

## Metropolitan Parks and Open Space Commission

Meeting date: July 7, 2015

For the Community Development Committee meeting of July 17, 2015

For the Metropolitan Council meeting of August 12, 2015

**Subject:** Release of Restrictive Covenant at Lake Waconia Regional Park, Carver County

**District(s), Member(s):** MPOSC District B, Bob Moeller

**Policy/Legal Reference:** MN Statute 473.315

**Staff Prepared/Presented:** Jan Youngquist, AICP, Manager (651-602-1029)

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

### Proposed Action

That the Metropolitan Council:

1. Release the restrictive covenant on the 5.17 acres of land that Carver County intends to sell to the Minnesota Department of Natural Resources for development of a boat access site at Lake Waconia Regional Park, as described in Attachment A and shown in Attachment B.
2. Approve an ingress/egress access easement to be granted to the Minnesota Department of Natural Resources as described in Attachment C and shown in Attachment D.
3. Revise the amount that the Council will consider reimbursing Carver County from its share of a future Regional Parks Capital Improvement Program for acquisition of 19.29 acres at Lake Waconia Regional Park to be up to \$829,240 in order to account for the sale of a 5.17 acre portion of the parcel to the Minnesota Department of Natural Resources.
4. Inform Carver County that the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.

### Background

Carver County has requested that the Metropolitan Council release the restrictive covenant on a portion of a 19.29 acre property at Lake Waconia Regional Park in order to facilitate the sale of 5.17 acres of the site to the Minnesota Department of Natural Resources (IDNR) for a boat access. Carver County's request letter is shown in Attachment E.

On June 12, 2013, the Metropolitan Council authorized a grant to Carver County from the Park Acquisition Opportunity Fund (PAOF) in the amount of \$1,700,000 to partially fund the acquisition of a 19.29 acre parcel at Lake Waconia Regional Park (Business Item 2013-150). The total grant-eligible acquisition costs were \$3,629,240. Since the maximum grant amount from the PAOF is \$1,700,000, Carver County funded the balance of the acquisition costs, which was \$1,929,240.

At the time Carver County applied for the PAOF grant, the County was working on an agreement with the DNR for a public water access on the land it was acquiring, but it was not known at that time whether an agreement would be reached. Carver County requested reimbursement consideration from a future

Regional Parks Capital Improvement Program (CIP) for its share of the acquisition costs, but indicated that it would not seek reimbursement for the land sold to the DNR.

As part of Business Item 2013-150, the Council acted to “consider reimbursing Carver County up to \$1,929,240 from its share of a future Regional Parks Capital Improvement Program for the balance of the acquisition costs minus potential income from selling a portion of the property to the Minnesota Department of Natural Resources for a boat access as called for in the Lake Waconia Regional Park master plan.”

In March 2015, Carver County entered into a Cooperative Agreement and an Option for the Purchase of Real Estate with the DNR to sell 5.17 acres of the property, which also includes an ingress/egress easement to Highway 5 through Lake Waconia Regional Park. The 5.17 acre site is appraised at \$1,271,000, although the County has agreed to sell the property for \$1,100,00 in consideration for the DNR developing the boat access site and for cooperation in planning, constructing, and managing the site consistent with the master plan for Lake Waconia Regional Park. The master plan for the regional park was approved by the Council on October 10, 2001.

As a condition for receiving the PAOF grant, a restrictive covenant between the Metropolitan Council and Carver County was recorded on the 19.29 acre property. Restrictive covenants were also recorded on the adjacent parkland the ingress/egress easement will cross. The restrictive covenants do not allow for the sale of the property or the creation of an easement without the written approval of the Council. Therefore, in order for Carver County to sell a portion of the property and grant an easement to the DNR, the Council will need to release the restrictive covenant on the 5.17 acre parcel and agree to the creation of an easement on adjacent regional parkland.

Additionally, in order to adhere to the Council action from Business Item 2013-150 and account for the \$1,100,000 sale of a portion of the property to the DNR, the amount that the Council will consider reimbursing Carver County through its share of a future CIP should be revised from “up to \$1,929,240” to be “up to \$829,240.”

## **Rationale**

The proposed action is consistent with the Council action as part of Business Item 2013-150, the Park Acquisition Opportunity Account rules from the *2040 Regional Parks Policy Plan*, and the Council-approved master plan for Lake Waconia Regional Park.

## **Funding**

The proposed action reduces the amount the Council will consider reimbursing Carver County from its share of a future Regional Parks CIP to be up to \$829,240 in order to account for the land sold to the DNR. The action does not commit the Council to any funding at this time, however.

## **Known Support / Opposition**

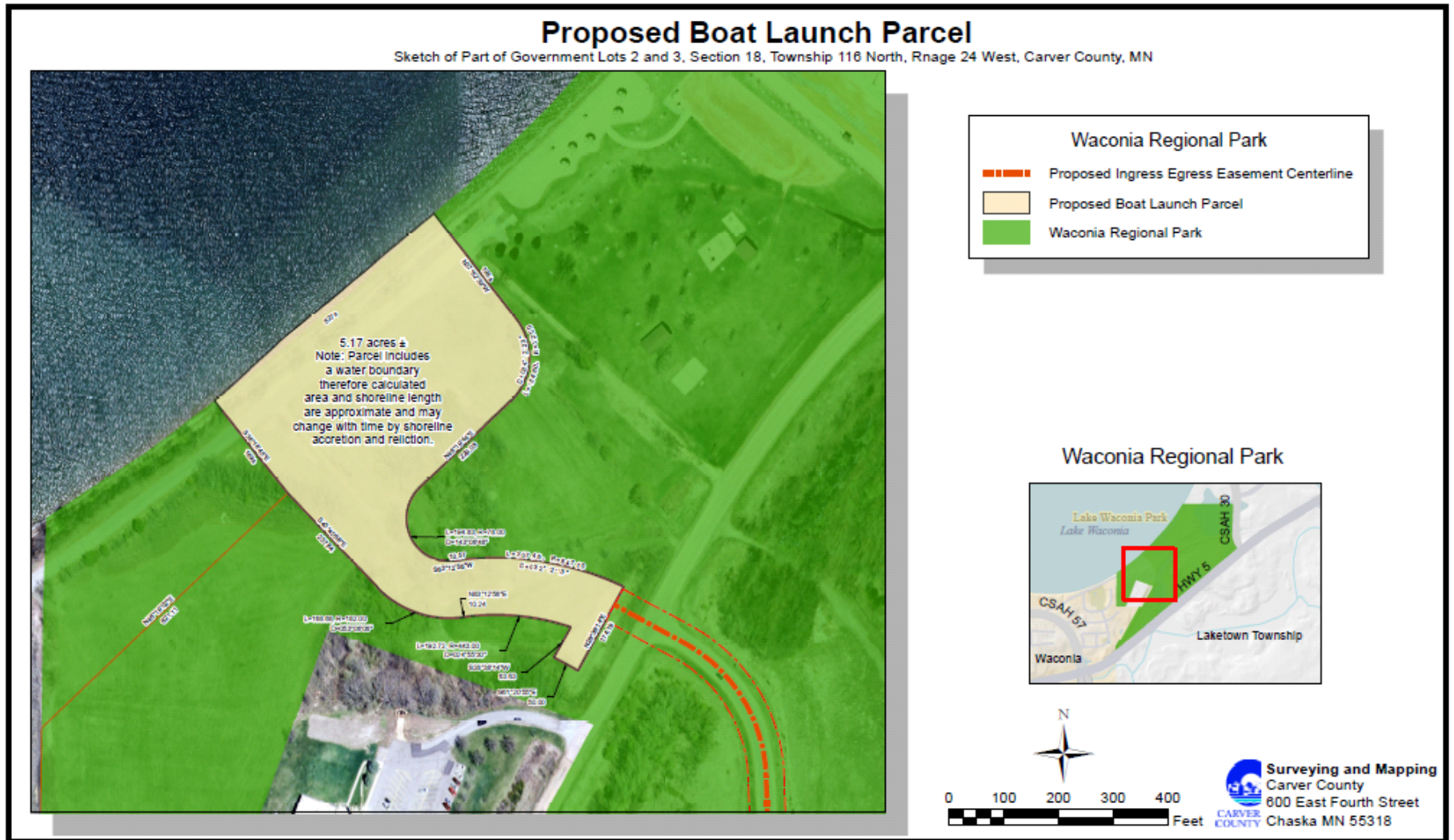
None.

## Attachment A: Legal Description of Property

That part of Government Lots 2 and 3 of Section 18, Township 116 North, Range 24 West, Carver County, Minnesota, described as follows:

Commencing at the southwest corner of said Section 18; thence North 0 degrees 43 minutes 32 seconds East along the west line of said Section 18, a distance of 1928.09 feet; thence North 46 degrees 19 minutes 02 seconds East, 621.11 feet to the point of beginning; thence South 43 degrees 40 minutes 58 seconds East, 237.84 feet; thence southeasterly, 168.68 feet along a tangential curve, concave northeasterly, having a radius of 182.00 feet and a central angle of 53 degrees 06 minutes 06 seconds; thence North 83 degrees 12 minutes 56 seconds East, tangent to last described curve, 10.24 feet; thence easterly, 192.72 feet along a tangential curve, concave southerly, having a radius of 443.00 feet and a central angle of 24 degrees 55 minutes 30 seconds; thence South 28 degrees 38 minutes 14 second West, not tangent to last described curve, 63.62 feet; thence South 61 degrees 20 minutes 55 seconds East, 50.00 feet; thence North 28 degrees 38 minutes 14 seconds East, 174.19 feet; thence westerly, 307.45 feet along a non-tangential curve, concave southerly, having a radius of 547.00 feet, a central angle of 32 degrees 12 minutes 13 seconds and a chord bearing of North 80 degrees 40 minutes 57 seconds West; thence South 83 degrees 12 minutes 56 seconds West, tangent to last described curve, 10.57 feet; thence northerly, 194.83 feet along a tangential curve, concave easterly, having a radius of 78.00 feet and a central angle of 143 degrees 06 minutes 48 seconds; thence North 46 degrees 19 minutes 44 seconds, tangent to last described curve, 229.05 feet; thence northerly, 164.60 feet along a tangential curve, concave westerly, having a radius of 112.00 feet and a central angle of 84 degrees 12 minutes 23 seconds; thence North 37 degrees 52 minutes 39 seconds West, tangent to last described curve, 195.00 feet, more or less to the shoreline of Lake Waconia; thence southwesterly along said shoreline to the intersection of a line bearing North 38 degrees 18 minutes 45 seconds West from the point of beginning; thence southeasterly along said intersected line to the point of beginning.

Attachment B: Map of Property



## Attachment C: Legal Description of Easement

Together with a non-exclusive easement for ingress and egress purposes being a strip of land 66.00 feet wide lying 33.00 feet on each side of the following described centerline:

Commencing at the southwest corner of said Section 18; thence North 00 degrees 43 minutes 32 seconds East along the west line of said Section 18, a distance of 19.06 feet; thence North 50 degrees 01 minutes 35 seconds East, 1714.89 feet to the point of beginning of the centerline to be described; thence North 39 degrees 58 minutes 25 seconds West, 58.53 feet; thence northerly, 162.82 feet along a tangential curve, concave easterly, having a radius of 140.00 feet and a central angle of 66 degrees 37 minutes 59 seconds; thence North 26 degrees 39 minutes 34 seconds East, tangent to said curve, 119.52 feet; thence northerly, 198.71 feet along a tangential curve, concave westerly and having a radius of 400.00 feet and a central angle of 28 degrees 27 minutes 46 seconds; thence North 01 degrees 48 minutes 12 seconds West, tangent to said curve, 221.71 feet; thence northerly 302.08 feet along a tangential curve, concave westerly, having a radius of 290.00 feet and a central angle of 59 degrees 40 minutes 55 seconds; thence North 61 degrees 29 minutes 07 seconds West, tangent to said curve, 143.30 feet to the southeasterly line of the herein before described parcel and said centerline there terminating.

Attachment D: Map of Easement (shown by red dashed line)





## Carver County Parks

Department of Public Works

11360 Highway 212  
Suite 2  
Cologne, MN 55322  
Phone (952) 466-5250 Fax (952) 466-5223  
[www.co.carver.mn.us/parks](http://www.co.carver.mn.us/parks)

11360 Hwy. 212 West, Suite 1  
Cologne, Minnesota 55322  
Phone (952) 466-5200  
Fax (952) 466-5223

June 15, 2015

Jan Youngquist  
Manager Regional Parks  
And Natural Resources  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101

Re: Lake Waconia Regional Park- Sale of Property for a Boat Access

Dear Ms. Youngquist:

The Metropolitan Council authorized Grant SG-2013-074 June 12, 2013 which provided \$1,700,000 to assist with purchasing 19.29 acres of lakeshore property at Lake Waconia Regional Park. Additionally, the Council is to consider reimbursing Carver County up to \$1,929,240 from its share of a future Regional Park Capital Improvement Program for the balance of the acquisition costs minus potential income from selling a portion of the parcel to the Minnesota Department of Natural Resource for a boat access as called for in the Lake Waconia Regional Park master plan. The total purchase price for the parcel is \$3,629,240.

On March 3, 2015, Carver County executed an Option for the Purchase of Real Estate and Memorandum of Conditions with the DNR to sell 5.17 acres of lakeshore property at Lake Waconia Regional Park. The area to be acquired by the DNR is consistent with master plan for the park. The appraised price of the property is \$1,271,000. However, Carver County has agreed to sell the property at a discounted price of \$1,100,000 in consideration for the DNR developing the boat access site and cooperation in planning, constructing, and managing the site consistent with plans for Lake Waconia Regional Park.

In order to convey the property to the DNR, Carver County requests that the restrictive covenant over the future boat access site be removed.

Attached please see supporting information of DNR Cooperative Agreement, DNR Option Agreement, Exhibit of the boat access area, location of the boat access area within Lake Waconia Regional Park and legal description of the property.

Carver County is excited to work with the DNR on this project which has created win win situations for Metropolitan Council, Carver County, DNR and the public.

Sincerely,

A handwritten signature in black ink that reads "Martin Walsh". The signature is fluid and cursive.

Martin Walsh  
Parks Director