

Metropolitan Parks and Open Space Commission

Meeting date: June 3, 2014

For the Community Development Committee meeting of June 16, 2014

For the Metropolitan Council meeting of June 25, 2014

Subject: Land Exchange of 0.63 acres and Associated Master Plan Boundary Amendment and Restrictive Covenant Changes for Murphy-Hanrehan Park Reserve, Scott County

District(s), Member(s): MPOSC District B, Robert Moeller

Policy/Legal Reference: System Protection Strategy 2: Release of Restrictive Covenants and MN Statute 473.313

Staff Prepared/Presented: Arne Stefferud, Manager Regional Parks and Natural Resources (651-602-1360)

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

Proposed Action

That the Metropolitan Council:

1. Approve releasing the restrictive covenant on 0.63 acres of land in Murphy-Hanrehan Park Reserve needed for a round-about intersection of 154th Street and Murphy Lake Blvd. in exchange for 0.63 acres provided by the City of Savage adjacent to the Park Reserve as depicted in Figures 1 and 2.
2. Approve a master plan boundary amendment to Murphy-Hanrehan Park Reserve that deletes the 0.63 acres needed for the round-about intersection and adds 0.63 acres provided by the City of Savage as depicted on Figure 1.

Background

The City of Savage is reconstructing 154th Street, which runs along the northern edge of Murphy-Hanrehan Park Reserve. As part of the street reconstruction, a round-about intersection with Murphy Lake Boulevard is planned near the park's trailhead parking facility. In order to accommodate the intersection, Scott County and Three Rivers Park District and City of Savage request exchanging 0.63 acres of park land needed for the round-about with 0.63 acres of land owned by the City adjacent to the park and near the intersection as depicted in Figures 1 and 2.

Figure 1: Map of 0.63 acres for road intersection easement to City of Savage in exchange for 0.63 acres of City of Savage land adjacent to Murphy-Hanrehan Park Reserve

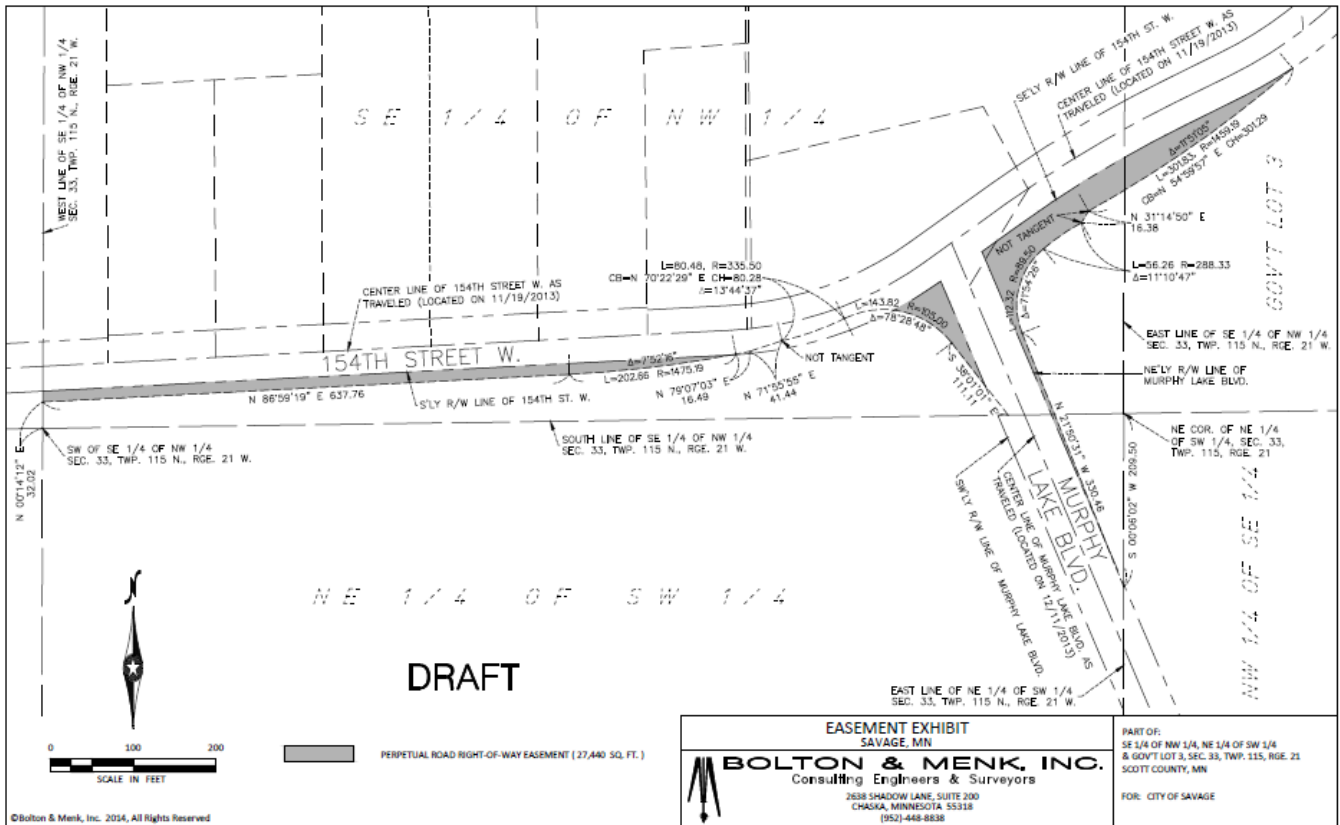
Scott County, MN



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 315 feet
4/11/2014

Figure 2: Map of 0.63 acres needed for permanent easement for intersection to be removed from Murphy-Hanrehan Park Reserve (Grey shaded area)



To complete the exchange, the Metro Council must also approve adding the City land to the park's master plan boundary plus approve releasing the restrictive covenant on the land needed for the round-about and placing a restrictive covenant on the City land that's added to the park. The request letter from Scott County and Three Rivers Park District is Attachment 1.

Rationale

The request to release the restrictive covenant on 0.63 acres of land needed for the round-about intersection in exchange for 0.63 acres provided by the City of Savage for Murphy-Hanrehan Park Reserve is consistent with applicable 2030 Regional Parks Policy regarding land exchanges and minor amendments to park master plans.

Funding

There is no funding involved in this request. Equally valuable parcels of land are being exchanged.

Known Support / Opposition

There is no known opposition to the land exchange and minor master plan amendment adding the 0.63 acres of City of Prior Lake land to Murphy-Hanrehan Park Reserve.

Analysis

Land exchange: The 0.63 acres of land proposed for part of the road intersection is protected under a restrictive covenant agreement which permanently protects the land for regional park purposes. However, the Metropolitan Council may release the covenant protection for cause. System Protection Strategy 2 of the 2030 Regional Parks Policy Plan guides how the Council would release a restrictive covenant agreement. Specifically, the policy states,

“...Under certain exceptional circumstances, the Metropolitan Council will release covenants on regional park land, if equally valuable land or facility is added in exchange for the released park land.

‘Equally valuable land’ is defined as land that is contiguous to the regional parks system unit containing the land proposed to be exchanged (within the same park/trail unit) and the land has comparable or better natural resource characteristics and could provide comparable or better recreation opportunities than the land being released from the covenant.”

In this case, the City of Savage is offering to exchange 0.63 acres adjacent to Murphy-Hanrehan Park Reserve and located on Hanrehan Lake for 0.63 acres of land it needs for the road intersection project. The land on Hanrehan Lake was a residential lot with 275 feet of shoreline. The City has removed the house and agreed to restore the property to a more natural state by removing hardscapes (driveway and sidewalk), returning the grade of the lot to a pre-development condition, planting native seed and providing \$15,000 to Scott County for shoreline restoration work which will be completed in 2015. The lot is being considered for passive park use in the future (trail rest stop, nature viewing, lake shore fishing) with a final decision after 154th Street is complete and the opportunities and challenges with the new road are better known. Based on the actions of the City, the 0.63 acres to be exchanged for releasing the restrictive covenant meet the equally valuable land definition.

Five factors must be considered before releasing the restrictive covenant. Those factors and Council staff’s analysis of Scott County’s response in their request letter follows:

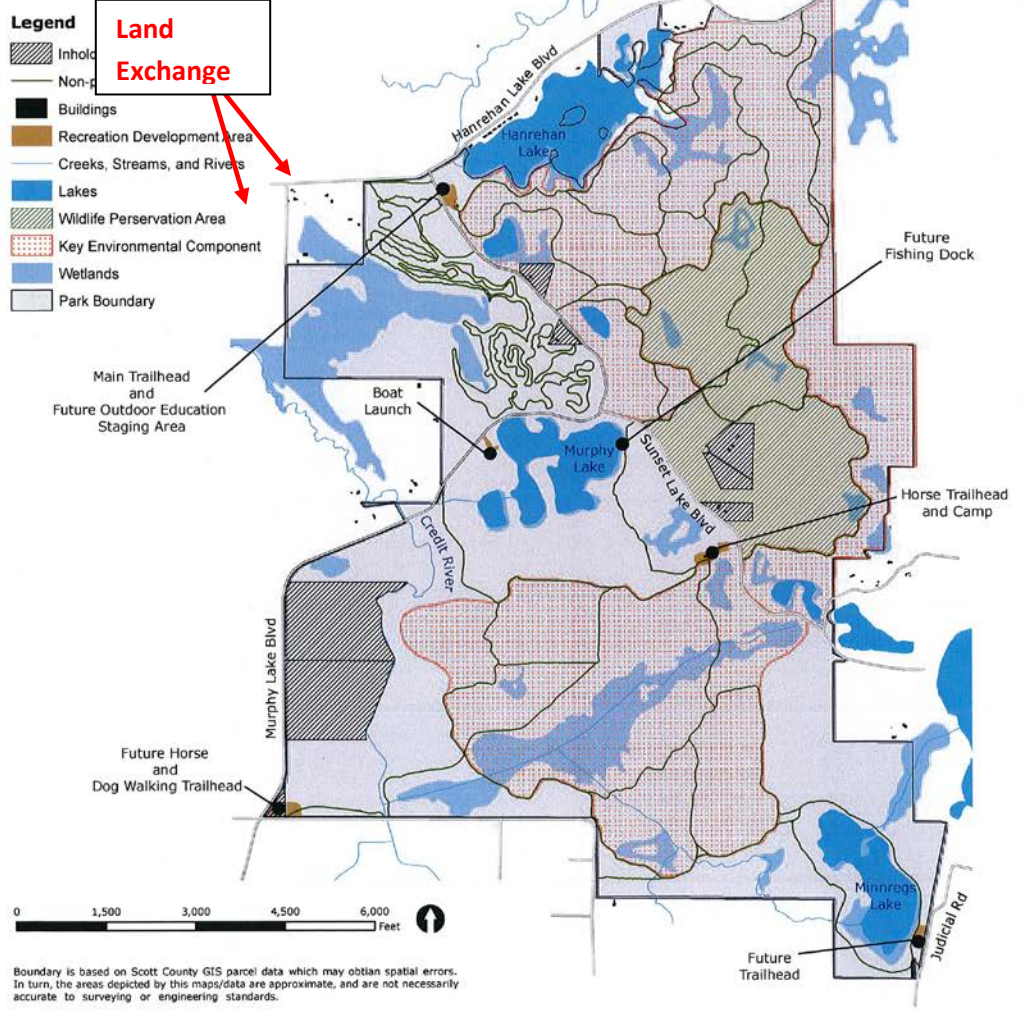
1. Whether the park system unit can continue to meet Council site and site attribute standards established for the particular type of park system unit (regional park, park reserve, trail greenway or special recreation feature).

Analysis: Murphy-Hanrehan Park Reserve is about 2,600 acres in size. The master plan for the park includes developing trails for hiking/biking, ski-touring and horse-back riding plus three associated trailheads, a horse-back riding campground, outdoor education staging area, plus boat launch and fishing dock on Murphy Lake. The park’s natural resource vision is to preserve, protect and restore native oak forest, prairie and wetlands in the park. In a review of the Murphy-Hanrehan development and natural resources plan in context of the land exchange shown in Figure 3, the land exchange will not affect the master plan and the park reserve will continue to meet Metro Council site and site attributes of a park reserve.

Figure 3: Murphy-Hanrehan Development and Natural Resources Plan in Context of Land

Murphy-Hanrehan Park Reserve

Zoning Map



Exchange

2. Whether Murphy-Hanrehan Park Reserve will continue to function as originally planned.

Analysis: As noted in point 1, the land exchange does not alter the development and natural resources plan for the park.

3. Whether environmental features (wildlife habitat, water quality) of Murphy-Hanrehan Park Reserve will be adversely affected.

Analysis: As noted in Scott County's request letter, the land exchange will have a positive effect on the environment through the restoration of the former residential lot. Plus the road project will include surmountable curbs for easier wildlife crossing, and stormwater treatment systems associated with the road project will treat stormwater before it enters Hanrehan Lake.

4. Whether the loss of site or function will be made up through acquisition of a site with comparable characteristics adjacent to or in the immediate area of the current location.

Analysis: The land exchange removes land adjacent to the road in exchange for lakeshore property. It will provide enhanced recreation opportunities for access to and enjoyment of Hanrehan Lake.

5. Whether the need for the conversion, as in the instance of transportation improvements, is generated by Murphy-Hanrehan Park Reserve.

Analysis: The reconstruction of 154th Street and the related intersection with Murphy Lake Boulevard is being done to accommodate development adjacent to the park reserve and to improve the safety conditions of this road. The round-about intersection will have a positive impact on park users since this intersection is a primary entrance to the park.

Finally, before releasing a restrictive covenant, the Metropolitan Council must make findings with respect to the transportation alternatives which consider the following factor:

Whether the proposed project is of greater benefit to the region than continuance of the regional parks system unit.

Findings: The road project and round-about intersection, plus trails and sidewalks associated with the road project will improve safety and enhance multi-modal access to the park reserve. Plus the land to be added to the park reserve has higher natural resource value than the land being released for the intersection project.

Minor Amendment to Murphy-Hanrehan Park Reserve

The land exchange is a minor amendment to the park's master plan. There is no additional need for staff analysis beyond what's been done for the land exchange. Approving the land exchange should also include approving an amendment to the master plan to add the 0.63 acres to the park's boundary.

Conclusions

1. The proposal to release the restrictive covenant on 0.63 acres needed for the 154th Street and Murphy Lake Boulevard intersection in exchange for 0.63 acres of Hanrehan Lake shoreline adjacent to Murphy Hanrehan Park Reserve is consistent with System Protection Strategy 2 of the 2030 Regional Parks Policy Plan.

2. Approving the land exchange should also include approving an amendment to the master plan to add the 0.63 acres to the park's boundary.

Attachment 1: Request Letter from Mark Themig, Three Rivers Park District in partnership with Scott County



April 18, 2014

Ms. Jan Youngquist
Planning Analyst, Regional Parks and Natural Resources
Metropolitan Council
390 North Robert Street
St. Paul, Minnesota 55101

Subject: Murphy-Hanrehan Park Reserve Land Exchange

Dear Ms. Youngquist,

On behalf of Three Rivers Park District and Scott County, I am writing to request the Metropolitan Council's consideration of a land exchange, an amendment to the restrictive covenant, and a minor amendment to the master plan boundary at Murphy-Hanrehan Park Reserve associated with a road reconstruction project.

Background

The City of Savage is reconstructing 154th Street, which runs along the northern edge of Murphy-Hanrehan Park Reserve. As part of this work, the City is planning to construct a roundabout at the intersection of 154th Street and Murphy Lake Boulevard near the park's trail head parking facility (Reference 1). The City's road reconstruction plans require .63 acres of park land along 154th Street and Murphy Lake Boulevard for the road reconstruction. This project also includes sidewalks on the north side of 154th Street, a trail on the south side of 154th Street from the west to Murphy Lake Boulevard, and a trail connection to the trail head parking area. The City is requesting the land needed for the road in the form of a permanent road easement. An additional 1.31 acres of temporary construction easement is needed for the project, which would be restored once construction is complete. (Reference 2 and 3)

In exchange for the .63 acres of permanent road easement, the City would provide .63 acres of property on Hanrehan Lake (Reference 1). This property was a former home site that the City acquired as part of the 154th Street project. The lot contains approximately 275 feet of shoreline on Hanrehan Lake. The narrow configuration of the lot limits its use for major recreational development, so the City has agreed to restore the property to a more natural state. This work will include removal of all hardscapes and materials (the home has already been removed), returning the grades to a more pre-development condition, native seeding, and an allowance of

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\$15,000 for shoreline restoration work that would be completed in 2015. Staff has discussed the possibility that the lot location and the views of Hanrehan Lake could serve passive park use some day (trail rest stop, nature viewing, lake shore fishing, etc.). These opportunities would be evaluated further once 154th Street is complete and the opportunities and challenges with the new road are better known. As a result, we are requesting that the Metropolitan Council consider a minor amendment to the master plan boundary of the park reserve to include this parcel.

Scott County is named as a partner in the agreement because the County has a 1/10th undivided ownership in most of Murphy-Hanrehan Park Reserve. This ownership interest evolved out of the 1973 Joint Powers Agreement between the County and the Park District that was established for the primary objective of land acquisition at Murphy-Hanrehan Park Reserve.

2030 Regional Parks Policy Plan Analysis

We believe this request complies with the requirements in the 2030 Regional Parks Policy Plan related to system protection.

- **“Equally Valuable Land”**: We believe the land being provided exceeds the criteria for “Equally Valuable Land”. The lake shore property proposed to be exchanged for park land contains approximately 275 feet of lake shore on Hanrehan Lake and will be restored to its natural state. It also has the potential to provide passive public access and viewing of Hanrehan Lake, a resource that isn’t easily provided at this time. The natural resource qualities of the proposed land exchange parcel will likely exceed the areas proposed to be exchanged for road easements once restored.
- **Function as Planned**: The proposed land exchange will allow the park to function as planned. In reality, the new trail and sidewalk connectivity associated with this project will likely enhance use opportunities for the park and its amenities since the trails will serve the area of the park identified as a Recreation Development Area.
- **Site Attribute Standards**: The proposed land exchange will not affect the attribute standards of the park reserve designation. The land proposed to be provided to the City is adjacent to existing roadways, while the land added to the park will be more typical of park reserve designation with natural shoreline and native plants once restored.
- **Effect on Environmental Features**: The proposed land exchange will have a *positive* effect on the environment by removing a residential use on Hanrehan Lake and replacing it with natural, pre-development characteristics. In addition, the City has agreed to design Murphy Lake Road with habitat in mind by including surmountable curbs along the road for easier wildlife crossing. The city will also be installing stormwater treatment systems associated with the road reconstruction that will treat the storm water prior to entering Hanrehan Lake.

- **Loss of Site Replaced with Comparable Characteristics:** We feel that the land proposed to be added to the park has better characteristics than the land being provide to the City. As noted in other areas, this concept transfers roadway edges for lake shore property.
- **Need for Conversation Generated by the Recreational Park System Unit:** The reconstruction of 154th Street is not being driven by the park – the reconstruction is primarily needed to accommodate the development occurring in the area and to improve an aging road. However, the desire to construct a roundabout where the majority of the land exchange is proposed is intended to improve the safety of that intersection. This will have a positive impact on park users since a significant amount of turning movements at the intersection are a result of visitors to the park’s trails, mountain biking, and cross country skiing facilities.
- **Benefit to the Region:** We believe the proposed transportation improvements have a greater benefit to the region than the impact to the park associated with the land exchange. The roadway systems will be safer, trails and sidewalks will improve pedestrian and bike safety, and stormwater systems will improve water quality. In addition, the land proposed to be exchanged has a higher natural resource value than the land being provided.

Per the 2030 Regional Parks Policy Plan, we are requesting the Metropolitan Council's review of the requested amendment to the restrictive covenant, the land exchange, and the amendment to the master plan of the park reserve. If at all possible, we would appreciate this review in May due to the City's summer construction schedule for the road project.

Thank you for your consideration of this request. Please contact me if you have any questions at 952-496-8783.

Sincerely,



Mark Themig, General Manager of Scott County Parks

cc: Jonathan Vlaming, Associate Superintendent
Kelly Grissman, Director of Planning
John Powell, City of Savage Public Works Director