin/Renlund.

Project summary information, estimated costs and maps are provided in Attachment B to this status report.

As a result of a decrease in the number of acquisition projects, the County is requesting that the appraisal expenses be reduced from \$60,000 to \$15,000.

#### **Restoration**

The County requests that the following projects be approved as additions to the restoration list retroactive to June, 2014:

Betzold, D. Gergen, P. Gergen Jr., S. Gergen, Rowan, R. Stoffel and Wergin/Renlund.

The County also requests that the following projects be approved as additions to the restoration list: Nicolai and Smith.

Project summary information, estimated or actual costs, and maps are provided in Attachment B to this status report.

Due to acquisition issues and other delays, the County requests a reduction in professional/technical contracts from \$45,000 to \$15,000 for this budget component.

The County anticipated restoring 75 acres of existing or newly protected properties. Additional opportunities allowed the County to restore an additional 55 acres. The equipment/tools/supplies costs are considerably less than originally estimated. For clarification purposes, the County requests addition of an Equipment/Tools/Supplies budget line item to the A. ENRTF BUDGET table on page 21, and an amount of \$25,000 for this budget component.

A \$46,000 amount has been incorrectly listed in the A. ENRTF BUDGET table on page 21 as Service Contracts. The Service Contracts amount should have been listed as \$50,000 per Attachment A. This change is noted in the table.

With the proposed budget reductions for Professional/Technical Contracts, Service Contracts, and Equipment/Tools/Supplies and appraisal costs, the County proposes to increase the easement acquisition component from \$834,000 to \$930,000. However, the County anticipates expending an estimated \$200,000 of Trust Funds to acquire the proposed acquisition projects. This would result in an estimated \$570,000 that will not be needed and can be returned to the Trust Fund account.

Amendment Approved by the LCCMR April 8, 2015.

### **Final Report Summary:**

The project goal was to acquire permanent conservation easements from willing landowners, along rivers, streams, and undeveloped lakeshore in Dakota County; to prepare Natural Resource Management Plans (NRMPs) for conservation easements; and to restore/enhance protected land. The project scope encompassed some of the best natural resource features found in the metropolitan area, across combined urban, suburban and rural landscapes. A sound fiscal and ecological systems approach to conservation was taken, while attempting to balance the interests, rights and responsibilities of private landowners, with the public's concerns about water, wildlife habitat, outdoor recreation, and climate change.

In November 2011, the Dakota County Board adopted a comprehensive Land Conservation Vision that included establishing permanent vegetative buffers along all rivers, streams and undeveloped lakeshore and protecting land cover-derived natural areas. The County's new and existing land conservation programs targeted fairly specific areas in the County, where mailings were issued to determine landowner interest. Program applications were reviewed and evaluated; and top-ranking

projects meeting County Board-approved criteria were considered for permanent protection. Appraisals were conducted for recommended projects. NRMPs and baseline Property Reports (PRs) were prepared for each project where landowners accepted purchase offers; and landowners agreed to cash or in-kind contributions toward protected property restoration and management. Restoration projects were also completed on existing easement properties.

The project goals were: acquiring an estimated 28 permanent conservation easements, totaling 287 acres; and restoring/enhancing 75 acres of protected land. County staff worked hard to get easements in place and restoration projects implemented, while rebuilding staff capacity during periods of staff turnover. However, a variety of issues also often derailed the acquisition process, including: landowner project changes; unforeseen financial challenges/roadblocks; and reluctance to commit to long-term restoration and/or inflated land value expectations that lead to rejected purchase offers. Consequently, the County was only able to acquire four conservation easements, totaling 195 acres, which did not meet its goal; and complete PRs and NRMPs and/or restoration projects for eight properties, with total restored acreage of 98 acres, which surpassed its goal. Through this project, approximately 3.9 miles of waterway shoreline was protected.

#### **IV. PROJECT ACTIVITIES AND OUTCOMES:**

##### **ACTIVITY 1: Acquisition of Conservation Easements**

###### **Description:**

This shoreline corridor initiative is part of a comprehensive Dakota County Land Conservation Vision that also includes regional parks, multi-purpose greenways and the protection of high quality natural areas and working lands.

The completed, LCCMR-funded Vermillion River Corridor Plan provides the basis for land protection within the Vermillion River system. The plan integrates and prioritizes the combined protection and improvement of water quality, wildlife habitat and appropriate outdoor recreational opportunities. A system of established criteria including reducing non-point pollution; improving stream channel, floodplain and wetland functions; ecological quality and size; length of shoreline; proximity to other protected land; landowner commitment to current and future stewardship; cost and leveraged funds; improving appropriate outdoor recreational opportunities; and other considerations will be used to evaluate and rank projects. The easements do not require public access, but projects including public access receive higher scores. In addition, payment for public access easements, similar to the DNR Angler Access Easement Program, will be available to landowners. Easements will be written in a way so as to not preclude public trails at a future date to reflect changes in demographics and local land use. A similar plan and criteria system is being developed for the north Cannon River system. A technical staff team from the County's Park and Open Space and Water Resources Departments and the Dakota County SWCD will review and rank projects and forward recommendations to the County Board for approval. See Attached: Criteria

The most significant and expensive easement is part of the 250-acre Marcott Lakes project in Inver Grove Heights. This project involves multiple landowners, phases and funding sources including Dakota County, state Outdoor Heritage, and landowner donation. This phase involves acquiring an easement on 10 platted lots with lakeshore and/or lake views. The remainder of the projects will involve riparian buffers. GIS and outreach efforts have and will identify critical and willing landowners interested in protecting and managing important parcels as part of the County's comprehensive initiative to provide buffers along all rivers and streams.

Easement values for projects in cities or with an estimated cost exceeding \$50,000 will be based on an independent fair market appraisal. Due to the lack of sale comparables for small riparian easements in the metro region and increased staff and financial efficiency, a formula based on rural agricultural tax assessed value and variably adjusted according to regulatory conditions, floodplain, amount of cultivated land taken out of production, and vegetation types will be used to determine per acre

easement value. Updated aerial photography and Minnesota Land Cover Classification System data, official FEMA floodplain boundaries, and site visits will be used to determine the following respective acreage components of each easement:

- Agricultural Land - within and outside of 50 feet from shoreline
- Woodlands - within and outside of 100-year floodplain
- Fields and wetlands - within and outside of 100-year floodplain

These acreages will then be multiplied by the relevant valuation amount to determine the value of each respective component to produce the overall easement value. Payment for public access will be based upon \$5/foot for stream length or lakeshore within the easement. This process was reviewed and approved by the County Attorney's Office, County Assessor's Office, County Administration and the County Board of Commissioners. In addition, the process was reviewed by three independent appraisers and their comments were integrated within the approach. See Attached: Valuation Formula.

Phase I Environmental Assessments will be completed for all projects and all solid waste will have to be removed as a condition of participation. Easements are surveyed by the County Surveyor's Office and the resulting information is used for legal documents and boundary markers. Baseline Property Reports, referenced in the easement deed, are reviewed and signed by the landowner and the County and completed prior to acquisition. All information is entered into a land management data base. As previously adopted by the County Board, the County's standard practice is to monitor each easement on an annual basis. A combination of remotely reviewing the easement using available technology and then scheduling a site visit is used for determining easement compliance. Each written monitoring report is reviewed and signed by the landowner and the County and then entered into the data base. Monitoring and future enforcement, if necessary, is an ongoing County obligation and is budgeted accordingly.

#### Summary Budget Information for Activity 1:

<b>ENRTF Budget:</b>	<b>\$960,000</b>
<b>Amount Spent:</b>	<b><u>\$253,052</u></b>
<b>Balance:</b>	<b>\$706,948</b>

#### Activity Completion Date: June 30, 2015

Outcome	Completion Date	Budget
1. Permanent protection of estimated 27 properties totaling an estimated 287 acres of high priority natural resource lands through acquisition of perpetual conservation easements.	June 30, 2015	\$960,000

#### Activity Status as of February 2012:

- The Marcott Lakes project has been progressing. The appraised value of the 103 acres of platted lots is significant and will require a combination of funds from the County, FY10 and FY11 Outdoor Heritage Funds, and the FY12 Environment and Natural Resource Trust Fund. A contingent offer on the entire property has now been made. The draft NRMP has been completed and reviewed by the landowner who winters in Florida. The property has been previously taxed on an assessed as determined by enrollment in Green Acres. With changes in the law and associated eligibility requirements and new rates, a detailed tax analysis has now been completed in terms of deferred taxes and likely assessed value if a conservation easement is in place. The owner is consulting with various financial professionals to determine options. We are estimating approximately 30 acres will be funded exclusively with these ENRTF funds.
- Continuing to make progress on 11 riparian projects totaling 288 acres.
- In February, the County Board approved the following:
  - Acquiring a 300-acre farmland property that will include ~60 acres of riparian buffers
  - Advancing four new riparian projects totaling 110 acres

- Advancing two new farmland projects with ~35 acres of riparian areas
- At the invitation of a bank, the County is working on protecting nearly .5 miles of shoreline on an undeveloped lake in Rosemount prior to residential development.

#### **Activity Status as of August 2012:**

- The 103-acre Lindberg easement project (#6) was acquired on August 6, 2012, after three closed executive sessions with the County Board and controversy with the city of Inver Grove Heights related to a proposed youth shooting range on the adjoining Grannis property. 14.2 acres of the project were funded with a combination of ENRTF and County matching funds.
- An option agreement has been signed for the 117-acre Grannis property easement adjacent to the Lindberg easement and new appraisal begins in September.
- We are continuing to make varying progress on eighteen riparian projects totaling 493 acres.
- The County Board approved appraising the Horseshoe Lake project (#11) which involves the County, City of Rosemount, Klein Bank, and residential developer in a lakeshore buffer, multipurpose greenway, a neighborhood park and the purchase of several potential residential lots.

#### **Activity Status as of February 2013:**

- The appraisal of the Grannis property adjacent to the Lindberg property as part of the larger Marcott lakes project, has been underway, but delayed due to appraiser workloads and at the request of the landowner. It is scheduled to be completed in mid-May. In January, the Inver Grove Heights City Council unanimously passed a resolution of support for the Marcott Lakes protection project.
- In December, the County Board approved appraising and negotiating third principle landowner property with wetland and upland habitat adjacent to both the Lindberg and Grannis properties.
- Project #2 required an appraisal update to meet federal farmland protection program requirements and has now been completed. Appraisal review has been completed and approved. Negotiations will ensue shortly. Negotiations with landowners of Project #3 and #4 are underway.
- The owner of Project #5 has decided not to sell an easement based on a lower than expected appraised value. Landowner #6 has withdrawn. A contract for appraising Project #7 will be signed in February.
- After an initial unsuccessful attempt, the DNR has now obtained an option on Project #10 so funding will not be necessary for this project.
- Negotiations continue to take place between the bank owner of a 150-acre property (project #11) that includes the virtually undeveloped Horseshoe Lake, a national homebuilder interested in developing 159 lots, the City of Rosemount, and the County to permanently protect 3,100 feet of shoreline as a separate, but associated component of protecting portions of two, multi-purpose, regional greenways.
- In January, the County Board approved appraising and negotiating easements for projects #12, #13 and #16 which include significant portions of Chub Creek, the South Creek tributary to Vermillion River and Chub Creek respectively.
- Appraisals have been completed for projects #17, #18, and #19.

#### **Activity Status as of December 2013:**

The County's Real Estate Specialist has left to take a new position with a non-profit organization in early December and the County is in the process of posting the position. The County staff person responsible for completing Environmental Assessments and Property Reports for all land conservation projects retired on December 2<sup>nd</sup>. The Coordinator for the shoreland easement projects had to be re-assigned back to the Byllesby Dam upgrade project due to complications related to the multi-million dollar spillway project and turbine replacement. These staff changes have resulted in delays and the recent transfer of new personnel which will require considerable training. As a result, we have had to re-prioritize and delay projects. Nevertheless significant progress has been made on the following projects:

- Project #1 (Grannis): Mr. Grannis has worked with the City of Inver Grove Heights to revise the current comprehensive plan that would allow the associated visitor center and assisted living facility

(to be located outside of the easement) that would provide some of the necessary operating funds for the outdoor skills center. The draft appraisal of the Grannis property was completed in August and required significant revisions. It was revised in late September and the County and the landowners met in late September to discuss values. The landowners were not pleased with the methodology and resulting easement value and requested that the County Board release the full appraisal which the Board did in early November. Recent discussions indicate that the landowners will contract for a separate appraisal and the County will be contracting for a new appraisal.

- Project #2 (Rowan): Negotiations were successfully completed and the 285.4-acre agricultural easement in Greenvale Township was acquired on October 29, 2013. The shoreland portion of the easement along Dutch Creek and a tributary total 45.9 acres, of which 5.8 acres will be planted to native vegetation in spring 2014.
- Project #3 (Nicolai): The landowner of this wetland and stream easement in Castle Rock Township was not willing to sell an easement at the appraised value so the project is withdrawn.
- Project #4 (Wergin/Renlund): Negotiations were successful on this 37-acre easement along Chub Creek in Waterford Township. There is a recording issue associated with a four-acre, recently acquired parcel that is included in the easement delaying the closing until late December or early January.
- Project #7 (N. Girgen): The appraisal was completed in July. Negotiations have been very challenging for this significant easement along the Vermillion River in Vermillion Township and the City of Vermillion. Despite repeated alterations to the easement configuration that would reduce the amount of land being taken out of cultivation, the landowner decided not to sell an easement. This project is being withdrawn.
- Project #8 (G. Olson): The County Board authorized an appraisal of this 3.5-acre easement containing 520 feet of North Creek Blair in the City of Lakeville in September. At the landowner's request, the appraisal meeting is scheduled for mid-December.
- Project 11 (Klein Bank): Due to banking regulations, Klein Bank transferred the property to RIOU Property 2, LLC (RIOU), a wholly owned subsidiary. The City of Rosemount approved the subdivision plat. The County Board approved the acquisition of the 25-acre municipal shoreland easement along Horseshoe Lake from RIOU on July 30, 2013. The Metropolitan Council (MC) approved the associated municipal greenway easement on August 27, 2013, as part of the overall project. After finalizing the numerous complicated transactions and documents involving the County, the MC, City of Rosemount, RIOU and the developer (Lennar/U.S Homes) the shoreland easement was acquired on October 16, 2013.
- Project #12 (S. Gergen): The County Board authorized the appraisal. Negotiations were successful for acquiring this 25-acre easement along Chub Creek in the City of Randolph. The local school district subsequently requested that the landowner consider selling a 2± acre portion of the proposed easement for an expanded athletic complex. The landowner is now considering the request. It is uncertain whether the easement will remain at 25 acres. If the easement is reduced by the proposed amount, the appraisal will have to be updated.
- Project #13 (D. Peterson): After substantial negotiations between the landowner and the City of Farmington regarding the floodplain boundary and what the city would allow under its comprehensive plan, the County Board subsequently authorized the appraisal of a shoreland easement along the South Creek tributary to the Vermillion River. An appraisal meeting was in the process of being scheduled when we were informed that the landowner had sustained serious injuries from an accident and we have not been able to proceed due to his condition.
- Project #16 (Marthaler): The appraisal of this 27-acre shoreland easement along Chub Creek in Randolph Township was delayed due to the appraiser schedule and is now scheduled to be completed in December.
- Project #17 (Juenke): The appraisal was completed and negotiations were successful. The County Board approved the acquisition of this 94.1-acre agricultural easement along the South Branch of the Vermillion River in Castle Rock Township. The easement includes 7.1 acres of stream buffer and a 24-acre portion of the very high quality Hampton Woods. At the request of the landowner, the closing will take place in January 2014.

- Project #18 (Lace): The appraisal was completed and negotiations were successful. The County Board approved the acquisition of this 162-acre agricultural easement along Chub Creek in Greenvale Township and was acquired on November 6, 2013. However, the relatively small, 8-acre natural area portion of the larger easement does not warrant the staff time required to include it in the overall project so it is being withdrawn from further consideration.
- Project #19 (Ozment/Seehusen): The appraisal was completed and negotiations were successful. The County Board approved the acquisition of this 102.7-acre agricultural easement in Castle Rock Township, of which 49 acres is a small lake and tributary to the south Branch of the Vermillion River and associated buffer. The easement was acquired on November 1, 2013.
- Project #20 (M. Smith): The landowner, County and the City of Lakeville have had preliminary discussions about the design of a multi-purpose land protection project. The landowner requested that we delay further discussions and the appraisal until January 2014.
- Project #21 (W/L Bauer): The landowner has decided not to consider selling an easement at this time so this project is withdrawn.

The following new projects have resulted from landowner outreach efforts:

- Project #28 (Boucher): The County Board approved using the easement valuation formula to acquire an 11.3-acre easement that includes 975 feet of shoreline on both sides of the Vermillion River in Vermillion Township.
- Project #29 (Lindell): The County Board approved using the easement valuation formula to acquire a 5.0-acre easement that includes 975 feet of shoreline on both sides of the Vermillion River in Marshan Township.
- Project #30 (R. Stoffel): The County Board approved using the easement valuation formula to acquire a 9.5-acre easement that includes 2,260 feet of shoreline on the Vermillion River in Vermillion Township.
- Project #30 (Bastien): The County Board approved appraising a 16-acre easement that includes 1,880 feet of shoreline on the Vermillion River in Vermillion Township.
- Project #31 (Blair): The County Board approved appraising a 13-acre easement that includes 2,370 feet of shoreline along the South Creek tributary to the Vermillion River in the City of Farmington.

#### **Activity Status as of March 2014:**

The County has interviewed three potential land acquisition specialist candidates on January 31, 2014. The County has now reassigned an existing Environmental Resources Department staff member to coordinate Shore holder projects.

- Project #1 (Grannis): The landowners have now contracted for their own appraisal, and the County has contracted for a new appraisal of this proposed easement that will include a residential subdivision plan to assist the appraiser and the County to better determine fair market value for this unique property. As proposed, there will be three exception areas on the property that will not be included in the easement: an assisted living facility on the edge of the easement that is planned so that the leased land can provide operating funds for the new Outdoor Skills Center; a 2+ acre which is the proposed site of a future visitor center (the owner has agreed to place restrictions on this area to prevent non-compatible future uses if the visitor center is not constructed); and an area that includes the owners current house and barns that would eventually be used for Outdoor Skills Center facilities. The appraisal should be completed in mid-April. A legal description of the proposed easement has been prepared based on survey completed by the County. The Easement Deed has been drafted (with LCCMR-related language), and the Purchase Agreement has been drafted without the acquisition cost, a preliminary Natural Resource Management Plan has been completed, and the environmental assessment has been completed with no issues.
- Project #4 (Wergin/Renlund): A recording issue associated with a four-acre, recently acquired parcel by the landowner has now been resolved so this 37-acre easement along Chub Creek in Waterford Township can proceed toward closing.
- Project #8 (G. Olson): The appraisal of this 3.5-acre easement containing 520 feet of North Creek Blair in the City of Lakeville has been completed and negotiations are scheduled for late February.



- Project #12 (S. Gergen): The landowner is no longer interested in working with the local school district and has agreed to sell the 27-acre easement along Chub Creek in the City of Randolph. The project will be going to the County Board for approval in April.
- Project #13 (D. Peterson): The landowner continues to heal from a serious injury sustained from a significant fall and we have not been able to proceed due to his condition. However, he called last week and staff is planning to meet with him in two weeks.
- Project #16 (Marthaler): The appraisal of this 30-acre shoreland easement along Chub Creek in Randolph Township has been completed and approved. Landowner negotiations will begin in March.
- Project #17 (Juenke): The 94.1-acre agricultural easement along the South Branch of the Vermillion River in Castle Rock Township, which includes 7.1 acres of stream buffer and a 24-acre portion of the very high quality Hampton Woods was acquired on January 9, 2014.
- Project #20 (M. Smith): The landowner, County and the City of Lakeville have had preliminary discussions about the design of a multi-purpose land protection project. The landowner requested that we delay further discussions and the appraisal. A meeting with the landowner has been scheduled in late-March.
- Project #28 (Boucher): The NRMP for this 11.3-acre easement that includes 1,200 feet of shoreline on both sides of the Vermillion River in Vermillion Township is being finalized and the easement is expected to close in April.
- Project #29 (Lindell Trust): The NRMP for this 5.0-acre easement that includes 975 feet of shoreline on both sides of the Vermillion River in Marshan Township is being finalized and the easement is expected to close in April.
- Project #30 (R. Stoffel): The NRMP for this 9.5-acre easement that includes 2,260 feet of shoreline on the Vermillion River in Vermillion Township is being finalized and the easement is expected to be closed in April.
- Project #31 (Bastien): The appraisal for this 16-acre easement that includes 1,880 feet of shoreline on the Vermillion River in Vermillion Township is underway.

The following new projects have resulted from landowner outreach efforts within the last reporting period:

- Project #32 (Blair): The County Board approved appraising a 21-acre easement that includes 2,370 feet of shoreline along the South Creek tributary to the Vermillion River in the City of Farmington.
- Project #33 (Dahl): The County Board approved using the easement valuation formula to acquire a 5-acre easement that includes 490 feet of shoreline along Chub Creek (tributary to the Cannon River) in the Greenvale Township. An offer has been presented.
- Project #34 (Robinson): The County Board approved using the easement valuation formula to acquire a 6-acre easement that includes 1,525 feet of shoreline along the Vermillion in Vermillion Township. An offer has been presented.

An additional 41 landowner packages, including map development, have been developed and are distributed in February. The County has received eight positive responses and landowner meetings are being scheduled.

#### **Activity Status as of August 2014:**

Project #2 (Grannis): Due to a number of issues raised by LCCMR staff, and presumably Commission members, and Outdoor Heritage Fund staff, use of Trust Funds for this project is on hold until further review by the Commission. General issues include using public funds to pay for easements when the easement value is close to the fee title value and the lack of or acceptable levels of public access/use. These concerns are further heightened by its complex nature, expense, uncertainty about the viability of the Darvan Acres Outdoor Skills Center and the potential future use of the three proposed easement exception areas.

Although funding is on-hold, a number of activities have continued. As referenced in the previous status report, the County and the Grannis family each contracted with new appraisers to determine the Before,

After, and Conservation Easement Values of the 134-acre Grannis family property. County staff, including the Assessor's Office, had concluded that it was in the public interest to complete a second appraisal and to base the new appraisal on a residential subdivision plan to provide additional quantitative analysis to determine the highest and best use of the property as opposed to using qualitative adjustments to other "comparable" properties.

The County's appraiser and the Grannis family contracted with the same private development company to develop a legally, physically and financially feasible sub-development plan that would likely be approved by the City of Inver Grove Heights (and Dakota County since the potential development would directly connect to a County road). The development plan would then be used by both appraisers to determine the location, size and number of lots and also estimate the associated development costs. An issue arose during the County Plat Commission review of the plan and the Commission determined that two proposed cul-de-sacs would have to be connected to meet transportation guidelines. This resulted in the loss of a three potential lots and added development expenses thereby reducing both the gross and Before Value of the property.

The appraisers would choose one of three residential development scenarios ranging between 29 and 39 lots with two outlots and use the following considerations to determine the Before Value: number and value of the lots less the site development costs, time for city approval, absorption rate, taxes, closing costs, insurance, contingency, profit (risk during permitting, development and marketing), discount rate and internal rate of return. The After Value would be based on the value of the land with the proposed easement in place. This value would be based on removing development potential for all portions of the property either not encumbered by the 16.8-acre existing easement or the proposed exception areas and the types of uses still allowed by the easement. The difference between the Before Value and the After Value is the Easement Value.

County staff reviewed this appraisal and found that it is acceptable. After a closed session with the County Board to discuss this project on May 20, 2014, the County Board by Resolution on July 8, 2014, authorized the release of the second appraisal to the Grannis family and also authorized the release of the first and second Grannis property appraisals to the LCCMR and the LSOHC for review. The County is waiting for the Grannis appraisal to be completed and available for County review before sharing its appraisal.

The County requested that Mr. Grannis provide a status update on the Darvan Acres Outdoor Skills Center. He provided the following:

- A. Incorporation approved as 501c3 by IRS and State of MN
- B. City Of Inver Grove Heights resolution supporting the easement and approval of Local Comp Plan amendments to allow proposed facilities.
- C. Contracted with the Carlson School of Management at the University of Minnesota to review his business plan. Their conclusion was that this was a viable plan and to begin operating before major capital investments.
- D. Renovated 1,700 sq. ft. building located in one of the proposed exception areas that included new concrete floor with in-floor heat, insulation, incinerating toilet, glass doors, gravel parking area, energy efficient lighting, and donated furnishings.
- E. Completed preliminary design plans for visitor center
- F. Discussions with three different companies/organizations for the proposed Independent Senior Center and Pre-School to be located within one of the proposed exception areas. Further studies are on-hold until the land can be secured.)
- G. Held discussions with the Independent School District 199 Superintendent. Her comment was "If you build it, we will fill it."
- H. The Board of Directors of both the Dodge Nature Center and Carpenter Nature Center are interested in partnering or potentially operating the Center.

- I. 5.9 miles of trails are being maintained.
  - J. There is ongoing natural resource management with materials taken to St. Paul District Energy
  - K. The Wildlife Resource Center in Roseville is considering making investments in the existing barns to allow for the rehabilitation and release of wildlife on the property.
  - L. On-site programs have been conducted for Simley High School, Inver Hills Community College, Boy Scouts, youth turkey hunts, and DNR gun safety classes. On April 30, 2014, 44 neighbors attended a program on Center plans and habitat restoration on the property and habitat suggestions for their properties.
- Project #3 (Nicolai): The landowner of this wetland and stream easement in Castle Rock Township has reconsidered on selling a reconfigured easement and the appraisal is being revised.
  - Project #4 (Wergin/Renlund): This 37-acre easement along Chub Creek in Waterford Township is still proceeding toward closing.
  - Project #8 (G. Olson): The appraisal of this 3.5-acre easement containing 520 feet of North Creek in the City of Lakeville had to be revised and negotiations are scheduled for August.
  - Project #12 (S. Gergen): The County Board approved acquisition of this 25-acre easement that includes 2,700 feet of shoreland along Chub Creek in the City of Randolph on May 6, 2014. A NRMP and Property Report are being developed prior to closing.
  - Project #13 (D. Peterson): The landowner continues to heal from a serious injury sustained from a significant fall and we have not been able to proceed with an appraisal of his property along the South Creek tributary to the Vermillion River in the City of Farmington due to his condition.
  - Project #16 (Marthaler): The landowner of this 30-acre shoreland easement along Chub Creek in Randolph Township rejected the County's offer in April. This project may still be undertaken as part of a related acquisition project on adjacent property.
  - Project #20 (M. Smith): The County Board authorized appraisal and negotiations of a 11-acre shoreland easement along both sides of the North Creek tributary to the Vermillion River in the City of Lakeville.
  - Project #28 (Boucher): The NRMP and Property Report for this 11.3-acre easement that includes 1,200 feet of shoreline on both sides of the Vermillion River in Vermillion Township is being finalized and the easement is expected to close in September.
  - Project #29 (Lindell Trust): The NRMP and Property Report for this 5.0-acre easement that includes 975 feet of shoreline on both sides of the Vermillion River in Marshan Township is being finalized and the easement is expected to close in September.
  - Project #30 (R. Stoffel): The NRMP and Property Report for this 9.5-acre easement that includes 2,260 feet of shoreline on the Vermillion River in Vermillion Township is being finalized and the easement is expected to be closed in September.
  - Project #31 (Bastien): The appraisal for this 16-acre easement that includes 1,880 feet of shoreline on the Vermillion River in Vermillion Township has been completed and approved by the County. Negotiations will take place in August.
  - Project #32 (Blair): The appraisal for this 21-acre easement that includes 2,370 feet of shoreline along the South Creek tributary to the Vermillion River in the City of Farmington has been completed and approved by the County. Negotiations will take place in August.
  - Project #33 (Dahl): The landowner of the 490 feet of shoreline along Chub Creek (tributary to the Cannon River) in the Greenvale Township has rejected the County's offer based on the primarily on the natural resource management requirements associated with an easement.
  - Project #34 (Robinson): The project to acquire a 6-acre easement that includes 1,525 feet of shoreline along the Vermillion in Vermillion Township was delayed due to the need for the County Board to revising easement valuation formula for residentially classified property. A revised offer has been presented and is being considered.

#### **Activity Status as of April 2015**

- Dakota County staff has spent a significant amount of time working to acquire permanent conservation easements on several properties that are not moving forward for a variety of reasons. There are also some projects that are moving forward, but are not likely be finished in time to

receive funding approval for acquisition under this ML 2011 agreement. Should any of these projects re-emerge with renewed landowner interest in the future, County staff will request appropriate amendments to active funding agreements. The following projects, for which activity updates have been provided in past workplan updates, are not moving forward at this time: Bastien, W/L Bauer, Blair, M. Boyum, Clubb Family, J. Curry, Dahl, N. Girgen, W. Hallcock, Juenke, Kasel Estate, Lace Trust, Marthaler, G. Olson, Ozment/Seehusen, D. Peterson, Robinson, Ryan, and D. Stanton.

Although the Boucher, Grannis and Lindell Trust projects are still moving forward, they are being deleted from this agreement and are no longer included in the activity updates or on the Acquisition/Restoration List.

- Line 12 (S. Gergen): Although the County Board approved acquisition of this 28-acre easement that includes 2,600 feet of shoreland along Chub Creek in the City of Randolph, the landowner decided to sell the eastern two acres of the proposed easement area to the adjoining landowner. This necessitated revising the existing maps, the legal description and documents. In the meantime, the appraisal valuation date expired, and an appraisal update was needed. The appraisal update for the new proposed 26.1-acre easement was just received and is being reviewed by County staff. Finalization of the appraisal is expected in April.
- Line 4 (Nicolai): The landowner of this wetland/stream easement that includes the South Branch of the Vermillion River, reduced the proposed easement area by three acres of land. A new appraisal was undertaken and is expected to be finalized in April.
- Line 5 (Smith): This complicated project includes an 11-acre shoreland easement along 0.6 miles of the North Creek tributary to the Vermillion River and a separately funded, adjacent, four-acre regional greenway easement in the City of Lakeville. Portions of the shoreland easement are adjacent to City property. The easement area includes delineated wetlands, floodplain, woodland, and cultivated land. The easement area is part of a 103-acre property zoned for residential development and the only unprotected land in a 1.1-acre segment between East Lake and 3.2 miles of already protected creek corridor within the 14-mile long, multi-purpose greenway from Lebanon Hills Regional Park to the Vermillion River Modified Wildlife Management Area. Portions of the easement are not developable and other portions are developable. The overall goal is to create a 300-foot wide habitat corridor area. There are multiple issues and discussions between the landowner, City of Lakeville staff and the County that had to be resolved prior to proceeding with the appraisal. The draft appraisal has now been completed, but requires significant revisions.
- Line 6 (R. Stoffel): The County Board approved using the easement valuation formula to acquire a 9.5-acre easement that includes 2,260 feet of shoreline on the Vermillion River in Vermillion Township. Since the value exceeded the \$20,000 DNR limit, an appraisal was required. Due to appraiser time conflicts, the appraisal was delayed until very recently when County staff and the appraiser met with the landowner. A draft appraisal is expected in early April.
- Line 14 (Wergin/Renlund): This 37-acre easement along Chub Creek in Waterford Township had been proceeding toward closing. However, the landowner delayed the recording of documents needed to clear the title. Subsequently, the appraisal needed to be updated and the decision was made to reduce the easement area to 34.2 acres to eliminate the recently acquired, unrecorded parcel. A new appraisal was completed in February 2015, and a revised value will be presented to the landowner in April.

### **Final Report Summary:**

Previous Activity Status updates contained numerous projects that were not officially approved by LCCMR staff, with the exception of the Lindberg conservation easement acquisition. In working most recently with LCCMR staff, County staff reduced the project acquisition list to five easement projects that it believed could be acquired by the June 30, 2015, funding deadline for this appropriation. Over the years, staff has come to understand that many factors within the acquisition process can significantly delay or derail a project (e.g., unconfined utility easements; financial issues, including necessary bank subordinations and mortgages, and undisclosed bankruptcy proceedings; landowner uncertainty and family dynamics; and changes to the easement configuration, including last-minute partial land sales). County staff does its best to anticipate and incorporate time for these potential delays; however, success in the timing of the lengthy acquisition process is not always achievable. Of

the six projects remaining on this appropriation acquisition list, four were acquired by the June 30, 2015, funding deadline, and two were not. The fact that several easement acquisition projects were removed from this appropriation for reasons previously stated, including a large easement project anticipated to be very expensive, relative to other proposed easements, resulted in the significant amount of unexpended grant funds.

Acquisition project updates:

- Line 1 (Lindberg): The 21.0-acre easement, including 0.50 miles of Marcott Lake shoreline in Inver Grove Heights, was acquired August 6, 2012. Of the total acquisition costs, the Outdoor Heritage Fund (OHF) contribution was \$1,777,878 (57%), the landowner donation was \$900,000 (29%), the Dakota County contribution was \$271,000 (9%), and the ENRTF contribution was \$151,122 (5%). An Initial Land Acquisition Report was submitted for this project on May 11, 2015 (ID #
- Line 4 (Nicolai): The 27.4-acre easement along 0.25 miles of the South Branch of the Vermillion River in Castle Rock Township was acquired on June 23, 2015. Of the total acquisition costs, the Dakota County contribution was \$26,003 (42%), the landowner donation of value and closing costs was \$6,251 (10%), and the ENRTF contribution for which reimbursement will be sought is \$29,003 (47%).
- Line 5 (Smith): The 11-acre easement along 0.60 miles of North Creek of the Vermillion River was not acquired due to landowner delays in making a decision to move forward with the easement. The landowner most recently placed a condition on his acceptance of an offer to purchase an easement that cannot be met under current city ordinance. County staff learned that regardless of how much time is built into the process to allow landowners to make final project decisions, sometimes it is just not enough time, and not legally possible.
- Line 6 (R. Stoffel): The 9.5-acre easement along 0.43 miles of the designated trout stream, Main Stem of the Vermillion River in Vermillion Township was not acquired by the June 30, 2015, funding deadline because the landowner did not disclose an in-progress bankruptcy action that was not discovered until recent bank inquiries by County staff. County staff intends to request an amendment to add the acquisition of this project to the M.L. 2013 LCCMR appropriation, if the bankruptcy action can be resolved in a reasonable amount of time. In the future, landowners will be required to disclose financial issues, other than mortgages, at the beginning of the acquisition process.
- Line 10 (S. Gergen): The 26.1-acre easement along 0.49 miles of Chub Creek in the City of Randolph was acquired on June 26, 2015. Of the total acquisition costs, the Dakota County contribution was \$22,353 (48%), the landowner closing costs contributed were \$520 (1%), and the ENRTF contribution for which reimbursement will be sought is \$23,853 (51%).
- Line 11 (Wergin/ Renlund): The 38.3-acre easement along 1.14 miles of Chub Creek in Waterford Township was acquired on June 23, 2015. Of the total acquisition costs, the Dakota County contribution was \$35,705.25 (45%), the landowner donation of value and closing costs was \$5,911 (7%), and the ENRTF contribution for which reimbursement will be sought is \$38,405 (48%).

There is a substantial amount of money that was left unspent from this total appropriation; the amount was estimated as part of the County's April 7, 2015, general amendment request on page 9, for the reasons noted above and on page 8. Of the approximate \$200,000 the County anticipated it would spend before the June 30, 2015, funding deadline, acquisition reimbursement for just over \$84,000 will be requested. The balance of the anticipated acquisition funding will not be requested for the Smith and R. Stoffel projects for the reasons previously stated.

## **ACTIVITY 2: Development and Implementation of Natural Resource Management Plans**

### **Description:**

All easements require the completion of a Natural Resource Management Plan (NRMP) jointly developed by the County and the landowner. The NRMP describes the current and preferred habitat and other conditions with recommendations on how to achieve mutual goals. A detailed, three-year work plan, describing priority activities and responsibilities, is also completed as a core element of the NRMP. Due to the two-year time constraint and staff limitations, an estimated 50 percent of the easements will have final NRMPs completed by June 30, 2013 with the remaining 50 percent having

preliminary NRMPs. Easement deed language requires completion of the final NRMP within six months of closing and funds are escrowed until the plan is completed.

In addition, restoration and enhancement activities will take place on existing 75 acres of public land and private lands already encumbered by a conservation easement.

**Summary Budget Information for Activity 2:**

<b>ENRTF Budget:</b>	<b>\$75,000</b>
<b>Amount Spent:</b>	<b><u>\$35,178</u></b>
<b>Balance:</b>	<b>\$39,822</b>

**Activity Completion Date: June 30, 2015**

<b>Outcome</b>	<b>Completion Date</b>	<b>Budget</b>
1. Final Natural Resource Management Plans and work plans for 150 acres of new easement acquisitions. Preliminary Natural Resource Management Plans for 150 acres for new easement acquisitions.	June 30, 2015	\$50,000
2. Restoration and enhancement of 125 acres of previously protected areas or early easement acquisitions.	June 30, 2015	\$25,000

**Activity Status as of February 2012:**

- Completion of the preliminary NRMP for the 103-acre Lindberg project.
- Completion of NRMPs for 116 acres of previously acquired buffer easements.

**Activity Status as of August 2012:**

- Finalization of NRMP for the 103-acre Lindberg project.
- Beginning implementation of NRMPs on previously acquired easements.
- Preliminary NRMP on the 100+ acre P. Gergen Jr. natural Area complex which includes the headwaters of Pine Creek in Hampton Township.

**Activity Status as of February 2013:**

- Completion of the final NRMP for the Lindberg project. Landowner has committed to expending \$50,000 for priority activities.
- Completion of the preliminary P. Gergen Jr. natural area easement NRMP.

**Activity Status as of December 2013:**

- The 100-acre P. Gergen Jr. easement NRMP should be finalized by the end of the month.
- Preliminary NRMP on the 37-acre Wergin/Renlund easement has been completed.
- Implementation of the NRMP on previously acquired Lindberg easements is ongoing, primarily through landowner activity.

**Activity Status as of February 2014:**

- The P. Gergen Jr. NRMP was enlarged to include contiguous cropland because of associated hydrology and other factors. The draft final plan has been complete and is being reviewed and will then be shared with the family to develop a Landowner Agreement for implementation.
- The NRMP on the 37-acre Wergin/Renlund easement has been completed.
- The NRMPs on Boucher, Stoffel and Lindell easements are expected to be finalized by mid-April with work commencing as weather allows
- A preliminary NRMP on the S. Gergen easement is now underway.

**Activity Status as of July 2014:**

- Project #1 (Lindberg): The owners continue to manage the extensive buckthorn infestation within portions of the easement as a precondition to the family committing up to \$50,000 in cash or in-kind services to implement the NRMP.
- Project # 2 (Grannis): The owner continues to manage portions of the property where the most significant buckthorn growth exists. Planned restoration has been delayed due to the acquisition issues.
- Project # 3 (Wergin/Renlund): The NRMP is being adopted into the new template and implementation will be determined.
- Project # 4 (G. Olson): The NRMP will be developed contingent on negotiations.
- Project # 5 (S. Gergen): The NRMP is being adopted into the new template and implementation will be determined.
- Project # 6 (D. Gergen): The 77-acre area adjacent to Pine Creek that had a previous long history of cultivation was to be seeded in spring with a diverse grass and forb mix. However, the soils were and continue to be too wet to plan so the plant will be delayed until this fall.
- Project # 7 (P. Gergen Jr.): The NRMP is being adopted into the new template and implementation will be determined.
- Project # 8 (Boucher): The NRMP is being adopted into the new template and implementation will be determined.
- Project # 9 (Lindell Trust): The NRMP is being adopted into the new template and implementation will be determined.
- Project # 10 (R. Stoffel): The NRMP is being adopted into the new template and implementation will be determined.
- Project # 11 (Blair): The NRMP will be developed contingent on negotiations.
- Project # 12 (Bastien): The NRMP will be developed contingent on negotiations.
- Project # 13 (Rowan): Fourteen, non-contiguous areas, totaling 6.4 acres along .64 miles of Dutch Creek were seeded with a diverse grass and forb mix in late July to establish a continuous, minimum 150-foot wide vegetative buffer.
- Project # 14 (Betzold): 6.6 acres along a tributary to Chub Creek were seeded with a diverse grass and forb mix in mid-July to establish and enlarge a vegetative buffer and to convert former cultivated land.
- Project #15 (Juenke): 3 acres along .03 miles of the South Branch of the Vermillion River were seeded with a diverse grass and forb mix in June to establish a minimum 150-foot wide vegetative buffer. This project was also important because the agricultural easement on the property also includes 12 acres of the high quality Hampton Woods and this small project was an initial phase of a more comprehensive implementation strategy.

### **Activity Status as of April 2015**

- **Withdrawn Projects:** Dakota County staff has spent a significant amount of time working to acquire permanent conservation easements on several properties that are not moving forward for a variety of reasons. There are also some projects that are moving forward, but will likely not be finished in time to receive funding approval for restoration under this ML 2011 agreement. Should any of these projects re-emerge with renewed landowner interest; County staff will request appropriate amendments to active funding agreements. The following projects, for which activity updates have been provided in past workplan updates, are not moving forward at this time or will be closed too late in this funding cycle to allow time for restoration activities to occur: Bakken, Bastien, W/L Bauer, Blair, City of Hastings, G. Olson, M/J Otte, Ozmun, Robinson, R. Stoffel, and Wergin/Renlund.  
Although the Boucher, Grannis and Lindell Trust projects are still moving forward, they are being deleted from this agreement and are no longer included in the activity updates or on the Acquisition/Restoration List.
- **Line 10 (Betzold):** This 6.6-acre area along a tributary to Chub Creek is the required buffer portion of a recently acquired permanent conservation easement. The area was seeded with a diverse grass and forb mix, following pollinator guidelines, to establish, enhance and enlarge a vegetative buffer and to convert former cultivated land on June 25, 2014.

- Line 16 (D. Gergen): This 77-acre area includes 960 feet of Pine Creek as part of a 199-acre permanent conservation easement, and is adjacent to 65 acres of habitat already protected through two other permanent conservation easements. This area was “snow seeded” between December 29, 2014, and January 2, 2015. Prairie Restorations, Inc., located near the project site, had the proper equipment and experience in snow seeding; their services were secured for the project.
- Line 17 (P. Gergen Jr.): The Natural Resource Management Plan (NRMP) for this 304-acre natural area complex within the 485 acres of permanently protected property was drafted in September 2014. The natural area includes portions of Pine Creek, mixed hardwood swamp, flooded shrubland, and grasslands, wet meadow, lowland hardwood forest, and aspen forest. The County is currently completing the acquisition of an additional 25-acre natural area easement and the first phase of the NRMP implementation will likely begin on that portion this spring.
- Line 11 (S. Gergen): This 26.1-acre area along 2,500 feet of Chub Creek has been undergoing changes due to landowner negotiations with the adjacent school district and one other adjacent landowner. An appraisal was completed, and offer accepted by the landowners, and a NRMP and Property Report (PR) were drafted in June 2014. Land sold to an adjacent landowner prior to closing and previous project delays during negotiations with the school district, triggered an update of the appraisal and will necessitate updates to the NRMP and PR.
- Line 12 (Rowan): This permanent conservation easement includes .69 miles of Dutch Creek in Greenvale Township, a tributary to the State Scenic Cannon River. A total of 14 acres of a 46-acre buffer area were seeded with a mix of native grass and forbs, following pollinator guidelines on June 29, 2014.
- Line 6 (R. Stoffel): This 9.5-acre area along 2,260 feet of the Vermillion River was previously approved by the County Board using the approved valuation formula. A NRMP and PR were drafted in June 2014. However, the value exceeded the \$20,000 DNR threshold and an appraisal needed to be done. The appraisal is underway and a draft is expected in late April.
- Line 13 (Wergin/Renlund): This 34.2-acre area along Chub Creek was appraised, an offer accepted, and then significantly delayed by the landowner’s inaction regarding recording of a 4-acre land purchase that was part of the easement area. A NRMP and PR were drafted in November 2014, which will need updates to reflect the acreage that no longer includes the unrecorded land purchase.

### **Final Report Summary:**

As noted in the previous April 15 status update, several restoration projects were withdrawn from consideration, resulting in a significant amount of unexpended grant funds. However, the proposed restoration work for the Betzold, D. Gergen, P. Gergen Jr., S. Gergen, Rowan, R. Stoffel, and Wergin/Renlund projects is complete. Additional detailed restoration project updates are as follows:

- Line 17 (P. Gergen Jr.): This project has still not closed, due to landowner concerns about ongoing restoration commitments. However, as noted in the April 2015 update, the NRMP was prepared. County staff is hopeful that the landowner will ultimately agree to sell an easement.
- Line 11 (S. Gergen): The NRMP and PR for this 26.1-acre easement were updated per the revised easement boundary and this easement was acquired on June 26, 2015.
- Line 4 (Nicolai): The 27.4 acre easement along 0.25 miles of the South Branch of the Vermillion River was acquired on June 23. A PR and NRMP were completed by the Dakota County Soil and Water Conservation District staff.
- Line 6 (R. Stoffel): The 9.5-acre easement was derailed by an undisclosed bankruptcy proceeding, but not before the PR and NRMP were prepared following the landowner's acceptance of a purchase offer. This project is on hold and may still move forward if the bankruptcy is resolved.
- Line 5 (Smith): The 11-acre easement along 0.60 miles of the North Creek of the Vermillion River was not acquired due to landowner delays in making a decision to move forward with the easement. As a result, no restoration activity was completed for this project. County staff attempts to minimize the time and resources spent on projects prior to landowner decisions and County Board approvals.
- Line 13 (Wergin/Renlund): The NRMP and PR for this 34.2-acre easement were updated per the revised easement boundary and this easement was acquired on June 23, 2015.



## **V. DISSEMINATION:**

**Description:** Information about the project will be included on the Dakota County web page, the Vermillion River Watershed web page, press releases, newsletters, Dakota County Township Officers meetings, and other venues.

### **Activity Status as of February 2012:**

The County Board receives periodic updates on the status of all land conservation projects. However, since no acquisition projects have been completed, there has not been significant information to disseminate.

### **Status as of August 2012:**

There were major articles about the Lindberg easement and Dakota County's land conservation efforts in the Star Tribune and St. Paul Pioneer Press.

### **Status as of February 2013:**

There has been no significant information to disseminate.

### **Status as of December 2013:**

There has been no significant information to disseminate.

### **Status as of February 2014:**

- The County revised and updated the website to include a description and materials for the ShoreHolders program and added project summaries to Lands Protected category of the website.
- The County developed a fact sheet on the ShoreHolders program, benefits of shoreland buffers, approved formula for easement acquisition, discussion of public access issues, and contact information. The fact sheet was updated in 2013 to include changes to the formula.
- In addition, the County developed a fact sheet on easements, to give landowners an overview of their rights and responsibilities if they determine to sell an easement.
- During the Vermillion River Watershed Joint Powers Organization (VRWJPO) annual tour for local elected officials from Dakota and Scott counties, one of the "stops" was the Dakota County Agricultural Society easement (acquired with ENRTF), which has undergone substantial restoration and is a center for local environmental education. Dakota County's land conservation programs, FNAP and ShoreHolders, were discussed.

### **Status as of July 2014**

Due to staffing issues, we have delayed additional outreach to shoreland owners. With the new staff resources, this will be accelerated in late summer.

### **Status as of April 2015**

Due to the aforementioned issues, we have not acquired any easements and have delayed additional outreach to shoreland landowners.

### **Final Report Summary:**

During the timeframe covered by this appropriation, information about the County land conservation efforts, including new and ongoing programs available, have been noted on County and watershed websites, and local and regional newspapers. There was a significant time gap between project acquisitions included in this appropriation, and with the most recent project acquisitions occurring in late June, the dissemination of information to date has been articles about specific projects in local town newspapers. One example being the article that appeared in the Cannon Falls Beacon regarding the winter seeding of the Dolores Gergen property in Hampton Township. Moving forward, County and watershed webpages will be updated as appropriate. In addition, the County ordered metal signs of the ENRTF logo to be posted with the County's land conservation signs to acknowledge our State funding partnership with LCCMR and advertise the presence of protected properties.

## VI. PROJECT BUDGET SUMMARY:

### A. ENRTF Budget:

Budget Category	\$ Amount	Explanation
Professional/Technical Contracts:	\$15,000	.2 FTE Real Estate Specialist for two years .2 FTE Natural Resource Specialist for two years
Service Contracts:	\$50,000	Natural resource restoration and enhancement
Equipment/Tools/Supplies:	\$25,000	Primarily native grass/forb seed and seed drill
Easement Acquisition:	\$930,000	Permanent conservation easements
Professional Services for Acquisition	\$15,000	Appraisals
<b>TOTAL ENRTF BUDGET:</b>	<b>\$1,035,000</b>	

**Explanation of Use of Classified Staff:** N/A

### Explanation of Capital Expenditures Greater Than \$3,500:

- Acquisition of the S. Gergen natural area conservation easement: \$22,000
- Acquisition of the Lindberg natural area conservation easement: \$151,122
- Acquisition of the Nicolai natural area conservation easement: \$25,650
- Acquisition of the Wergin-Renlund natural area conservation easement: \$35,340
- Seed and equipment rental for establishing buffers: \$12,879
- Natural Resource Management Plan and restoration plan preparation: \$22,089
- Easement Before and After analysis appraisals: \$14,500

**Number of Full-time Equivalent (FTE) funded with this ENRTF appropriation:** .4

### B. Other Funds:

Source of Funds	\$ Amount Proposed	\$ Amount Spent	Use of Other Funds
Dakota County (included in the budget)	\$485,000	\$124,435	Acquisition funds, NRMPs, and restoration projects
Vermillion River Watershed Joint Powers Organization (included in their budget)	\$150,000	\$0	Acquisition funds
Federal Farm and Ranch Lands Protection Funds (allocated to the County)	\$150,000	\$59,339	Acquisition funds
Landowner Donation (estimated)	\$250,000	\$85,708	Acquisition funds
<b>TOTAL OTHER FUNDS:</b>	<b>\$1,035,000</b>	<b>\$269,482</b>	

## VII. PROJECT STRATEGY:

### A. Project Partners:

This proposal will be part of the Metro Conservation Corridor Partnership proposal. Dakota County has used a very collaborative approach to its land conservation efforts over the past seven years. All land acquisition has been done on the basis of willing sellers- most often on a bargain sale basis. The cities of Lakeville, and Hastings, Farmington and the Vermillion River Watershed Joint Powers Organization have contributed funds or in-kind services on past and current projects and are likely to continue those productive partnerships during this project phase. All eleven townships have been very supportive. The Soil and Water Conservation District and the Friends of the Mississippi River have been a critical partner in providing outreach, technical assistance and easement monitoring services. The County has

worked very cooperatively with the DNR on a number of land conservation projects from contributing funds for state acquisitions and transferring County lands for a new WMA to jointly managing the Vermillion Highlands complex. The Natural Resource Conservation Service has been a critical partner in facilitating the use of over \$10M of federal Farm and Ranch Lands Protection Program (FRPP) funds to the County for acquiring permanent easements along waterways each year since 2003. Budgeted 2011 FRPP funds are available for conservation corridor projects.

#### **B. Project Impact and Long-term Strategy:**

The County is currently finalizing an ambitious, comprehensive, long-term approach to land and water conservation vision and strategic implementation plan. This vision and plan will integrate acquisition of regional park in-holdings, development of a 200-mile multi-purpose greenway system, and protecting and improving riparian and lakeshore buffers, and natural area and agricultural conservation zones. County staff has preliminarily estimated an additional 15,000 acres will need to be protected and managed to fully achieve a variety of public benefits at an estimated cost of \$45M.

The County Board of Commissioners adopted the protection of riparian and lakeshore buffers as one of its top 25 county wide goals for 2011 and has included an additional \$2 million of Environmental Fund balance over the next five years to augment the \$1.3M of remaining Farmland and Natural Areas Program bond funds.

Protection of approximately 2,200 acres through the County's Farmland and Natural Areas Program and FY 2010 and 2011 Outdoor Heritage funding are currently underway. Acquisition of an easement on a 193.2-acre restored upland and wetland prairie that is the headwaters for the South Branch of the Vermillion River will be completed on June 29, 2011.

The County will continue to work proactively with landowners and numerous partners to strategically protect the highest quality natural resource lands that provide multiple public benefits.

#### **C. Spending History:**

<b>Funding Source</b>	<b>M.L. 2005 or FY 2006-07</b>	<b>M.L. 2007 or FY 2008</b>	<b>M.L. 2008 or FY 2009</b>	<b>M.L. 2009 or FY 2010</b>	<b>M.L. 2010 or FY 2011</b>
County bond funds	\$2,500,000	\$2,500,000	\$1,000,000	\$2,000,000	\$1,500,000
Federal Farm and Ranch Lands Protection Program	\$800,000	\$750,000	\$600,000	\$1,300,000	\$1,000,000
Vermillion River Corridor Plan and Acquisition (ENRTF)			\$549,965		
Vermillion River Watershed JPO	\$50,000	\$119,000	\$50,000	\$60,000	\$70,000
Outdoor Heritage funds					\$1,000,000

#### **VIII. ACQUISITION/RESTORATION LIST:**

Acquisition: Easement on the Lindberg property on Marcott Lakes in Inver Grove Heights; and various parcels along the Mississippi, Vermillion and Cannon rivers; along Chub, Darden, Mud, and Pine creeks; and along Trout Brook: S. Gergen, Nicolai, and Wergin/Renlund.

Restoration: Nicolai.

Retroactive Restoration: Betzold, D. Gergen, P. Gergen Jr., S. Gergen, Rowan, R. Stoffel and Wergin/Renlund.

**IX. MAP(S):** See maps of acquired easements and restoration projects in Attachment B.

**X. RESEARCH ADDENDUM**

**XI. REPORTING REQUIREMENTS:**

Periodic work plan status update reports will be submitted not later than February 2012, August 2012, February 2013, August 2013, February 2014, August 2014, and February 2015. A final report and associated products will be submitted between June 30 and August 1, 2015, as requested by the LCCMR.

<b>Final Attachment A: Budget Detail for M.L. 2011 (FY 2012-13) Environment and Natural Resources Trust Fund Projects</b>								
<b>Project Title: MeCC6 Dakota County Lakeshore and Riparian Protection</b>								
<b>M.L. 2011, First Special Session, Chp. 2, Art.3, Sec. 2, Subd. 04i2.7/3.7</b>								
<b>M.L. 2013, Chp. 52, Art.3, Sec. 2, Subd. 04d2.6/3.7</b>								
<b>M.L. 2014, Chp. 226, Sec. 2, Subd. 19</b>								
<b>Project Manager: Lisa West</b>								
<b>M.L. 2011 (FY 2012-13) ENRTF Appropriation: \$1,035,000</b>								
<b>Project Length and Completion Date: June 30, 2015</b>								
<b>Date of Update: Augustg 14, 2015</b>								
<b>ENVIRONMENT AND NATURAL RESOURCES TRUST FUND BUDGET</b>	<b>Revised 4/7/15 Activity 1 Budget</b>	<b>Amount Spent</b>	<b>Balance</b>	<b>Revised 4/7/15 Activity 2 Budget</b>	<b>Amount Spent</b>	<b>Balance</b>	<b>TOTAL BUDGET</b>	<b>TOTAL BALANCE</b>
<b>BUDGET ITEM</b>	<b>Easement Acquisition</b>			<b>Natural Resource Management</b>				
<b>Personnel (Wages and Benefits)</b>								
<b>Professional/Technical Contracts</b> A 0.2 FTE Real Estate Specialist will be contracted by Dakota County to do real estate acquisition work associated with acquiring conservation easements. This work will include, but not be limited to landowner meetings, appraisal, negotiation, documentation and closings.	15,000	3,170	11,830				15,000	11,830
<b>Service Contracts</b> A 0.2 FTE Natural Resource Specialist will be contracted by Dakota County to develop and implement natural resource management plans according to the project work plan on existing or newly protected property.				50,000	21,995	28,005	50,000	28,005
<b>Equipment/Tools/Supplies</b> Native seed, trees, shrubs, erosion control materials, rental equipment use, and other related expenses for restoration,				25,000	13,183	11,817	25,000	11,817
<b>Easement Acquisition</b>	930,000	235,382	694,618				930,000	694,618
<b>Professional Services for Acquisition</b>	15,000	14,500	500				15,000	500
<b>TOTALS</b>	<b>960,000</b>	<b>253,052</b>	<b>706,948</b>	<b>75,000</b>	<b>35,178</b>	<b>39,822</b>	<b>1,035,000</b>	<b>746,770</b>

**Environment and Natural Resources Trust Fund**
**M.L. 2011 Acquisition List (7/30/15)**
**Project Title:** MeCC 6: Dakota County Riparian and Lakeshore Protection

**Project Manager Name:** Lisa West

**M.L. 2011 ENRTF Appropriation:** \$1,035,000

**APPENDIX 2**

#	Acquisition Parcel Name	Geographical Coordinates (Provide Latitude/Longitude OR UTM-X/UTM-Y)		Ecosystem Description	Ecological Significance	Activity Description	# of Acres	# of Shoreline Miles (if applicable)	Proposed Fee Title or Easement Holder (if applicable)	Status
		Latitude or UTM-X	Longitude or UTM-Y							
1	Lindberg Acquisition	44'48'58.355"N	93'4'3.402"W	Lakeshore	Very high water quality and undeveloped lakeshore	Easement Acquisition	103.0	0.50	Dakota County	Easement acquired
2	1. Vermillion River Headwaters and western Main Stem	44'36'53.022"N	93'13'44.82"W	Riparian	Designated Trout Stream	Easement and restoration	40.0		Dakota County	In process
3	2. South, Middle, and North Creek and central Main Stem of the Vermillion River	44'39'13.485"N	93'8'2.475"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	25.0		Dakota County	In process
4	2.a. Nicolai			Riparian		Easement Acquisition	27.4	0.25	Dakota County	<del>Appraisal underway</del> Easement acquired
5	2.b. Smith			Riparian		Easement Acquisition	11.0	0.60	Dakota County	<del>Appraisal underway</del> Project delayed by unfeasible easement condition requested by landowner
6	2.c. R. Stoffel			Riparian		Easement Acquisition	9.5	0.43	Dakota County	<del>Appraisal underway</del> Project delayed by undisclosed bankruptcy
7	3. Vermillion River South Branch	44'37'27.688"N	93'3'1.348"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	40.0		Dakota County	In process
8	4. Eastern Main Stem of the Vermillion River	44'41'9.871"N	92'57'18.638"W	Riparian		Easement and restoration	40.0		Dakota County	In process
9	5. Chub, Dutch, and Mud Creeks	44'30'26.843"N	93'8'4.189"W	Riparian	Streams and tributaries to the State Scenic Cannon River	Easement and restoration	40.0		Dakota County	In process
10	5.a. S. Gergen			Riparian		Easement Acquisition	26.1	0.49	Dakota County	<del>Appraisal underway</del> Easement acquired
11	5.b. Wergin/Renlund			Riparian		Easement Acquisition	38.3	1.14	Dakota County	<del>Appraisal underway</del> Easement acquired
12	6. Cannon River	44'30'12.29"N	93'4'47.368"W	Riparian	Scenic State River	Easement and restoration	36.0		Dakota County	In process
13	7. Pine and Darden Creeks	44'32'35.935"N	92'56'1.554"W	Riparian	Trout Stream	Easement and restoration	25.0		Dakota County	In process
14	8. Trout Brook	44'33'56.491"N	92'49'29.346"W	Riparian	Trout Stream	Easement and restoration	20.0		Dakota County	In process

**NOTES:**

**Environment and Natural Resources Trust Fund**
**M.L. 2011 Restoration List (7/30/15)**
**Project Title:** MeCC 6: Dakota County Riparian and Lakeshore Protection

**Project Manager Name:** Lisa West

**M.L. 2011 ENRTF Appropriation:** \$1,035,000

#	Restoration Parcel Name	Geographical Coordinates (Provide Latitude/Longitude OR UTM-X/UTM-Y)		Ecosystem Description	Ecological Significance	Activity Description	# of Acres	# of Shoreline Miles (if applicable)	Proposed Fee Title or Easement Holder (if applicable)	Status
		Latitude or UTM-X	Longitude or UTM-Y							
1	Lindberg Acquisition	44°48'58.355"N	93°4'3.402"W	Lakeshore	Very high water quality and undeveloped lakeshore	Easement Acquisition	103.0	0.50	Dakota County	Easement acquired
2	<b>1. Vermillion River Headwaters and western Main Stem</b>	44°36'53.022"N	93°13'44.82 "W	Riparian	Designated Trout Stream	Easement and restoration	40.0		Dakota County	In process
3	<b>2. South, Middle, and North Creek and central Main Stem of the Vermillion River</b>	44°39'13.485"N	93°8'2.475"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	25.0		Dakota County	In process
4	2.a. Nicolai			Riparian		Restoration	27.4	0.25	Dakota County	NRMP & PR <del>needed-completed</del>
5	2.b. Smith			Riparian		Restoration	11.0	0.60	Dakota County	NRMP & PR needed
6	2.c. R. Stoffel			Riparian		Retroactive Restoration	9.5	0.43	Dakota County	NRMP & PR <del>needed-completed</del>
7	<b>3. Vermillion River South Branch</b>	44°37'27 .688"N	93°3'1.348"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	40.0		Dakota County	In process
8	<b>4. Eastern Main Stem of the Vermillion River</b>	44°41'9.871"N	92°57'18.638"W	Riparian		Easement and restoration	40.0		Dakota County	In process
9	<b>5. Chub, Dutch, and Mud Creeks</b>	44°30'26.843"N	93°8'4.189"W	Riparian	Streams/tributaries to the State Scenic Cannon River	Easement and restoration	40.0		Dakota County	In process
10	5.a. Betzold			Riparian		Retroactive Restoration	6.6	0.21	Dakota County	Buffer installed 6/14
11	5.b. S. Gergen			Riparian		Retroactive Restoration	26.1	0.49	Dakota County	NRMP & PR drafted 6/14; needs update
12	5.c. Rowan			Riparian		Retroactive Restoration	46.0	0.69	Dakota County	Buffer installed 6/14
13	5.d. Wergin/Renlund			Riparian		Retroactive Restoration	38.3	1.14	Dakota County	NRMP & PR drafted 11/14, needs update
14	<b>6. Cannon River</b>	44°30'12.29"N	93°4'47.368"W	Riparian	Scenic State River	Easement and restoration	36.0		Dakota County	In process
15	<b>7. Pine and Darden Creeks</b>	44°32'35.935"N	92°56'1.554"W	Riparian	Trout Stream	Easement and restoration	25.0		Dakota County	In process
16	7.a. D. Gergen			Riparian		Retroactive Restoration	77.0	0.18	Dakota County	Buffer installed 12/14 - 1/15
17	7.b. P. Gergen Jr.			Riparian		Retroactive Restoration	25.0	0.41	Dakota County	NRMP & PR drafted 9/14
18	<b>8. Trout Brook</b>	44°33'56.491"N	92°49'29.346"W	Riparian	Trout Stream	Easement and restoration	20.0		Dakota County	In process

**NOTES:** NRMP = Natural Resource Management Plan and PR = Property Report or baseline report.

## **ATTACHMENT B**

**M.L. 2011, First Special Session, Chp. 2, Art.3, Sec. 2, Subd. 04i2.7/3.7  
MeCC VI - Dakota County Riparian and Lakeshore Protection (2.7 / 3.7)**



# Acquisition Maps



# Stephen R. & Victoria Gergen Property



## Legend

-  Extent of Easement (26.1 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 300 600  
Feet

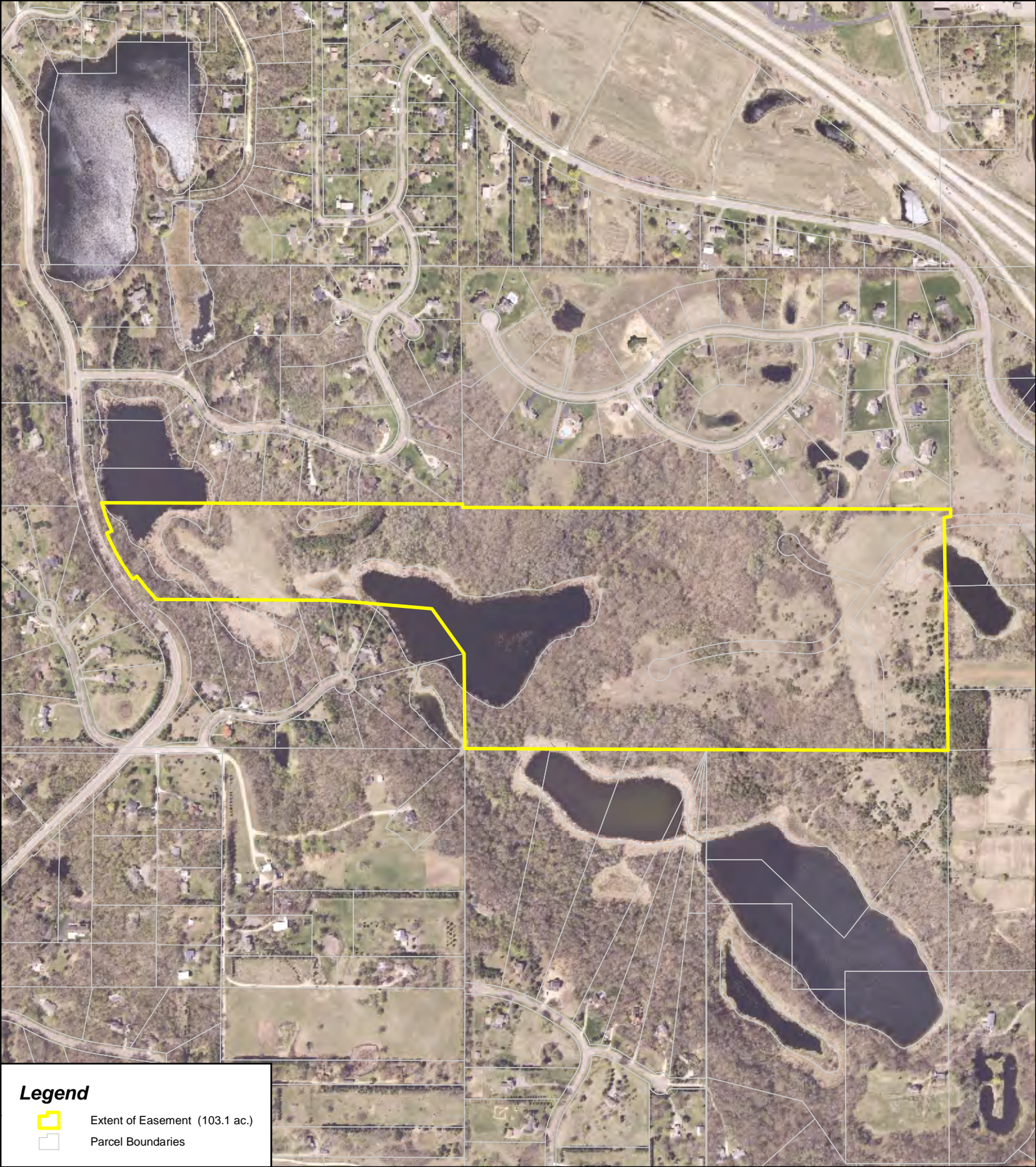
Prepared by the  
Dakota County  
Office of GIS





Map Date: 3/30/2015  
Date of Photography: 2013



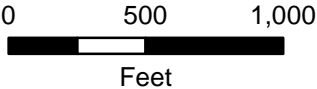
# Lindberg Property



**Legend**

-  Extent of Easement (103.1 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.



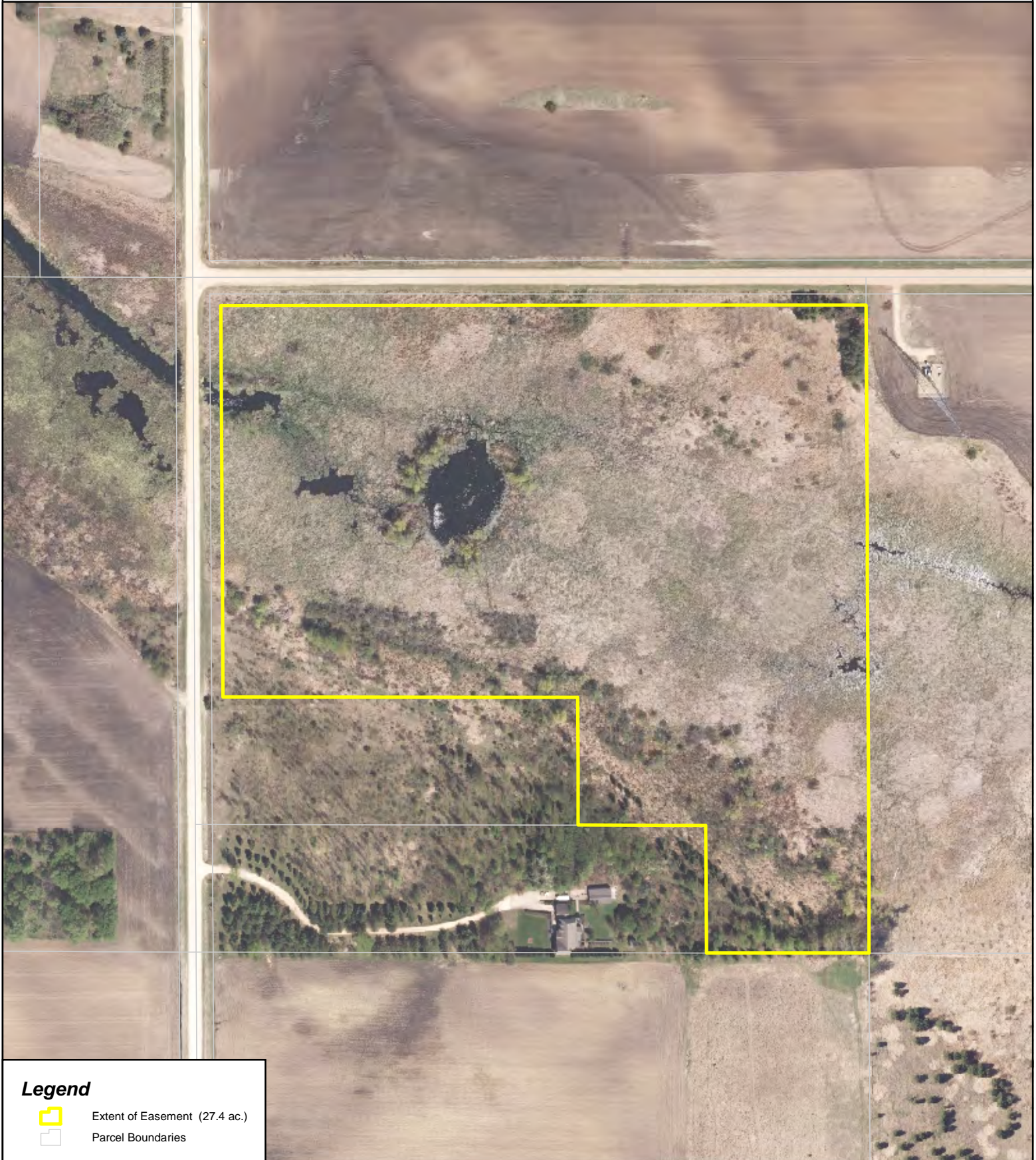
Prepared by the  
Dakota County  
Office of GIS





Map Date: 3/30/2015  
Date of Photography: 2013



# David & Michelle Nicolai Property



## Legend

-  Extent of Easement (27.4 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 200 400  
Feet

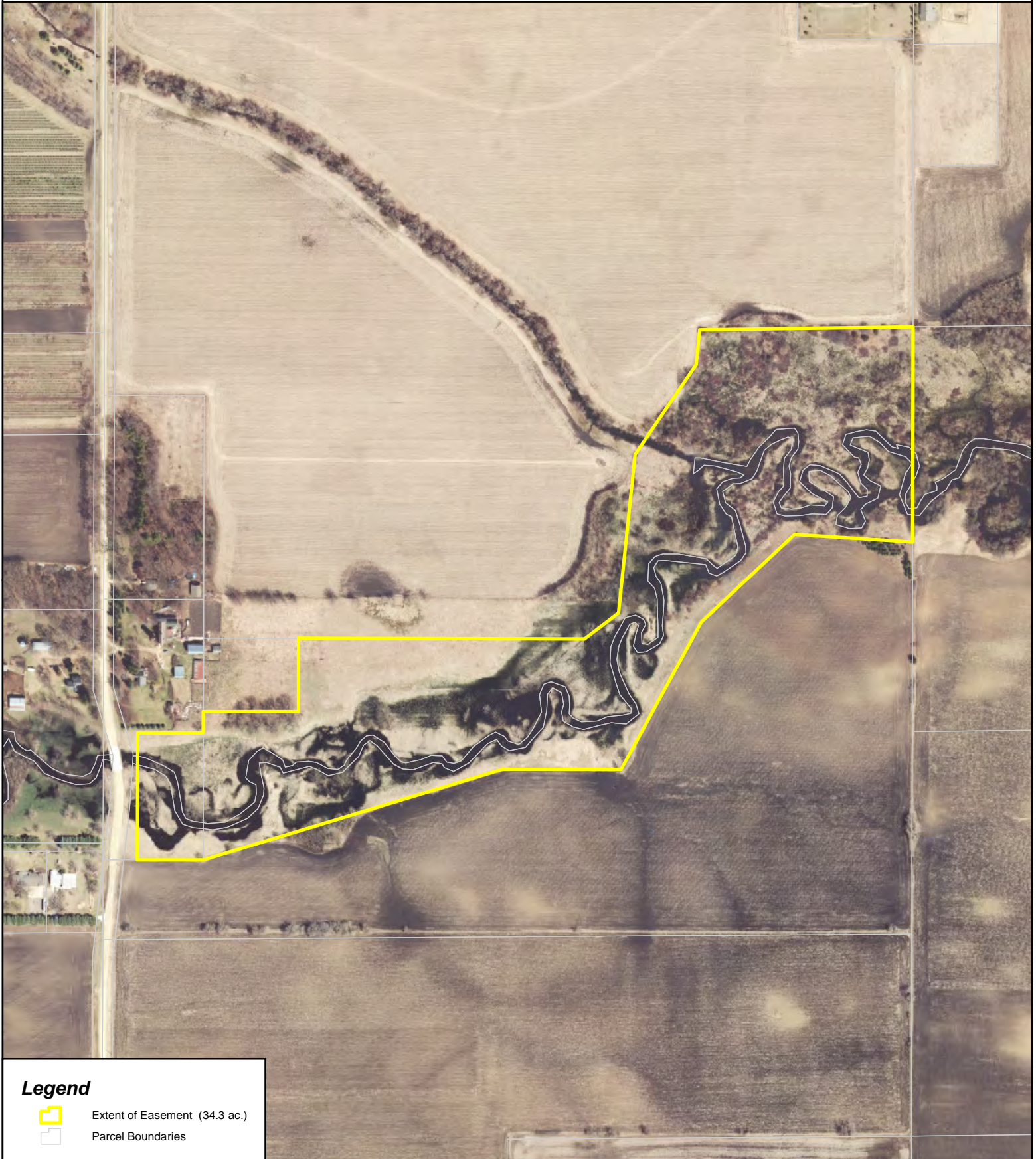
Prepared by the  
Dakota County  
Office of GIS





Map Date: 3/30/2015  
Date of Photography: 2013



# Wergin / Renlund Property



## Legend

-  Extent of Easement (34.3 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 300 600  
Feet

Prepared by the  
Dakota County  
Office of GIS



Map Date: 3/30/2015  
Date of Photography: 2013

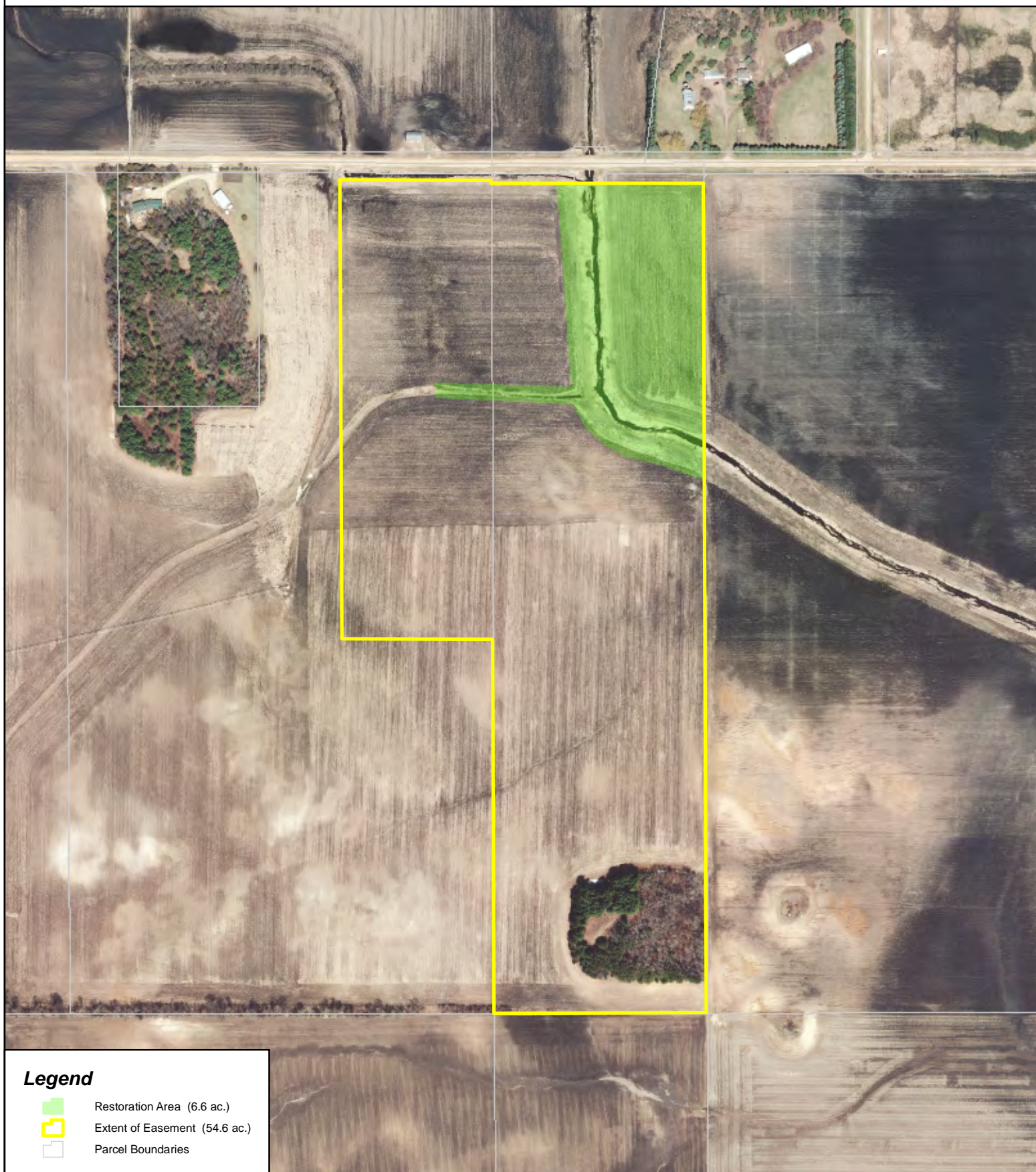
## **ATTACHMENT B**

**M.L. 2011, First Special Session, Chp. 2, Art.3, Sec. 2, Subd. 04i2.7/3.7  
MeCC VI - Dakota County Riparian and Lakeshore Protection (2.7 / 3.7)**

# Restoration Maps



# Betzold Property



Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 300 600  
Feet

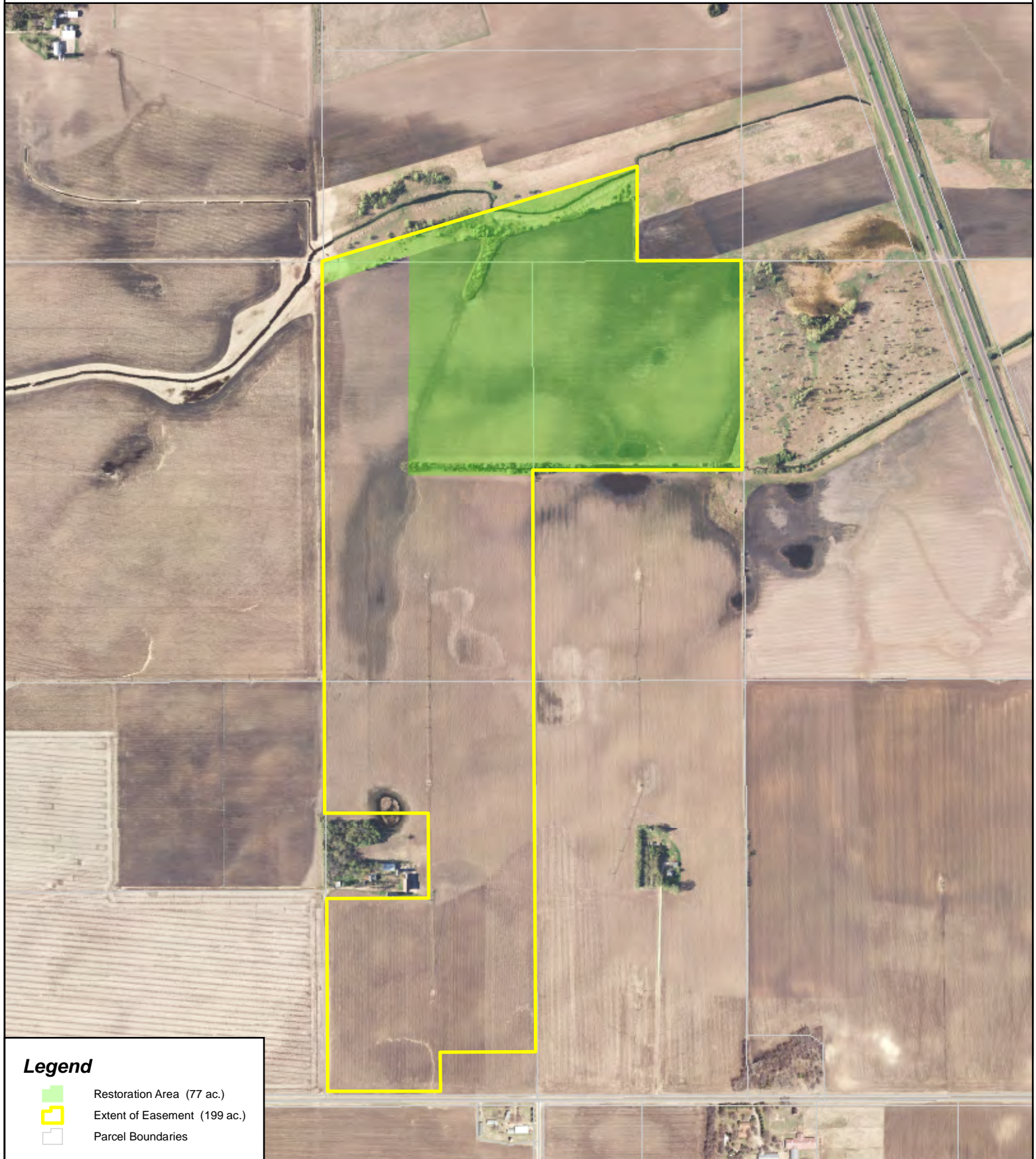
Prepared by the  
Dakota County  
Office of GIS



Map Date: 4/1/2015  
Date of Photography: 2013



# Dolores Gergen Property



Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 500 1,000  
Feet

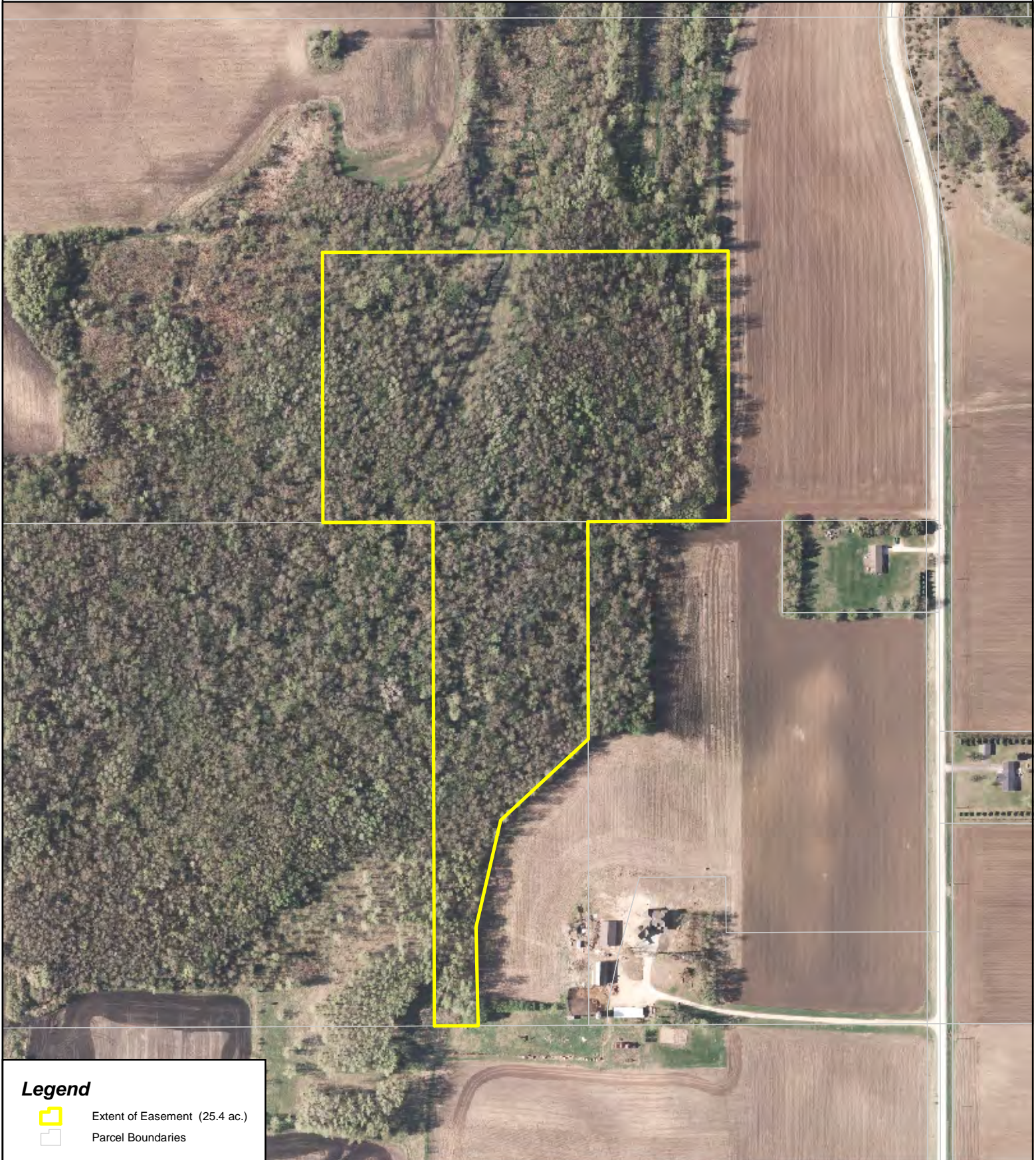
Prepared by the  
Dakota County  
Office of GIS





Map Date: 4/1/2015  
Date of Photography: 2013



# Paul Jr. & Lorri Gergen Property



## Legend

-  Extent of Easement (25.4 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 200 400 600  
Feet

Prepared by the  
Dakota County  
Office of GIS





Map Date: 3/30/2015  
Date of Photography: 2013



# Stephen R. & Victoria Gergen Property



## Legend

-  Extent of Easement (26.1 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 300 600  
Feet

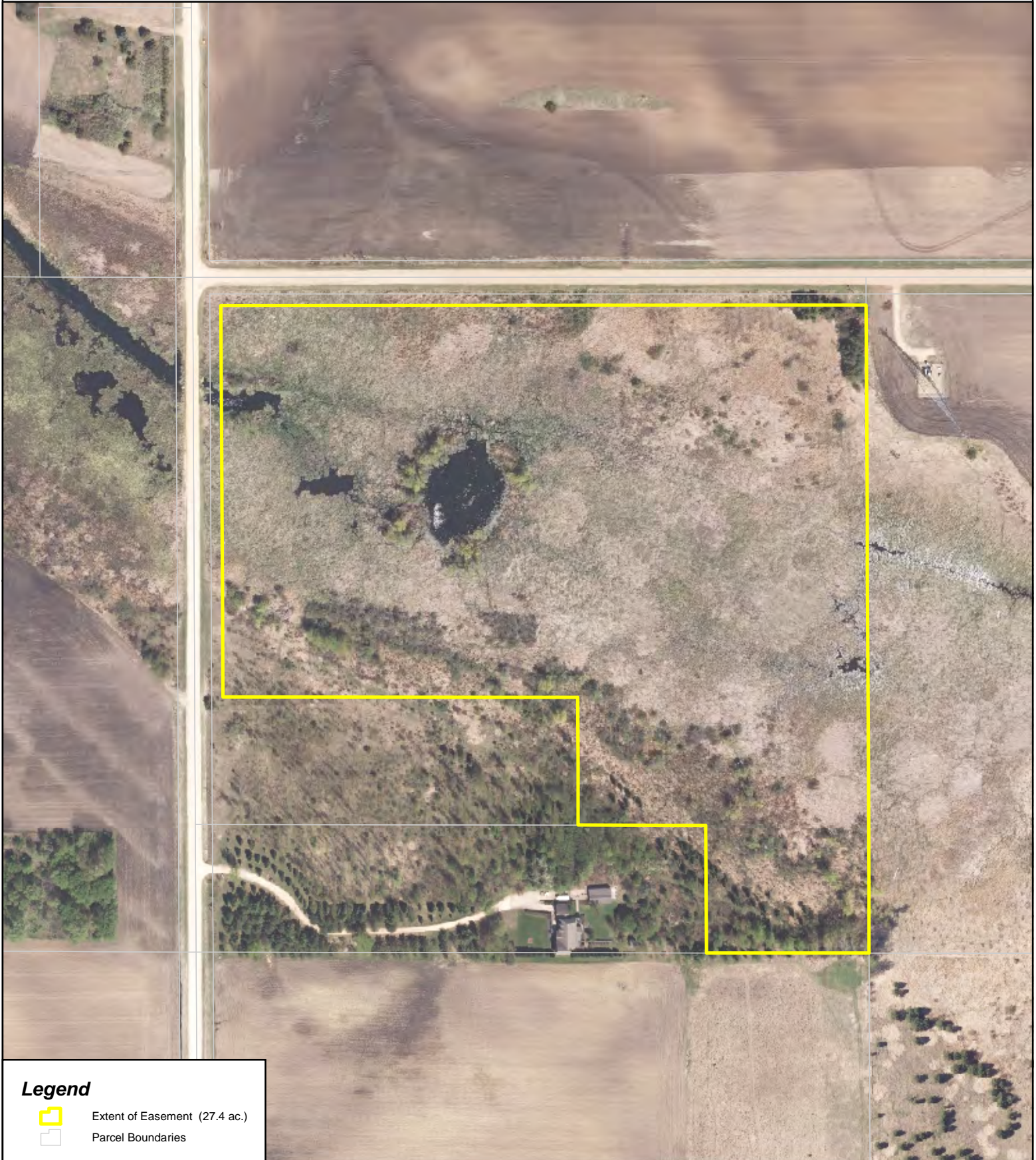
Prepared by the  
Dakota County  
Office of GIS





Map Date: 3/30/2015  
Date of Photography: 2013



# David & Michelle Nicolai Property



## Legend

-  Extent of Easement (27.4 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 200 400  
Feet

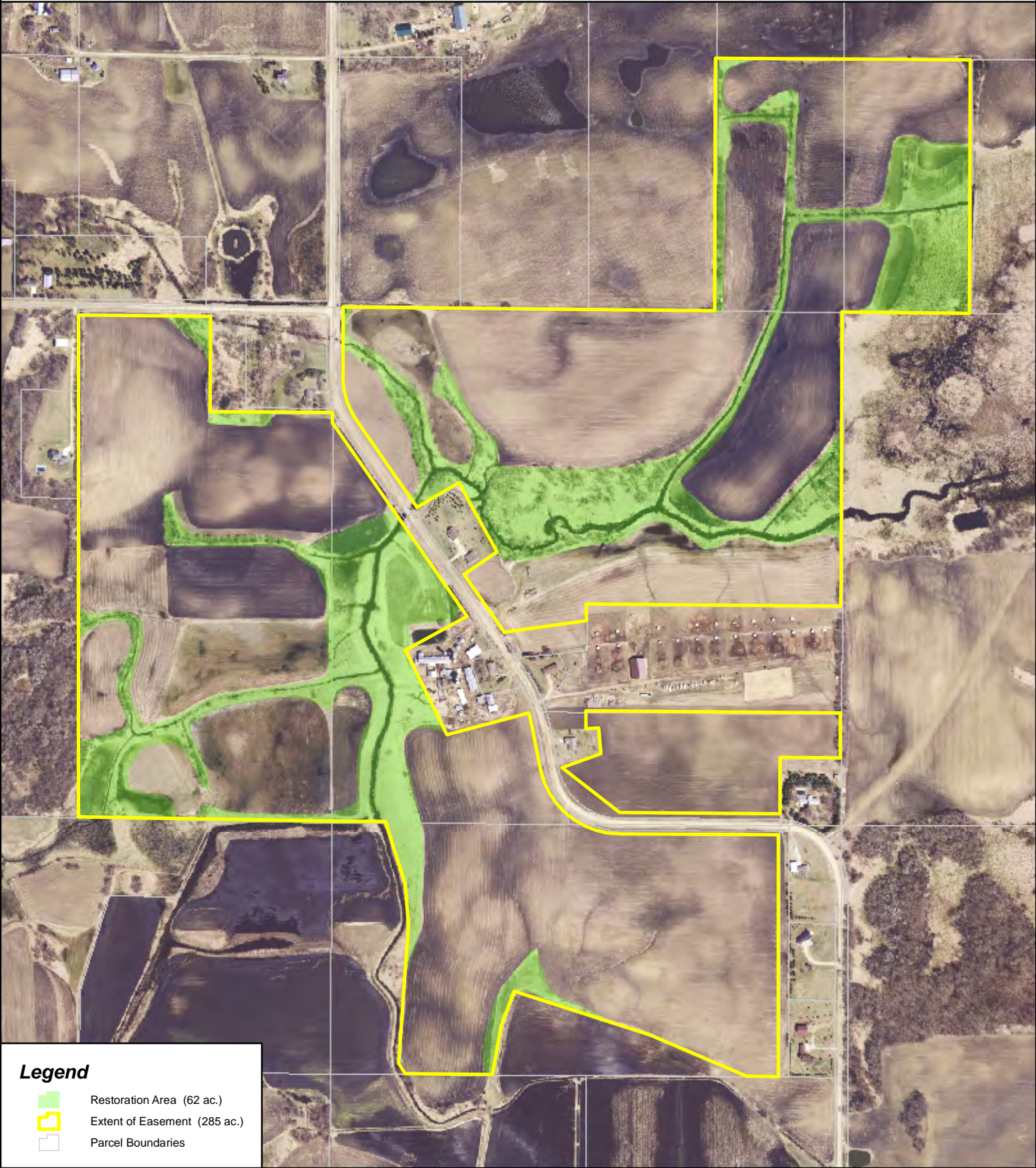
Prepared by the  
Dakota County  
Office of GIS






Map Date: 3/30/2015  
Date of Photography: 2013



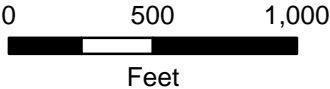
# Rowan Property



## Legend

-  Restoration Area (62 ac.)
-  Extent of Easement (285 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.



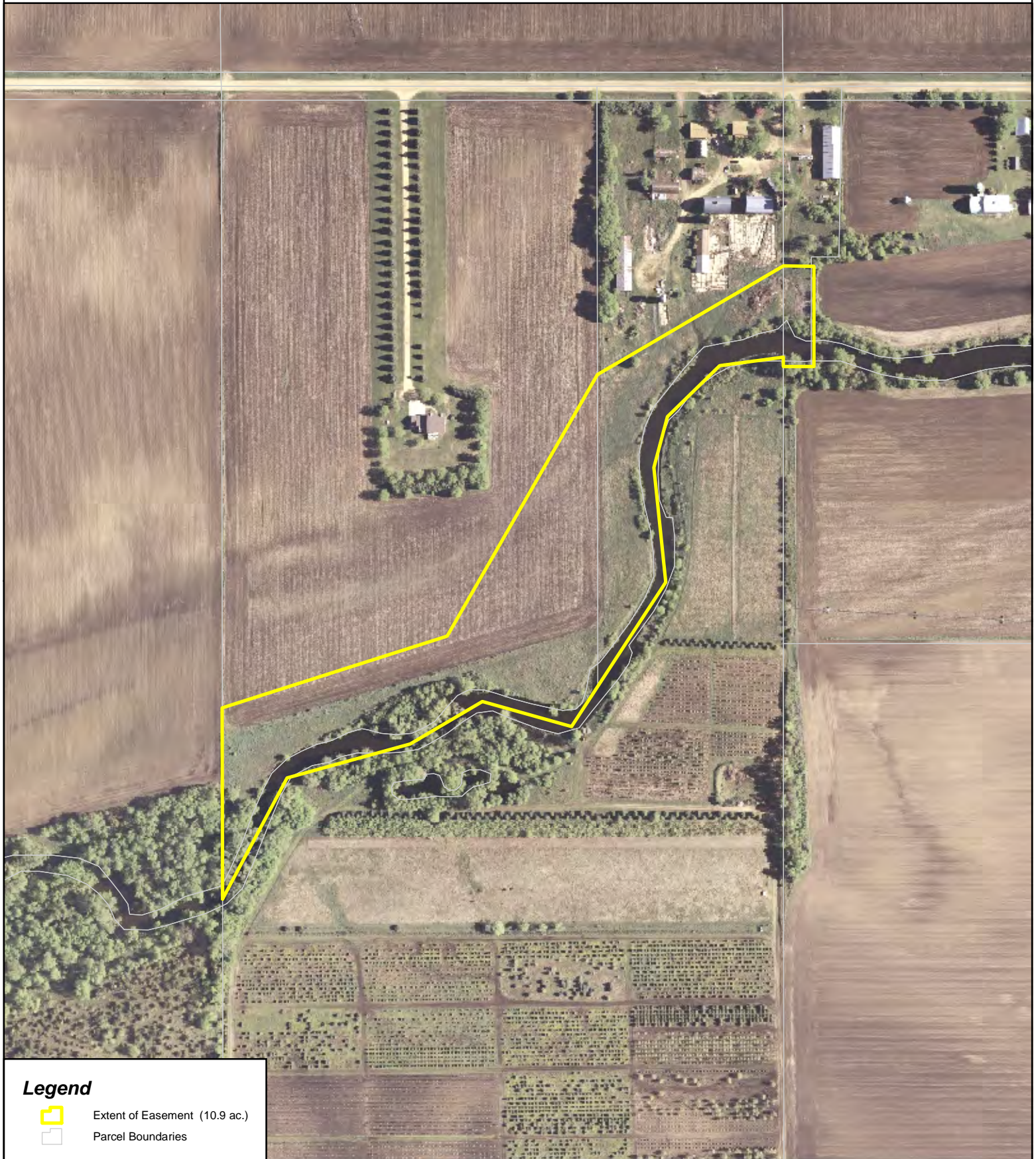
Prepared by the  
Dakota County  
Office of GIS





Map Date: 4/1/2015  
Date of Photography: 2013



# Ralph & MaryAnn Stoffel Property



## Legend

-  Extent of Easement (10.9 ac.)
-  Parcel Boundaries

Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 200 400 600  
Feet

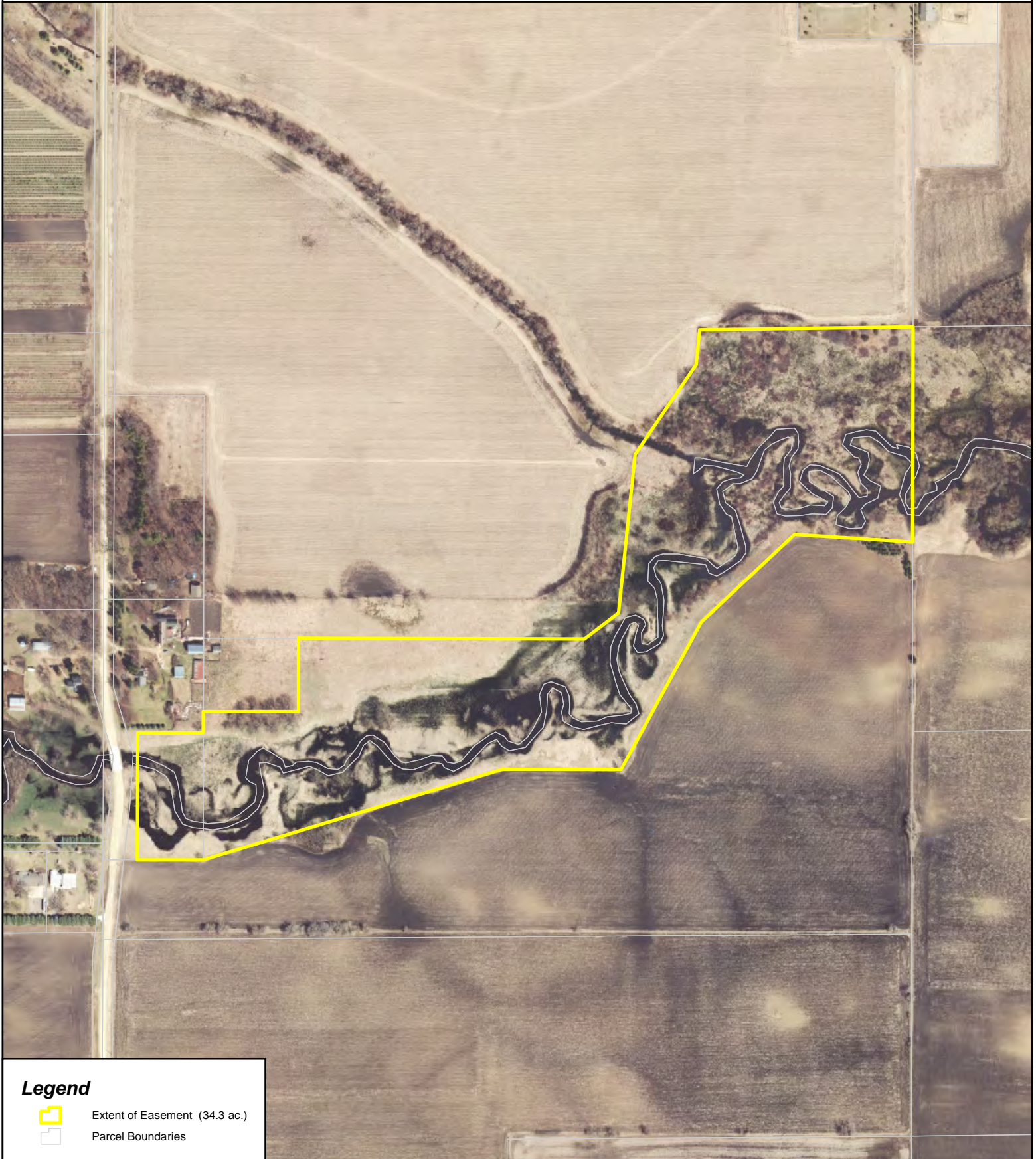
Prepared by the  
Dakota County  
Office of GIS



Map Date: 3/30/2015  
Date of Photography: 2013



# Wergin / Renlund Property



Copyright 2015, Dakota County  
This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices and other sources, affecting the area shown, and is to be used for reference purposes only. Dakota County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact this office.

0 300 600  
Feet

Prepared by the  
Dakota County  
Office of GIS



Map Date: 3/30/2015  
Date of Photography: 2013

# 2013 Dakota County ShoreHolders Program

## Shoreland Easement Evaluation and Scoring Criteria - 180 points

1. Is the parcel located on an impaired water?
  - ☐ Yes, more than one impairment: 20 points
  - ☐ Yes, only one impairment: 10 points
  - ☐ No: 0 points
2. Is the parcel is located along a DNR-designated trout stream or MPCA class 2A water?
  - ☐ Yes: 10 points
  - ☐ No: 0 points
3. Is the existing shoreline stable and in good overall condition (i.e. no eroding or slumping banks)?
  - ☐ Yes: 20 points      Note: If yes, then skip question 4.
  - ☐ No: 0 points
4. If the shoreline needs restoration, is it likely that it could be easily restored?
  - ☐ Yes: 10 points
  - ☐ No: 0 points
5. Does the existing property have an intact riparian habitat on  $\geq 75$  percent of the riparian area?
  - ☐ Yes and is good to high quality (mostly native vegetation): 20 points  
Note: If yes, then skip question 6.
  - ☐ Yes, but is fair to poor quality (invasive, noxious vegetation): 10 points  
Note: If yes, then skip question 6.
  - ☐ No: 0 points
6. If the riparian habitat needs restoration, is it likely that it could be restored easily?
  - ☐ Yes: 10 points
  - ☐ No: 0 points
7. Does the existing property have good in-stream habitat quality on  $\geq 50$  percent of the stream reach?
  - ☐ Yes and is good to high quality: 20 points      Note: If yes, then skip question 8.
  - ☐ Yes, but it is fair to poor quality: 10 points      Note: If yes, then skip question 8.
  - ☐ No: 0 points
8. If the in-stream habitat needs restoration, is it likely that it could be restored easily?
  - ☐ Yes: 10 points
  - ☐ No: 0 points

9. Would this easement achieve optimal buffer width over 75 percent of the riparian area?
- ☐ Yes: 5 points
  - ☐ No: 0 points
10. The estimated shoreline length within the proposed easement area is:
- ☐ >2000 feet: 30 points
  - ☐ 1,000 – 2,000 feet: 15 points
  - ☐ <1,000 to 300 feet: 8 points
  - ☐ <300 feet: 0 points
11. Does the property have exiting or potential natural areas directly adjacent to the preferred buffer width that could provide additional water quality wildlife habitat, connectivity or recreational benefits?
- ☐ Yes: 15 points
  - ☐ No: 0 points
12. Is the property adjacent to other public lands or conservation easements?
- ☐ Yes: 10 points
  - ☐ No: 0 points
13. Does the property owner have a history of non-compliance with County or the Vermillion River Watershed Joint Powers Organization VRWJPO requirements/ordinance/regulations?
- ☐ No: 0 points
  - ☐ Yes: -10 points

**Bonus Points**

- A. Would the landowner provide public access?
- ☐ Yes: 20 points
  - ☐ No: 0 points
- B. Is the property within a ¼ mile distance or one parcel away from other public lands or conservation easements?
- ☐ Yes: 5 points
  - ☐ No: 0 points
- C. Do other restoration opportunities (wetlands or grasslands) exist on the property?
- ☐ Yes: 10 points
  - ☐ No: 0 points
- D. Are there other values or circumstances (ecological, aesthetic, financial, planning, etc.) that make the property a higher priority for protection?
- ☐ Yes: Up to 20 points
  - ☐ No: 0 points

\*Minimum score to be considered for funding is 60 points.

**Environment and Natural Resources Trust Fund**
**APPENDIX 2**
**M.L. 2011 Acquisition List (8/14/15)**
**Project Title:** MeCC 6: Dakota County Riparian and Lakeshore Protection

**Project Manager Name:** Lisa West

**M.L. 2011 ENRTF Appropriation:** \$1,035,000

#	Acquisition Parcel Name	Geographical Coordinates (Provide Latitude/Longitude OR UTM-X/UTM-Y)		Ecosystem Description	Ecological Significance	Activity Description	# of Acres	# of Shoreline Miles (if applicable)	Proposed Fee Title or Easement Holder (if applicable)	Status
		Latitude or UTM-X	Longitude or UTM-Y							
1	Lindberg Acquisition	44°48'58.355"N	93°4'3.402"W	Lakeshore	Very high water quality and undeveloped lakeshore	Easement Acquisition	103.0	0.50	Dakota County	Easement acquired
2	1. Vermillion River Headwaters and western Main Stem	44°36'53.022"N	93°13'44.82"W	Riparian	Designated Trout Stream	Easement and restoration	40.0		Dakota County	
3	2. South, Middle, and North Creek and central Main Stem of the Vermillion River	44°39'13.485"N	93°8'2.475"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	25.0		Dakota County	
4	2.a. Nicolai			Riparian		Easement Acquisition	27.4	0.25	Dakota County	Easement acquired
5	2.b. Smith			Riparian		Easement Acquisition	11.0	0.60	Dakota County	Project delayed by unfeasible easement condition requested by landowner
6	2.c. R. Stoffel			Riparian		Easement Acquisition	9.5	0.43	Dakota County	Project delayed by undisclosed bankruptcy
7	3. Vermillion River South Branch	44°37'27.688"N	93°3'1.348"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	40.0		Dakota County	
8	4. Eastern Main Stem of the Vermillion River	44°41'9.871"N	92°57'18.638"W	Riparian		Easement and restoration	40.0		Dakota County	
9	5. Chub, Dutch, and Mud Creeks	44°30'26.843"N	93°8'4.189"W	Riparian	Streams and tributaries to the State Scenic Cannon River	Easement and restoration	40.0		Dakota County	
10	5.a. S. Gergen			Riparian		Easement Acquisition	26.1	0.49	Dakota County	Easement acquired
11	5.b. Wergin/Renlund			Riparian		Easement Acquisition	38.3	1.14	Dakota County	Easement acquired
12	6. Cannon River	44°30'12.29"N	93°4'47.368"W	Riparian	Scenic State River	Easement and restoration	36.0		Dakota County	
13	7. Pine and Darden Creeks	44°32'35.935"N	92°56'1.554"W	Riparian	Trout Stream	Easement and restoration	25.0		Dakota County	
14	8. Trout Brook	44°33'56.491"N	92°49'29.346"W	Riparian	Trout Stream	Easement and restoration	20.0		Dakota County	
<b>NOTES:</b>										



**Environment and Natural Resources Trust Fund**
**M.L. 2011 Restoration List (8/14/15)**
**Project Title:** MeCC 6: Dakota County Riparian and Lakeshore Protection

**Project Manager Name:** Lisa West

**M.L. 2011 ENRTF Appropriation:** \$1,035,000

#	Restoration Parcel Name	Geographical Coordinates (Provide Latitude/Longitude OR UTM-X/UTM-Y)		Ecosystem Description	Ecological Significance	Activity Description	# of Acres	# of Shoreline Miles (if applicable)	Proposed Fee Title or Easement Holder (if applicable)	Status
		Latitude or UTM-X	Longitude or UTM-Y							
1	Lindberg Acquisition	44'48'58.355"N	93'4'3.402"W	Lakeshore	Very high water quality and undeveloped lakeshore	Easement Acquisition	103.0	0.50	Dakota County	Easement acquired
2	<b>1. Vermillion River Headwaters and western Main Stem</b>	44'36'53.022"N	93'13'44.82 "W	Riparian	Designated Trout Stream	Easement and restoration	40.0		Dakota County	
3	<b>2. South, Middle, and North Creek and central Main Stem of the Vermillion River</b>	44'39'13.485"N	93'8'2.475"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	25.0		Dakota County	
4	2.a. Nicolai			Riparian		Restoration	27.4	0.25	Dakota County	NRMP & PR completed
5	2.b. Smith			Riparian		Restoration	11.0	0.60	Dakota County	NRMP & PR needed
6	2.c. R. Stoffel			Riparian		Retroactive Restoration	9.5	0.43	Dakota County	NRMP & PR completed
7	<b>3. Vermillion River South Branch</b>	44'37'27 .688"N	93'3'1.348"W	Riparian	Portions of a Designated Trout Stream	Easement and restoration	40.0		Dakota County	
8	<b>4. Eastern Main Stem of the Vermillion River</b>	44'41'9.871"N	92'57'18.638"W	Riparian		Easement and restoration	40.0		Dakota County	
9	<b>5. Chub, Dutch, and Mud Creeks</b>	44'30'26.843"N	93'8'4.189"W	Riparian	Streams/tributaries to the State Scenic Cannon River	Easement and restoration	40.0		Dakota County	
10	5.a. Betzold			Riparian		Retroactive Restoration	6.6	0.21	Dakota County	Buffer installed 6/14
11	5.b. S. Gergen			Riparian		Retroactive Restoration	26.1	0.49	Dakota County	NRMP & PR drafted 6/14; needs update
12	5.c. Rowan			Riparian		Retroactive Restoration	46.0	0.69	Dakota County	Buffer installed 6/14
13	5.d. Wergin/Renlund			Riparian		Retroactive Restoration	38.3	1.14	Dakota County	NRMP & PR drafted 11/14, needs update
14	<b>6. Cannon River</b>	44'30'12.29"N	93'4'47.368"W	Riparian	Scenic State River	Easement and restoration	36.0		Dakota County	
15	<b>7. Pine and Darden Creeks</b>	44'32'35.935"N	92'56'1.554"W	Riparian	Trout Stream	Easement and restoration	25.0		Dakota County	
16	7.a. D. Gergen			Riparian		Retroactive Restoration	77.0	0.18	Dakota County	Buffer installed 12/14 - 1/15
17	7.b. P. Gergen Jr.			Riparian		Retroactive Restoration	25.0	0.41	Dakota County	NRMP & PR drafted 9/14
18	<b>8. Trout Brook</b>	44'33'56.491"N	92'49'29.346"W	Riparian	Trout Stream	Easement and restoration	20.0		Dakota County	

**NOTES: NRMP = Natural Resource Management Plan and PR = Property Report or baseline report.**



April 27, 2015

Stephen and Victoria Gergen  
6710 296th Street East  
Cannon Falls, MN 55009

**Physical Development Division**

Dakota County  
Western Service Center  
14955 Galaxie Avenue  
Apple Valley, MN 55124-8579

952.891.7000  
Fax 952.891.7031  
www.dakotacounty.us

**Environmental Resources**

Land Conservation  
Groundwater Protection  
Surface Water  
Waste Regulation  
Environmental Initiatives

**Office of Planning**

**Operations Management**

Facilities Management  
Fleet Management  
Parks

**Transportation**

Highways  
Surveyor's Office  
Transit Office

**Subject:** Statement of County Certified Value and Contingent Offer to Acquire a Permanent Shoreland Conservation Easement

Dear Steve and Victoria:

Dakota County has undertaken an independent appraisal of your property for the purpose of acquiring a permanent shoreland conservation easement through the ShoreHolders Program. This appraisal was completed by a qualified, independent appraiser. Staff has completed a review of the appraisal.

A summary of the project is as follows:

(a) General property location and parcel number(s):

Section 7, Township 112 North, Range 18 West  
Parcel(s): 32-82100-01-061; 32-82100-02-010; and 32-00700-20-021

(b) Type of interest being acquired: Permanent Shoreland Conservation Easement

(c) Identification of real property improvements, if any, to be acquired: None

(d) Summary of County Certified Value:

1. Acres Of Property Ownership	34.2
2. Acres Excluded from Easement (Buildings, Road ROW, etc.)	8.1
3. Easement Acres (24.2 land acres and 1.9 submerged acres)	26.1
4. Total Easement Value	\$44,000.00
5. Easement Value Per Acre (26.1 acres)	\$1,685.82
6. Easement Value Per Land Acre (24.2 acres)	\$1,818.18

Dakota County hereby offers to all parties who may have a legal interest in the easement to be acquired the sum of \$44,000, which has been estimated to be just compensation for such property and rights based on the fair market value of the property. The sum noted here may be adjusted based on the final survey of the easement area.

It is important to take adequate time to consider this offer and consult with professional advisors. If you believe the value is not accurate, you may wish to secure your own appraisal. However, this will delay the acquisition process by two or more months and could jeopardize non-County funding.

**The offer and compensation set forth in this letter is contingent on Dakota County Board approval of the easement, as evidenced by a resolution adopted by the County Board of Commissioners.**

If you accept the contingent offer, please complete the Confirmation of Project Elements form provided by County staff and return it within 21 days of the date at the top of the form. Please retain a copy of the form for your records. County staff will then present the project to the County Board for its consideration and final approval. After approval by the County Board, formal documentation will be prepared to complete the easement acquisition in accordance with the approval.

If the offer is unacceptable, please discuss your concerns and how we might work to resolve any issues with County staff at the meeting at which this certified value and contingent offer is presented.

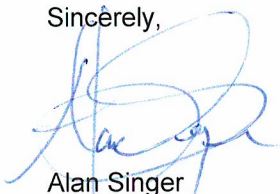
Please date, sign below and return one copy of this offer letter.

**Your signature on this contingent OFFER TO PURCHASE is only to verify that this contingent offer was made to you.**

If you have any questions or concerns about the acquisition process, please call Lisa West at (952) 891-

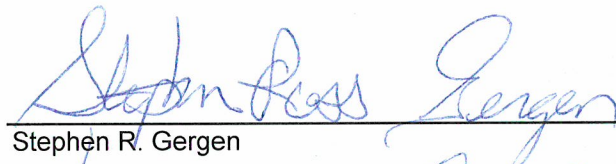
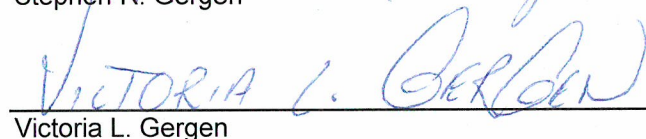
Thank you for your consideration.

Sincerely,



Alan Singer  
Land Conservation Manager  
Dakota County Environmental Resources Department

I CERTIFY THAT, on this 8 day of May, 2015, a copy of this document was delivered to me.

  
\_\_\_\_\_  
Stephen R. Gergen  
\_\_\_\_\_  
Victoria L. Gergen



May 8, 2015

Date

## **FARMLAND AND NATURAL AREAS PROGRAM CONFIRMATION OF FINAL PROJECT ELEMENTS**

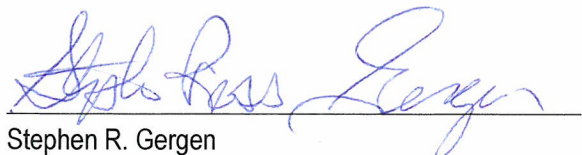
Stephen and Victoria Gergen

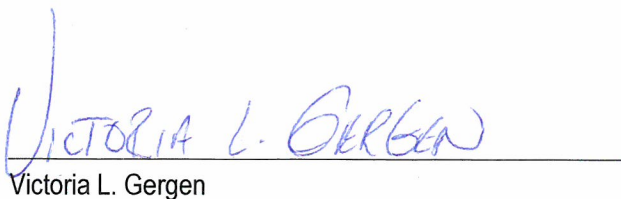
The purpose of this document is to confirm the final details of your ShoreHolders Program permanent shoreland conservation easement. Please review each item, fill in all of the blanks, signify your approval by signing this form, and return one, signed Confirmation of Project Elements form within 21 days of the date above.

1. Size. Final easement size: 26.1 acres (NOTE: The easement acres may be adjusted following the final survey of the easement boundary.)
2. Project Changes. On the reverse side of this form, describe any changes to the project, including configuration, and township issues (e.g., subdividing a parcel, etc.). Please provide a map, if necessary, to show changes you want to make to your project. (Please note that if your changes are significant enough to trigger a needed amendment to your appraisal, the appraisal amendment will be at your expense.)
3. Easement Issues. On the reverse side of this form, describe any issues you have with the terms of the permanent easement. (Refer to the draft copy provided by Dakota County staff.)
4. Financial. By signing this form, you are attesting that, in your interest and in the interest of Dakota County, you were encouraged by County staff to consult with a registered financial planner, accountant and/or tax attorney regarding this potential easement acquisition and the financial implications.
5. Easement Value. \$ 44,000.00 (NOTE: This easement value may be adjusted following the final survey of the easement boundary.)
6. Management/Maintenance. By signing this form, you are acknowledging your willingness to work with Dakota County and/or its contractors or partners to jointly develop and begin implementing a Natural Resource Management Plan.

Date:

08-05-2015

  
Stephen R. Gergen

  
Victoria L. Gergen

Please return one copy of this signed Confirmation of Final Project Elements form to:

Dakota County PDD, 3rd Floor  
Attn: Lisa West  
14955 Galaxie Avenue  
Apple Valley, MN 55124





March 15, 2012

Physical Development Division  
Lynn Thompson, Director

Dakota County  
Western Service Center  
14955 Galaxie Avenue  
Apple Valley, MN 55124

952-891-7000  
Fax 952-891-7031  
[www.dakotacounty.us](http://www.dakotacounty.us)

Environmental Mgmt Dept  
Office of GIS  
Parks & Open Space Department  
Surveyor's Office  
Transit Office  
Transportation Department  
Water Resources Department

E. Leland Lindberg  
8965 Alfa Lane  
Inver Grove Heights, MN 55077

Subject: Real Property Interest Offer

Dear Lee:

Dakota County has undertaken an independent appraisal of your property for the purposes of permanently protecting it through a Dakota County permanent natural area conservation easement.

A summary of the project is as follows:

- (a) Identification of the 103± acres of real property: Meadowwood on Marcott Subdivision Block 2 (Lots 1-9) Block 4 (Lots 1-27) and Block 5 (Lots 1-5), all in Section 17 Township 27 N and Range 22 W.
- (b) Type of interest being acquired: permanent natural area conservation easement
- (c) Identification of real property improvements, if any, to be acquired: None
- (d) Summary of County Opinion of Easement Value:

Parcel 1 - 31.4 acres: \$756,750 or \$24,076/acre

Parcel 2 - 71.7 acres: \$1,720,000 or \$23,989/acre

**Total \$2,476,750 or \$24,023/acre**

Dakota County hereby offers all parties who may have a legal interest in the real estate to be acquired the sum of **\$2,480,000** for Parcel 1 and Parcel 2, which has been estimated to be just compensation for such property and rights based upon the fair market value of the property and available funding.

**The offer and compensation set forth in this letter is contingent upon the 2012 Minnesota Legislature approving the FY 13 Outdoor Heritage fund allocation for Dakota County, and for Dakota County Board of Commissioner approval as evidenced by a resolution adopted by the County Board. If you accept the offer, Park and Open Space Department staff will present the project to the Legislative-Citizen Commission of Minnesota Resources and Dakota County Board of Commissioners for final approvals.**

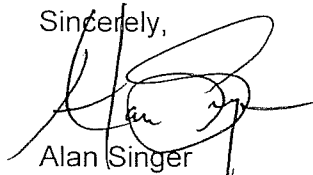
If you decide to accept the offer, County staff will contact you in the near future to arrange a time to discuss the offer and next steps. If the offer is unacceptable, please contact me to discuss your concerns and how we might work to resolve any issues. Due to funding deadlines, the purchase would be split into two phases with one phase prior to June 30, 2012 and the other phase after July 1, 2012.

**Your signature on the OFFER TO PURCHASE LETTER is only for the verification that the offer has been made to you. It does not in any way diminish your right to have the final amount determined through subsequent negotiations.**

If you have any questions about the acquisition process, please call me at (952) 891-7001.

Thank you for your consideration.

Sincerely,



Alan Singer  
Land Conservation Manager

**Please date and sign below and return one copy of this letter.**

I certify that this document was received and discussed.

\_\_\_\_\_  
E. Leland Lindberg

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mary Lou Lindberg

\_\_\_\_\_  
Date

This offer letter was signed by the Lindberg's, but a fully executed copy could not be located in the project file. No Confirmation Of Final Project Elements form was completed. In lieu of that form, the County Board Resolution 12-330 is provided. The Lindberg's were aware of the full appraised value of their conservation easement and agreed to the bargain sale.

**BOARD OF COUNTY COMMISSIONERS  
DAKOTA COUNTY, MINNESOTA**

June 19, 2012

Motion by Commissioner Harris

Resolution No. 12-330

Second by Commissioner Egan

---

**Rescission Of Resolution No. 12-299 And Authorize New Terms For Acquiring Permanent Natural Area  
Conservation Easement On E. Leland And Mary Lou Lindberg Property In Inver Grove Heights**

WHEREAS, E. Leland and Mary Lou Lindberg own 103+ acres of high quality natural resource land, including undeveloped portions of the Marcott Chain of Lakes, in Inver Grove Heights; and

WHEREAS, the Lindberg property includes 41 residential lots as part of the Meadowood On Marcott, a Planned Unit Development platted and recorded in 1990; and

WHEREAS, by Resolution No. 12-299 (June 5, 2012), the Dakota County Board of Commissioners authorized the acquisition of a 98-acre permanent conservation easement on the E. Leland and Mary Lou Lindberg property in Inver Grove Heights subject to the conditions stated therein; and

WHEREAS, staff from the County Attorney's Office has determined that the streets identified within the undeveloped portions of the Meadowood on Marcott plat on the Lindberg property are easements and not dedicated public rights of way, and said easements would be vacated if the undeveloped Meadowood On Marcott plat is vacated; and

WHEREAS, the proposed conservation easement on the Lindberg property is therefore 103 ± acres not 98 ± acres as previously approved and would not require conveyance of a second easement to subsequently include the existing platted streets if an easement is acquired on the Lindberg property and the undeveloped Meadowood on Marcott plat is vacated; and

WHEREAS, staff has determined that E. Leland and Mary Lou Lindberg recorded restrictive covenants on all lots in the Meadowood On Marcott plat; and

WHEREAS, the aforementioned restrictive covenants give the owners of lots within Meadowood On Marcott and the owners invited guests exclusive rights to use the existing trails on the Lindberg property; and

WHEREAS, the County Board wishes to ensure that the public will have access to the Lindberg property after the County acquires a permanent conservation easement over the property; and

WHEREAS, County Board authorization to acquire an easement on the Lindberg property as included in Resolution No 12-299 included a requirement that, regardless of the status of the Darvan Acres Outdoor Skills and Environmental Education Center currently operating on property adjacent to the Lindberg property, the public will have access and the right to use the lake and the existing trails on the Lindberg property no later than five (5) years from the date of County acquisition of a conservation easement on the Lindberg property; and

WHEREAS, the Lindberg family wishes to retain the intent of the recorded restrictive covenants currently in place on the Lindberg property; and

WHEREAS, the Lindberg family will allow the public to use existing trails on the Lindberg property when the public is participating in programs, classes and events provided through the Darvan Acres Outdoor Skills and Environmental Education Center located on the adjoining Grannis property; and

WHEREAS, access for such public use of the Lindberg property would be through the adjoining Grannis property and would not require the Lindberg family to construct additional access from public roads or provide a vehicle parking area on their property; and

WHEREAS, if the Darvan Acres Outdoor Skills and Environmental Education Center ceases to function, the Lindberg family and the County will establish an alternative route for public access to and use of the property that is mutually agreeable to the Lindberg family and the County; and

WHEREAS, the estimated cost of the Lindberg easement is \$2,200,000 and the estimated settlement costs for closing the easement is \$10,000; and

WHEREAS, approval of the Lindberg easement acquisition is conditional upon the execution of an option and license agreement on the Grannis property that describes the intentions of the County and the Grannis family in protecting the property through the acquisition of conservation easements and providing public use of the Grannis property.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the expenditure of up to \$2,210,000, including \$10,000 for associated closing costs, to acquire the 103-acre Lindberg natural area conservation easement; and

BE IT FURTHER RESOLVED, That the Physical Development Division Director or the County Administrator is hereby authorized to execute the purchase agreement for the Lindberg permanent conservation easement, subject to inclusion of terms for public use and natural resource management consistent with this resolution; subject to review and approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That the authority to execute the purchase agreement is conditioned upon the full execution of the purchase agreement occurring on or before June 30, 2012; and also conditioned upon the execution of an option and license agreement on the adjoining Grannis property on or before June 30, 2012; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute the permanent natural area conservation easement on the Lindberg property, consistent with the terms of this resolution, subject to review and approval as to form by the County Attorney's Office; and

BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute the LSOHC and LCCMR-required Notice of Funding Restrictions on behalf of Dakota County, subject to approval by the County Attorney's Office as to form; and

BE IT FURTHER RESOLVED, That following completion of the Lindberg natural area easement acquisition, Dakota County will submit the necessary forms and documentation to the Minnesota Department of Natural Resources, to receive a total of \$1,929,000 in reimbursement funds; and

BE IT FURTHER RESOLVED, That reimbursement from the Minnesota Department of Natural Resources for the Lindberg easement will be returned to the Park and Open Space Capital Improvement Program fund balance; and

BE IT FURTHER RESOLVED, that Resolution No. 12-299 adopted by the Dakota County Board of Commissioners on June 5, 2012, is hereby rescinded; and

BE IT FURTHER RESOLVED, That the Park and Open Space Capital Improvement Program budget is hereby amended as follows:

**Expense**

Acquisition of the Lindberg easement	\$2,200,000
Closing and other associated acquisition costs	\$10,000
<b>Total Expenses</b>	<b>\$2,210,000</b>



**Revenue**

Parks and Open Space CIP	\$281,000
FY 10 Outdoor Heritage Funds	777,878
FY 11 Outdoor Heritage Funds	1,000,000
FY 12 Environment and Natural Resource Trust Funds	151,122
<b>Total Revenue</b>	<b>\$2,210,000</b>

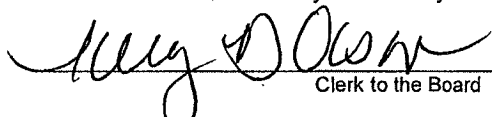
BE IT FURTHER RESOLVED, That Dakota County will increase the 2012 Lessard-Sams Outdoor Heritage Council grant proposal request by \$800,000.

**STATE OF MINNESOTA**  
**County of Dakota**

	YES		NO
Harris	<u>X</u>	Harris	<u></u>
Gaylord	<u></u>	Gaylord	<u>X</u>
Egan	<u>X</u>	Egan	<u></u>
Schouweiler	<u>X</u>	Schouweiler	<u></u>
Workman	<u></u>	Workman	<u>X</u>
Krause	<u>X</u>	Krause	<u></u>
Branning	<u></u>	Branning	<u>X</u>

I, Kelly Olson, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 19th day of June 2012, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of Dakota County this 21st day of June 2012.

  
 Clerk to the Board



April 27, 2015

David and Michelle Nicolai  
23110 Biscayne Avenue W.  
Farmington, Mn 55024

**Physical Development Division**

Dakota County  
Western Service Center  
14955 Galaxie Avenue  
Apple Valley, MN 55124-8579

952.891.7000  
Fax 952.891.7031  
www.dakotacounty.us

**Environmental Resources**

Land Conservation  
Groundwater Protection  
Surface Water  
Waste Regulation  
Environmental Initiatives

**Office of Planning**

**Operations Management**

Facilities Management  
Fleet Management  
Parks

**Transportation**

Highways  
Surveyor's Office  
Transit Office

**Subject:** Statement of County Certified Value and Contingent Offer to Acquire a Permanent Shoreland Conservation Easement

Dear David and Michelle:

Dakota County has undertaken an independent appraisal of your property for the purpose of acquiring a permanent shoreland conservation easement through the ShoreHolders Program. This appraisal was completed by a qualified, independent appraiser. Staff has completed a review of the appraisal.

A summary of the project is as follows:

(a) General property location and parcel number(s):

Section 9, Township 113 North, Range 19 West  
Parcel(s): 07-00900-26-011

(b) Type of interest being acquired: Permanent Shoreland Conservation Easement

(c) Identification of real property improvements, if any, to be acquired: None

(d) Summary of County Certified Value:

1. Acres Of Property Ownership	34.3
2. Acres Excluded from Easement (Buildings, Road ROW, etc.)	6.9
3. Easement Acres	27.4
4. Total Easement Value	\$57,000.00
5. Easement Value Per Acre	\$2,080.29

Dakota County hereby offers to all parties who may have a legal interest in the easement to be acquired the sum of \$57,000, which has been estimated to be just compensation for such property and rights based on the fair market value of the property. The sum noted here may be adjusted based on the final survey of the easement area.

It is important to take adequate time to consider this offer and consult with professional advisors. If you believe the value is not accurate, you may wish to secure your own appraisal. However, this will delay the acquisition process by two or more months and could jeopardize non-County funding.

**The offer and compensation set forth in this letter is contingent on Dakota County Board approval of the easement, as evidenced by a resolution adopted by the County Board of Commissioners.**

If you accept the contingent offer, please complete the Confirmation of Project Elements form provided by County staff and return it within 21 days of the date at the top of the form. Please retain a copy of the form for your records. County staff will then present the project to the County Board for its consideration and final approval. After approval by the County Board, formal documentation will be prepared to complete the easement acquisition in accordance with the approval.

If the offer is unacceptable, please discuss your concerns and how we might work to resolve any issues with County staff at the meeting at which this certified value and contingent offer is presented.

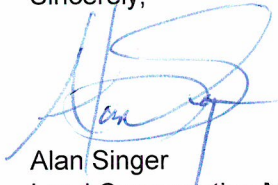
Please date, sign below and return one copy of this offer letter.

**Your signature on this contingent OFFER TO PURCHASE is only to verify that this contingent offer was made to you.**

If you have any questions or concerns about the acquisition process, please call Lisa West at (952) 891-

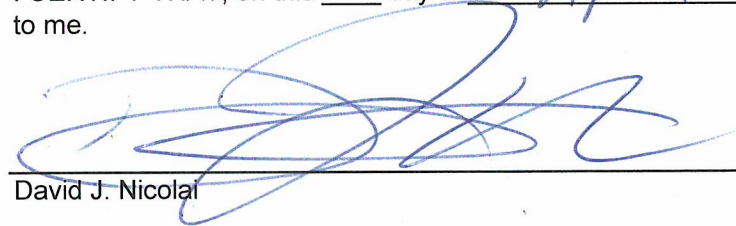
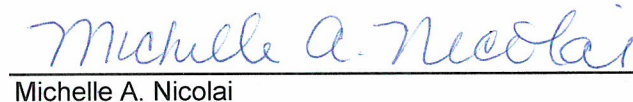
Thank you for your consideration.

Sincerely,



Alan Singer  
Land Conservation Manager  
Dakota County Environmental Resources Department

I CERTIFY THAT, on this 29 day of April, 2015, a copy of this document was delivered to me.

  
\_\_\_\_\_  
David J. Nicolai  
\_\_\_\_\_  
Michelle A. Nicolai



April 29, 2015  
Date

## **FARMLAND AND NATURAL AREAS PROGRAM CONFIRMATION OF FINAL PROJECT ELEMENTS**

David and Michelle Nicolai

The purpose of this document is to confirm the final details of your ShoreHolders Program permanent shoreland conservation easement. Please review each item, fill in all of the blanks, signify your approval by signing this form, and return one, signed Confirmation of Project Elements form within 21 days of the date above.

1. Size. Final easement size: 27.4 acres (NOTE: The easement acres may be adjusted following the final survey of the easement boundary.)
2. Project Changes. On the reverse side of this form, describe any changes to the project, including configuration, and township issues (e.g., subdividing a parcel, etc.). Please provide a map, if necessary, to show changes you want to make to your project. (**Please note** that if your changes are significant enough to trigger a needed amendment to your appraisal, the appraisal amendment will be at your expense.)
3. Easement Issues. On the reverse side of this form, describe any issues you have with the terms of the permanent easement. (Refer to the draft copy provided by Dakota County staff.)
4. Financial. By signing this form, you are attesting that, in your interest and in the interest of Dakota County, you were encouraged by County staff to consult with a registered financial planner, accountant and/or tax attorney regarding this potential easement acquisition and the financial implications.
5. Easement Value.  
Donation. Easement value donation percent: 10 %  
Easement Value \$ 57000.00 - Donation \$ 5700.00 = Net Easement Value \$ 51300.00  
(NOTE: This easement value may be adjusted following the final survey of the easement boundary.) *DJN MAM*
6. Management/Maintenance. By signing this form, you are acknowledging your willingness to work with Dakota County and/or its contractors or partners to jointly develop and begin implementing a Natural Resource Management Plan.

Date: 4-29-15

  
David J. Nicolai

  
Michelle A. Nicolai

Please return one copy of this signed Confirmation of Final Project Elements form to:

Dakota County PDD, 3rd Floor  
Attn: Lisa West  
14955 Galaxie Avenue  
Apple Valley, MN 55124





April 21, 2015

**Physical Development Division**

Dakota County  
Western Service Center  
14955 Galaxie Avenue  
Apple Valley, MN 55124-8579

952.891.7000  
Fax 952.891.7031  
www.dakotacounty.us

**Environmental Resources**

Land Conservation  
Groundwater Protection  
Surface Water  
Waste Regulation  
Environmental Initiatives

**Office of Planning**

**Operations Management**

Facilities Management  
Fleet Management  
Parks

**Transportation**

Highways  
Surveyor's Office  
Transit Office

Francis Wergin and Bridget Renlund  
30468 Canada Avenue  
Northfield, MN 55057

Subject: Statement of County Certified Value and Real Property Interest Offer

Dear Mr. Wergin and Ms. Renlund:

Dakota County has undertaken an independent appraisal of your property for the purpose of acquiring a permanent natural area conservation easement through the Farmland and Natural Areas Program (FNAP). This appraisal was completed by a qualified, independent appraiser. County staff has completed a review of the appraisal.

A summary of the project is as follows:

(a) Identification of the real property to be acquired:

Legal description: Part of the NE 1/4 of Section 17, Township 112 North, Range 19 West.

(b) Type of interest being acquired: Permanent Natural Area Conservation Easement

(c) Identification of real property improvements, if any, to be acquired: None

(d) Summary of County Certified Value:

1. Acres Of Property Ownership	40.4
2. Acres Excluded from Easement (Buildings, Road ROW, etc.)	6.2
3. Easement Acres	34.2
4. Total Easement Value	\$76,000.00
5. Easement Value Per Acre	\$2,222.22

You committed to a 15 percent donation in your FNAP application. This was a significant factor in the project ranking and County Board preliminary approval. Using this percentage, the value of the easement would be reduced by \$11,400. Dakota County hereby offers to all parties who may have a legal interest in the easement to be acquired the sum of \$64,600, which has been estimated to be just compensation for such property and rights based on the fair market value of the property, less the indicated donation amount.

**The offer and compensation set forth in this letter is contingent on Dakota County Board approval of the easement, as evidenced by a resolution adopted by the County Board of Commissioners.**

It is important to take adequate time to consider this offer and consult with professional advisors. If you believe the value is not accurate, you may wish to secure your own appraisal. However, this will delay the acquisition process by two or more months and could jeopardize non-County funding.

If you decide to accept the offer, please complete the Confirmation of Final Project Elements form provided by County staff and return it within 21 days of the date at the top of the form. Please retain a copy of the form for your records. County staff will then present this easement acquisition project to the County Board for its consideration and approval. After approval by the County Board, formal documentation will be prepared to complete the easement acquisition in accordance with the approval.

If the offer is unacceptable, please discuss your concerns and how we might work to resolve any issues with County staff at the meeting at which this certified value and contingent offer is presented, or schedule a meeting to discuss your concerns at a future date.

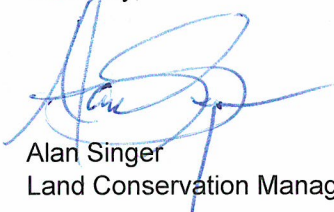
Please date, sign below and return one copy of this offer letter.

**Your signature on this contingent OFFER TO PURCHASE is only to verify that this contingent offer has been made to you.**

If you have any questions or concerns about the acquisition process, please call Lisa West at (952) 891-7018.

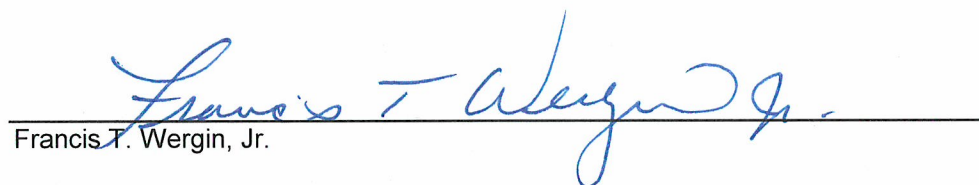
Thank you for your consideration.

Sincerely,

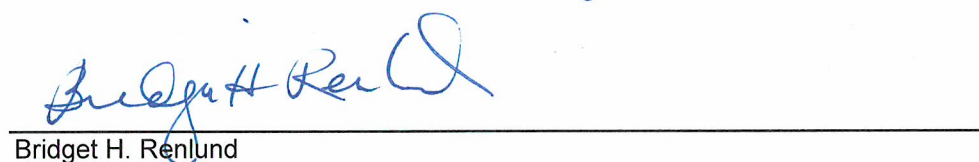


Alan Singer  
Land Conservation Manager

I CERTIFY THAT, on this 23<sup>rd</sup> day of April, 2015, a copy of this document was delivered to me.



Francis T. Wergin, Jr.



Bridget H. Renlund



April 23, 2015  
Date

## **FARMLAND AND NATURAL AREAS PROGRAM CONFIRMATION OF FINAL PROJECT ELEMENTS**

Francis Wergin and Bridget Renlund

The purpose of this document is to confirm the final details of your Farmland and Natural Areas Program permanent conservation easement. Please review each item, fill in all of the blanks, signify your approval by signing this form, and return one, signed Confirmation of Final Project Elements form within 21 days of the date at the top of the form.

1. Size. Final easement size: 34.3 acres
2. Project Changes. Describe any changes to the project, including configuration, exception areas, and township issues (e.g., subdividing a parcel, etc.). Please use the enclosed map to show changes you are making to your project.  
  

---

---

---
3. Building Rights. Number of building rights being conveyed to Dakota County or retained by you. (The number of available building rights must be confirmed by the township.)  
Available Building Rights: 0 Building Rights Conveyed: 0 Building Rights Retained: 0
4. Financial. By signing this form, you are attesting that, in your interest and in the interest of Dakota County, you have consulted with a registered financial planner, accountant and/or tax attorney regarding this potential easement acquisition and the financial implications.
5. Donation. Easement value donation percent: 7 %  
Easement Value \$ 76,000 - Donation \$ 5,320 = Net Easement Value \$ 70,680  
The Net Easement Value is the amount you should expect to receive at closing.
6. Easement Issues. On the reverse side of this form, describe any issues you have with the terms of the permanent easement. (Refer to draft copy provided by Dakota County staff.)
7. Management/Maintenance. By signing this form, you are acknowledging your willingness to work with Dakota County and/or its contractors (e.g., SWCD, Friends of the Mississippi River, Minnesota Conservation Corps, or others) to jointly develop and begin implementing a Natural Resource Management Plan.

Date:

Apr. 23, 2015

Francis T. Wergin

Bridget H. Renlund

Please return one copy of this signed Confirmation of Final Project Elements form to:

Dakota County PDD, 3rd Floor  
Attn: Lisa West  
14955 Galaxie Avenue  
Apple Valley, MN 55124