

# Final Abstract

Final Report Approved on October 22, 2024

## M.L. 2021 Project Abstract

For the Period Ending June 30, 2024

**Project Title:** Emerging Issues Benjamin CE Acquisition

**Project Manager:** Lisa West

**Affiliation:** Dakota County

**Mailing Address:** Dakota County - Parks Department 14955 Galaxie Avenue

**City/State/Zip:** Apple Valley, MN 55124

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**Website:** <https://www.co.dakota.mn.us/Pages/default.aspx>

**Funding Source:**

**Fiscal Year:**

**Legal Citation:** M.L. 2021, First Special Session, Chp. 6, Art. 6, Sec. 2, Subd. 10c-1

**Appropriation Amount:** \$185,000

**Amount Spent:** \$185,000

**Amount Remaining:** -

### Sound bite of Project Outcomes and Results

A 31.7-acre permanent natural area conservation easement was acquired by Dakota County from the Benjamins on June 27, 2024, in Nininger Township, that includes a five-acre restored native prairie, 23 additional acres that will be restored to native prairie, and about nine wooded acres that will also be restored.

### Overall Project Outcome and Results

The Benjamin property, located on the west border of the City of Hastings, is adjacent to a residential development. The property is in a prime location for annexation and continuation of existing streets and residential development. The Benjamins receive regular inquiries from developers wanting to purchase the property. However, the Benjamins already restored five acres of prairie and want to restore the balance of the property and prevent development.

The Benjamins applied to enroll the majority of their land in the Dakota County Land Conservation Program to permanently protect it from development pressure and to preserve open space and restore habitat along the Mississippi River. Through the acquisition of a 31.7-acre permanent natural area conservation easement, Dakota County helped the Benjamins achieve their goals for this property, including leaving a conservation legacy for their family. The conservation

easement is perpetual and is attached to the property deed, regardless of future ownership.

The specific outcomes of this conservation project include: permanent protection of open space along an existing greenway corridor and the Mississippi River that can be viewed and enjoyed by trail users and river recreationalists for generations; in addition to the five acres already restored to native prairie, 23 currently tilled acres will be restored to native prairie; and approximately nine acres of woods will be restored and enhanced, in part by removing invasive species. The Benjamins are making cash and in-kind contributions to the restoration work.

The backbone of private land conservation in Dakota County is the landowners who are often forgoing significant future compensation, because protecting their land now is so important to them and their families. The County program, with the partial funding provided by the ENRTF, helps families achieve their vision for natural resource protection and environmental enhancement of the habitats on their property.

#### **Project Results Use and Dissemination**

The permanent conservation easement includes installation of a County "Preserved Natural Area" sign and an LCCMR ENRTF sign in a visible location to inform passers-by of the protected land and the partial funding from the ENRTF. A depiction of the sign is attached, as well as an exhibit showing the easement area on the property.



## Environment and Natural Resources Trust Fund

M.L. 2021 Approved Final Report

### General Information

**Date:** November 22, 2024

**ID Number:** 2021-468

**Staff Lead:** Michael Varien

**Project Title:** Emerging Issues Benjamin CE Acquisition

**Project Budget:** \$185,000

### Project Manager Information

**Name:** Lisa West

**Organization:** Dakota County

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

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

**Web Address:** <https://www.co.dakota.mn.us/Pages/default.aspx>

### Project Reporting

**Final Report Approved:** October 22, 2024

**Reporting Status:** Project Completed

**Date of Last Action:** October 22, 2024

**Project Completion:** June 30, 2024

### Legal Information

**Legal Citation:** M.L. 2021, First Special Session, Chp. 6, Art. 6, Sec. 2, Subd. 10c-1

**Appropriation Language:** \$233,000 the first year is from the trust fund to an emerging issues account authorized in Minnesota Statutes, section 116P.08, subdivision 4, paragraph (d).

**Appropriation End Date:** June 30, 2024

## Narrative

**Project Summary:** The Benjamin property (Nininger Township) is adjacent to the City of Hastings and Mississippi River Greenway. It includes 320 feet of wooded bluff land along the Mississippi River.

**Describe the opportunity or problem your proposal seeks to address. Include any relevant background information.**

The Benjamin property, located on the west border of the City of Hastings, is adjacent to a large-lot residential development. The property is in a prime location for annexation and continuation of existing streets and residential development. The landowners receive regular inquiries from developers wanting to purchase the property. The landowners already restored five acres of prairie and want to restore the balance of the property and prevent development.

**What is your proposed solution to the problem or opportunity discussed above? Introduce us to the work you are seeking funding to do. You will be asked to expand on this proposed solution in Activities & Milestones.**

The landowners applied to enroll the majority of their property in the Dakota County Land Conservation Program to permanently protect it from development pressure and to preserve open space and restore habitat along the Mississippi River. Through the acquisition of a permanent natural area conservation easement, Dakota County can help the landowners achieve their goals for this property and leave a conservation legacy for their family. The conservation easement is perpetual and is attached to the property deed, regardless of future ownership.

**What are the specific project outcomes as they relate to the public purpose of protection, conservation, preservation, and enhancement of the state's natural resources?**

Specific project outcomes include: permanent protection of open space along an existing greenway corridor and the Mississippi River that can be viewed and enjoyed by trail users and river recreationalists for generations; in addition to the five acres already restored to native prairie, 23 currently tilled farmland acres will be restored to native prairie; and approximately nine acres of woods will be restored and enhanced, in part by removing invasive species.

## Project Location

**What is the best scale for describing where your work will take place?**

County(s): Dakota

**What is the best scale to describe the area impacted by your work?**

County(s): Dakota

**When will the work impact occur?**

During the Project and In the Future

## Activities and Milestones

### Activity 1: Easement Documents Preparation

**Activity Budget:** \$4,000

**Activity Description:**

Five documents must be drafted as a part of the acquisition process: easement deed, purchase agreement, Natural Resource Management Plan (NRMP), baseline Property Report (PR), and Natural Resource Management Agreement (MA). The easement deed documents the requirements, restrictive covenants, terms and conditions the County and landowners agree to uphold through the sale of the easement. The purchase agreement specifies terms of the sale of the easement. The NRMP describes existing natural resource conditions, states habitat management goals, lists and prioritizes recommended management activities, and provides estimated costs and a timeline for restoration activities within a five-year workplan. The baseline PR records the condition of the easement area at the time the easement is purchased by the County, using maps, oblique photography, vegetation descriptions and ground photos. The MA is a contract between the landowner and the County used to implement the workplan from the NRMP. The MA includes a description of the restoration activities, schedule, respective roles and responsibilities, and cash or in-kind contributions of the landowner, County or partners, as well as landowner maintenance responsibilities for the duration of the MA. The NRMP and MA are jointly developed between the landowner and the County.

**Activity Milestones:**

Description	Approximate Completion Date
Final appraisal and appraisal review	March 31, 2024
Draft and Review Easement Deed and Purchase Agreement	May 31, 2024
Draft and Review NRMP, PR and MA	May 31, 2024

### Activity 2: Final Title Work and Closing

**Activity Budget:** \$180,000

**Activity Description:**

Preliminary title work was completed as soon as County staff was aware the landowners wanted to sell an easement, to allow time to clear any title issues; none were found. Prior to closing, the County will order a final title commitment and settlement statement. When all closing documents are in order, the closing date will be scheduled with the title company and the landowners.

**Activity Milestones:**

Description	Approximate Completion Date
Order Final Title Commitment and Settlement Statement	April 30, 2024
Compile and send 30-days before closing: DNR-required documentation	May 31, 2024
Compile and submit 10-days before closing: required financial information	May 31, 2024
Schedule Closing	May 31, 2024

### Activity 3: Post Closing Activities

**Activity Budget:** \$1,000

**Activity Description:**

Following closing on the easement acquisition, County staff will compile and submit documentation necessary to receive

reimbursement from the ENRTF. A Title Insurance Policy will be received. Final documents will be uploaded into the County's permanent online document archive system. Please note the milestone dates below are restricted by this system to no later than June 30, 2024. However, depending on the closing date and the time it takes to receive and/or record final documents, it may be late summer before the milestones are completed.

**Activity Milestones:**

Description	Approximate Completion Date
Draft and Record Notice of Funding Restriction	June 30, 2024
Document Compilation and Reimbursement Submittal	June 30, 2024
Prepare and submit within 60 days - financial report to LCCMR	June 30, 2024
Document Upload to County Archive System	June 30, 2024

## Dissemination

**Describe your plans for dissemination, presentation, documentation, or sharing of data, results, samples, physical collections, and other products and how they will follow ENRTF Acknowledgement Requirements and Guidelines.**

The conservation easement area will include County signage and the required ENRTF logo. The County sign is a metal composite designed for durability and long life (anti-fading). The signage will be mounted on metal posts and replaced when and if needed.

## Long-Term Implementation and Funding

**Describe how the results will be implemented and how any ongoing effort will be funded. If not already addressed as part of the project, how will findings, results, and products developed be implemented after project completion? If additional work is needed, how will this work be funded?**

Following acquisition, easement restoration work is guided by a Natural Resource Management Plan and funded by County, state grant, and required landowner in-kind/cash contributions through an executed Natural Resource Management Agreement. Ecologic monitoring visits will be conducted periodically to assess the health of restored habitats. Additionally, easements are monitored each year to ensure compliance with easement deed requirements, restrictions and conditions designed to protect the conservation values of the easement property. Easements with willing landowners establish a long-term relationship with the County that does not end, even when land ownership changes occur.

## Budget Summary

Category / Name	Subcategory or Type	Description	Purpose	Gen. Ineligible	% Benefits	# FTE	Classified Staff?	\$ Amount	\$ Amount Spent	\$ Amount Remaining
<b>Personnel</b>										
							Sub Total	-	-	-
<b>Contracts and Services</b>										
Dakota County Abstract and Title (DCA Title)	Acquisition costs	Providing title work and settlement statement documents, scheduling and conducting the closing.				0.05		\$1,454	\$1,454	-
							Sub Total	\$1,454	\$1,454	-
<b>Equipment, Tools, and Supplies</b>										
							Sub Total	-	-	-
<b>Capital Expenditures</b>										
							Sub Total	-	-	-
<b>Acquisitions and Stewardship</b>										
	Conservation Easement Acquisition	Acres: 32 Parcels: 1						\$183,546	\$183,546	-
							Sub Total	\$183,546	\$183,546	-
<b>Travel In Minnesota</b>										
							Sub Total	-	-	-
<b>Travel Outside Minnesota</b>										



							Sub Total	-	-	-
Printing and Publication										
							Sub Total	-	-	-
Other Expenses										
							Sub Total	-	-	-
							Grand Total	\$185,000	\$185,000	-

Classified Staff or Generally Ineligible Expenses

Category/Name	Subcategory or Type	Description	Justification Ineligible Expense or Classified Staff Request
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## Non ENRTF Funds

Category	Specific Source	Use	Status	\$ Amount	\$ Amount Spent	\$ Amount Remaining
<b>State</b>						
			<b>State Sub Total</b>	-	-	-
<b>Non-State</b>						
Cash	Dakota County	Dakota County will provide the balance of the cost of this conservation easement acquisition.	Secured	\$65,000	\$65,000	-
In-Kind	Dakota County	All County staff resources used to carry-out grant requirements	Secured	\$10,000	\$10,000	-
			<b>Non State Sub Total</b>	<b>\$75,000</b>	<b>\$75,000</b>	-
			<b>Funds Total</b>	<b>\$75,000</b>	<b>\$75,000</b>	-

Acquisition and Restoration

Parcel List

Name	County	Site Significance	Activity	Acres	Miles	Estimated Cost	Type of Landowner	Easement or Title Holder	Status of Work
CE - Ben1	Dakota	Restored prairie and woods along the Mississippi River	Conservation Easement	32	0.06	\$266,000	Private	Dakota County	Negotiations In Progress
Totals				32	0.06	\$266,000			

## Conservation Easement Acquisition

**1. Describe the selection process for identifying and including proposed parcels on the parcel list, including an explanation of the criteria and decision-making process used to rank and prioritize parcels.**

Landowner applications are solicited through public notices and targeted mailings or are identified through park or greenway master plans. County staff meets with eligible applicants to discuss the Land Conservation Program and process. Project prioritization criteria are used to score, rank and recommend projects based on location, natural resource components, landowner commitment to restoration, etc. Recommended projects are appraised to determine fair market value.

**2. List all adopted state, regional, or local natural resource plans in which the lands included in the parcel list are identified for the acquisition purposes you propose. Include the URL to the plan if one is available.**

This easement acquisition falls under the Land Conservation Plan for Dakota County and the County Natural Resources Management System Plan.

**3. For any conservation easement acquired, a restoration and management plan must be prepared. Summarize the components and expected outcomes of restoration and management plans for parcels acquired by your organization, how these plans are kept on file by your organization, and overall strategies for long-term plan implementation, including how long-term maintenance and management needs of the parcel will be financed into the future.**

Natural Resource Management Plans (NRMPs) are jointly developed for each easement acquisition. NRMPs are implemented through Management Agreements with landowners that establish restoration activities, mutual financial contributions, and maintenance responsibilities. NRMPs are revisited and updated as necessary every five years. NRMPs are uploaded to the County's document archive system. The County uses a combination of landowner, County and state grant funding to accomplish plan implementation. Ecological monitoring takes place annually or as needed for restoration activities in perpetuity.

**4. For each parcel to be conveyed to a State of Minnesota entity (e.g., DNR) after purchase, provide a statement confirming that county board approval will be obtained.**

The Dakota County Board of Commissioners approved this acquisition in Resolution No. 23-582.

**5. If applicable (see M.S. 116P.17), provide a statement confirming that written approval from the DNR Commissioner will be obtained 10 business days prior to any final acquisition transaction.**

Dakota County will seek written approval from the DNR Commission for this acquisition at least 10 days prior to a final acquisition transaction.

**6. Provide a statement addressing how conservation easements will address specific water quality protection activities, such as keeping water on the landscape, reducing nutrient and contaminant loading, protecting groundwater, and not permitting artificial hydrological modifications.**

The permanent vegetation maintained on this easement in perpetuity will avoid imminent permanent impervious surfaces from adjacent residential development. Water can infiltrate on this property and any surface runoff can be slowed and filtered before potentially entering the Mississippi River.

**7. Describe the long-term monitoring and enforcement program for conservation easements acquired on parcels by your organization, including explanations of the process used for calculating conservation easement monitoring and enforcement costs, the process used for annual inspection and reporting on monitoring and enforcement activities, and the process used to ensure perpetual funding and implementation of monitoring and enforcement activities.**

Annual inspections are conducted for easement deed compliance. The County contracts with a private firm and the Dakota County Soil and Water Conservation District to conduct annual monitoring inspections. The cost varies, based on easement size and habitat variation; but on average, monitoring costs the County about \$26,000 annually. The funding is part of the annual County budgeting process.

## Attachments

### Required Attachments

#### *Map*

File: [f8d20e13-fd2.pdf](#)

#### *Alternate Text for Map*

The map shows the easement boundary, areas exception areas, and the legal access point....

#### *Board Resolution or Letter*

Title	File
Dakota County Board Resolution	<a href="#">573c7bf9-d75.pdf</a>

### Supplemental Attachments

*Capital Project Questionnaire, Budget Supplements, Support Letter, Photos, Media, Other*

Title	File
County Land Preservation Sign	<a href="#">ba01e300-699.pdf</a>

## Difference between Proposal and Work Plan

#### *Describe changes from Proposal to Work Plan Stage*

There is no change between the proposal and workplan stage. Please note however, that the County intended to pay all costs of this acquisition with the exception of a portion of the easement cost. This application form forced the breakout of the \$185,000 grant request into amounts for other activities (e.g., document preparation and post-closing activities) that the County intended to pay.

## Additional Acknowledgements and Conditions:

The following are acknowledgements and conditions beyond those already included in the above workplan:

**Do you understand and acknowledge the ENRTF repayment requirements if the use of capital equipment changes?**

N/A

**Do you agree travel expenses must follow the "Commissioner's Plan" promulgated by the Commissioner of Management of Budget or, for University of Minnesota projects, the University of Minnesota plan?**

N/A

**Does your project have potential for royalties, copyrights, patents, sale of products and assets, or revenue generation?**

No

**Do you understand and acknowledge IP and revenue-return and sharing requirements in 116P.10?**

N/A

**Do you wish to request reinvestment of any revenues into your project instead of returning revenue to the ENRTF?**

N/A

**Does your project include original, hypothesis-driven research?**

No

**Does the organization have a fiscal agent for this project?**

No

## Work Plan Amendments

Amendment ID	Request Type	Changes made on the following pages	Explanation & justification for Amendment Request (word limit 75)	Date Submitted	Approved	Date of LCCMR Action
1	Amendment Request	<ul style="list-style-type: none"> <li>• Other</li> <li>• Budget - Professional / Technical Contracts</li> <li>• Budget - Acquisition</li> <li>• Budget - Non-ENRTF Funds Contributed</li> </ul>	The actual costs of the acquisition shifted within the \$185,000 requested grant, with the title work costing less, and the acquisition amount increasing slightly. The revised costs remained within the total grant request of \$185,000.	October 2, 2024	Yes	October 15, 2024



# Status Update Reporting

## Final Status Update August 14, 2024

**Date Submitted:** October 2, 2024

**Date Approved:** October 15, 2024

### Overall Update

Dakota County acquired a permanent natural area conservation easement on the Benjamin property on June 27, 2024. Restoration of the protected acres, including converting the tilled land to native prairie species and removing invasive species from the wooded areas will begin this fall.

### Activity 1

The appraisal and appraisal review were completed. The Easement Deed, Purchase Agreement, Natural Resource Management Plan and baseline Property Report were completed. The Management Agreement will be finalized this fall when restoration activities begin.

*(This activity marked as complete as of this status update)*

### Activity 2

The final title commitment and settlement statement were obtained. Required pre-closing documents and financial information were submitted as required before closing. The closing took place on June 27, 2024.

*(This activity marked as complete as of this status update)*

### Activity 3

All required post-closing documents were compiled and submitted to DNR staff. The reimbursement request was submitted to DNR staff but is being held, pending approval of the final report for this grant. Documents have been uploaded to the County archive system.

*(This activity marked as complete as of this status update)*

### Dissemination

The signage planned for this easement area is awaiting scheduling with County Transportation staff who will install it.

# Status Update Reporting

## Status Update June 1, 2024

**Date Submitted:** October 2, 2024

**Date Approved:** October 15, 2024

### Overall Update

We are in the final stage of our work to permanently protect this open space project between the Mississippi River and an existing greenway corridor. Restoration is anticipated to begin later this year following the final crop harvest.

### Activity 1

All of the documents listed for this activity milestones are in final draft form. Execution of the purchase agreement was delayed while awaiting the County-generated contract number that required the ENRTF agreement to complete. We anticipate execution of the purchase agreement following County Attorney's Office approval as to form, within the next week.

*(This activity marked as complete as of this status update)*

### Activity 2

The final title commitment and settlement statement will be ordered in the upcoming week. The pre-closing documents were submitted to DNR grant staff on May 23, 2024. We will compile the required financial information and submit it at least 10 days prior to closing. The acquisition closing date is not scheduled yet, but is anticipated to be scheduled soon.

### Activity 3

The work on these activity milestones has not begun to date.

### Dissemination

No dissemination activities have begun to date.