

Community Development Committee

Meeting date: May 15, 2017

For the Metropolitan Council meeting of May 24, 2017

Subject: Consent to Easements, Lake Waconia Regional Park, Carver County

District(s), Member(s): District 4, Deb Barber

Policy/Legal Reference: System Protection Strategy 6, *2040 Regional Parks Policy Plan*

Staff Prepared/Presented: Jan Youngquist, AICP, Planning Analyst

Division/Department: Community Development/Regional Parks and Natural Resources

Proposed Action

That the Metropolitan Council consent to Carver County granting a permanent utility easement and a temporary construction easement to ParkSide Church as described in Attachment 1 and shown in Attachment 2, subject to approval of the easements by the Carver County Board of Commissioners.

Background

Lake Waconia Regional Park is located in Laketown Township along the southeast shores of Lake Waconia. The 167-acre regional park is owned and operated by Carver County and includes Coney Island, as well as picnic areas, a swimming beach, and a sledding hill. The Council approved the current master plan for the regional park on March 8, 2017.

ParkSide Church shares an entrance road from Highway 5 with Lake Waconia Regional Park and is adjacent to the park on two sides, as shown in Attachment 3. The congregation is growing and the church is planning to expand its facility. However, the church property is located in the city of Waconia and its septic system is no longer compliant with city codes. There are no utilities beneath the park entrance road. In order to access existing utility lines in the subdivision that is southwest of the church, there is no reasonable alternative other than to cross park property. ParkSide Church has requested a 30-foot wide permanent utility easement comprising 12,310 square feet and a 55-foot wide temporary construction easement of 23,378 square feet from Carver County, as shown in Attachment 2.

The Council issued a grant to Carver County to help fund acquisition of the land on which the easements will lie (SG2013-074). The \$1,700,000 grant was funded through the Environment and Natural Resources Trust Fund (\$1,020,000) and Council bonds (\$680,000). Carver County funded the remaining land acquisition costs of approximately \$1,900,000. A funding declaration in favor of the Legislative-Citizen Commission on Minnesota Resources (LCCMR) and a restrictive covenant between the Metropolitan Council and Carver County are recorded on the property; approval from the LCCMR and the Council is needed to grant an easement. Construction of the project is scheduled to begin in June. In order to meet the timeline, this business item is being brought to the Community Development Committee without being considered by the Metropolitan Parks and Open Space Commission.

Rationale

The request for the Council's consent to a permanent utility easement and a temporary construction easement is consistent with System Protection Strategy 6 from the *2040 Regional Parks Policy Plan* (RPPP). The RPPP acknowledges that it may be necessary to place utility easements on regional parkland and requires that easements be placed to minimize impacts on the regional park's natural

resources and on its existing and future recreation facilities, while providing reasonable access to the utility line for repair and maintenance. The location of the easement was identified to minimize disturbance to the regional park. The Council-approved master plan for the regional park does not identify any future development for this portion of the park. ParkSide Church and Carver County will improve the ecological character of the easement area and surrounding parkland by restoring it to prairie savanna. ParkSide Church will promptly notify Carver County of future maintenance and repairs to the utility lines and the church will be responsible to restoring the disturbed area to its previous condition.

Thrive Lens Analysis

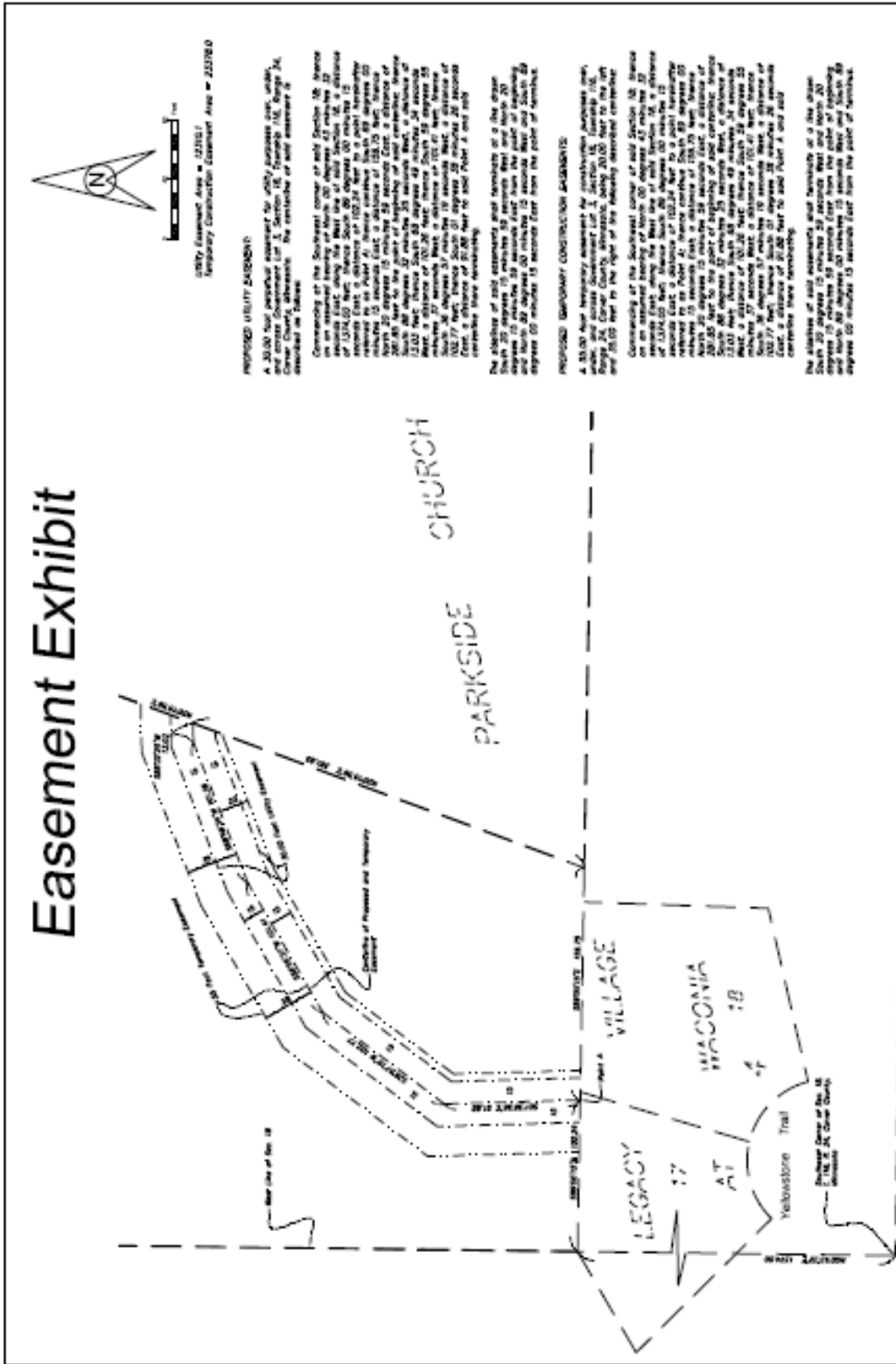
The request is consistent with the Thrive principle of stewardship, as it facilitates the replacement of a noncompliant septic system with municipal utilities and results in restoring park property that is currently mowed turf to prairie savanna.

Funding

Carver County prepared a Minimum Damage Acquisition Report that determined the value of the easement to be \$4,981. Since Environment and Natural Resources Trust Fund dollars provided 28 percent of the original acquisition costs for the land on which the easement will lie, the Legislative-Citizen Commission on Minnesota Resources required that the proportional amount of the easement value of \$1,395 be refunded. Since the church is a non-profit organization and the easement does not preclude use of the property for regional park purposes, the Metropolitan Council and Carver County are not requesting repayment for their proportional amounts of the easement value, which are \$697 and \$2,888, respectively. In exchange for the easement, ParkSide Church is providing Carver County the right of first refusal should the church decide to sell the property in the future.

Known Support / Opposition

On December 6, 2016, the Legislative-Citizen Commission on Minnesota Resources approved Carver County's request to convey a utility easement across land at Lake Waconia Regional Park. The Carver County Board of Commissioners will consider the easement at its meeting on May 16, 2017. There is no known opposition.



PROPOSED UTILITY EASEMENT

A 33.00 foot permanent easement for utility purposes over, under, and across Government Lot 1, Section 16, Township 11E, Range 24, Greenlee County, Arizona, for the construction of said easement is described as follows:

Commencing at the Southeast corner of said Section 16, thence North 55° 00' 00\"/>

PROPOSED TEMPORARY CONSTRUCTION EASEMENTS

A 33.00 foot temporary easement for construction purposes over, under, and across Government Lot 1, Section 16, Township 11E, Range 24, Greenlee County, Arizona, for the construction of said easement is described as follows:

Commencing at the Southeast corner of said Section 16, thence North 55° 00' 00\"/>

The distances of said easements and bearings at a like strain South 25° 00' 00\"/>

Easement Exhibit

1. I, hereby certify that this survey, map, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Arizona.

(Signature)
 License #00002 Date: 04/11/14

Respect:

WITNESSED BY:
Parkside Church
 Date: 7-12-16 License No: J.C.O. Checked By: P.E.O.

QTTO
 Arizona's Land Professionals, Inc.
 www.qttto.com
 8 West Glendon Street
 Gilbert, AZ 85032
 (480)850-6727
 Fax: (480)850-3022

• Review this easement file
 • Check 121 by 14 inch top edge
 and marked by license #00002

Project No. 14-0153

Church Utility Easement



Attachment 3—Location of ParkSide Church in Relation to Lake Waconia Regional Park (Park Boundary Outlined in Red)

