

Business Item

Metropolitan Parks and Open Space Commission



Community Development Committee Meeting: January 17, 2023 For the Metropolitan Council: January 25, 2023

Business Item: 2023-10

Big Marine Park Reserve, Park Acquisition Opportunity Fund Award (Reibel), Washington County

District(s), Member(s):	District F, Cecily Harris District 12, Francisco J. Gonzalez
Policy/Legal Reference:	Minn. Const. art. XI, sec. 15; Minn. Stat. § 473.315; 2040 <i>Regional Parks Policy Plan</i> , Chapter 4, Siting and Acquisition Policy- Strategy 1; Chapter 5, Planning Policy- Strategy 1; Chapter 8, Finance Policy- Strategy 7. FM 15-2 Grant/Loan Approval Policy, FM 14-2 Expenditures for the Procurement of Goods and Services Policy.
Staff Prepared/Presented:	Jessica Lee, Senior Planner, 651-602-1621
Division/Department:	Community Development

Proposed Action

That the Metropolitan Council:

1. Approve a grant of up to \$649,594 to reimburse Washington County for the acquisition of the 1.22-acre Reibel property located at 14621 Margo Avenue in Scandia for Big Marine Park Reserve.
2. Authorize the Executive Director of Community Development to execute the grant agreement and restrictive covenant on behalf of the Council.

Background

Regional Park Implementing Agency (Agency) and Project Request

Washington County requested a Park Acquisition Opportunity Fund (PAOF) grant on December 2, 2022, to provide reimbursement for the acquisition of a 1.22-acre property for Big Marine Park Reserve. A copy of the Agency's request letter is attached to this item as Exhibit 2, with application details in Exhibit 3. Washington County notified Council staff in 2018 that they would be pursuing eminent domain for the parcel, and Council staff advised the County that under the program rules in place at the time that their request could be considered for funding from a future round of the Parks Acquisition Opportunity Fund program. A copy of the Agency's request for future funding consideration and Council's approval is also attached to this item as part of Exhibit 2.

Big Marine Park Reserve is known for its excellent natural resources, with high-quality upland, shoreland, and wetland wildlife habitat in the northern part of Washington County. The establishment of the Park Reserve also provides a substantial ecological buffer around a significant portion of Big Marine Lake.

Subject Property

The subject property is within the Council-approved boundary of Big Marine Park Reserve. The parcel is undeveloped and has 155 feet of shoreline on Big Marine Lake. The immediate restoration efforts prioritize protecting the shoreline from erosion. Long term restoration efforts will include restoring the vacant parcel to its natural state, consistent with the 2010 Big Marine Park Reserve master plan.

Park Acquisition Opportunity Fund (PAOF)

The Council's Park Acquisition Opportunity Fund (PAOF) Program provides funding to purchase property and easements via two state sources: the Parks and Trails Legacy Fund (PTLF) and the Environment and Natural Resources Trust Fund (ENRTF). The Council contributes by matching every \$3 in state funds with \$2 in Council funds. The \$3 to \$2 match is required at the program level, not individual project level.

State and Council funds contribute up to 75% of the purchase price and eligible costs; the Regional Park Implementing Agency (Agency) contributes the remaining 25% as local match.

Project Budget

The appraised value of the property was \$511,000 and the Seller rejected the offer. Washington successfully pursued eminent domain, resulting in a purchase price of \$675,000. Condemnation costs including realty services, court fees, attorney fees, and Commissioner services totaled \$186,178. The total project cost including taxes and appraisal fees was \$866,125 as shown in Table 1 below.

Table 1. Project Budget

Budget item	Requested amount
Purchase price	\$675,000
Appraisal, taxes	\$4,947
Condemnation costs	\$186,178
Total Costs	\$866,125
Grant structure	
Grant amount	\$649,594
Local match	\$216,531

Acquisition Details

Washington County acquired the Reibel property through eminent domain after the landowner rejected the County's initial purchase offer. Because the parcel is a necessary inholding to the park boundary, the County desired to purchase the property while it remained open land, to protect the lake and shoreline from development. In order to acquire the property, the County had to pursue condemnation. See Exhibit 5 for the order granting petition and Exhibit 6 for the ultimate Award of the Commissioners, dated January 11, 2022, which directed Washington County to pay \$675,000 for the Reibel property.

Rationale

Council staff conduct the review of each PAOF request on a first-come-first-served basis under the following standards:

- the proposed acquisition complies with state statute and Council policy
- all necessary documentation for the acquisition is in place
- the appraisal is reasonable and appropriate

This acquisition is consistent with:

- The Parks and Trails Legacy Fund (PTLF) appropriation requirements.
- The *2040 Regional Parks Policy Plan*

- Planning Policy Strategy 1 requires that before an Agency can receive a grant for acquisition, the proposed project must be consistent with a Council-approved master plan. The Council approved the Big Marine Park Reserve master plan in 2010 and a master plan amendment in 2021 ([Business Item 20221-223](#)). The proposed acquisition is within the boundaries of the approved master plan.
- Siting and Acquisition Strategy 1 prioritizes the acquisition of lands with natural resource features, access to water, and/or restoration potential for the Regional Parks System. The subject property will be restored to its natural state and has 155 feet of shoreline along Big Marine Lake that will be protected.
- Finance Strategy 7 authorizes the use of PAOF as the funding mechanism for the acquisition of Regional Park lands and matching every \$3 in state funds with \$2 in Council bonds.

Thrive Lens Analysis

This request is consistent with Thrive’s Livability and Stewardship outcomes. The Council’s investment in Big Marine Park Reserve will preserve and protect natural resources and wildlife habitat in the regional parks system.

Funding

The Council will fund the 75% share with PTLF and Council funds. The PAOF program has available undesignated funds in the Council’s Authorized Capital Program.

Washington County will provide a local match of \$216,531.

Exhibit List

- Exhibit 1: Images
- Exhibit 2: Grant request letter
- Exhibit 3: Grant application
- Exhibit 4: Appraisal excerpt
- Exhibit 5: Order granting petition
- Exhibit 6: Award of Commissioners
- Exhibit 7: Board approval to purchase property



Exhibit 1 – Images

Figure 1. Map of Big Marine Park Reserve within Washington County

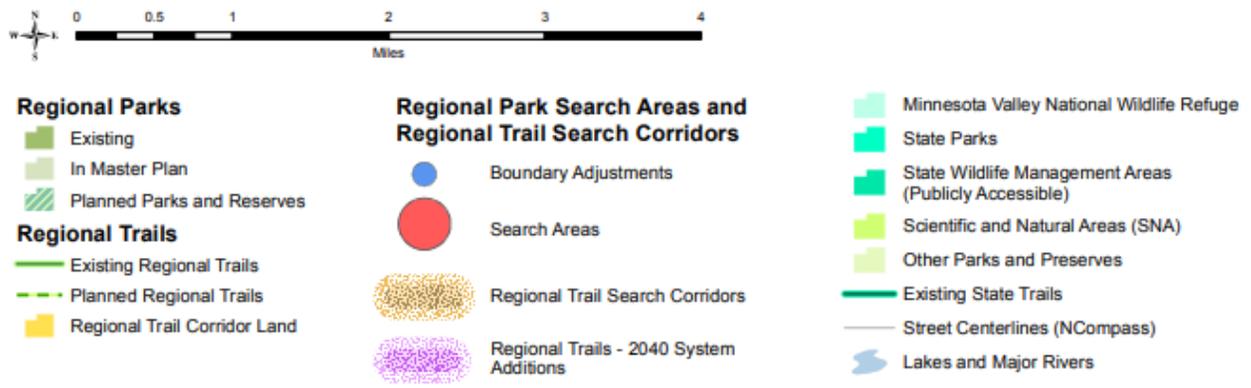
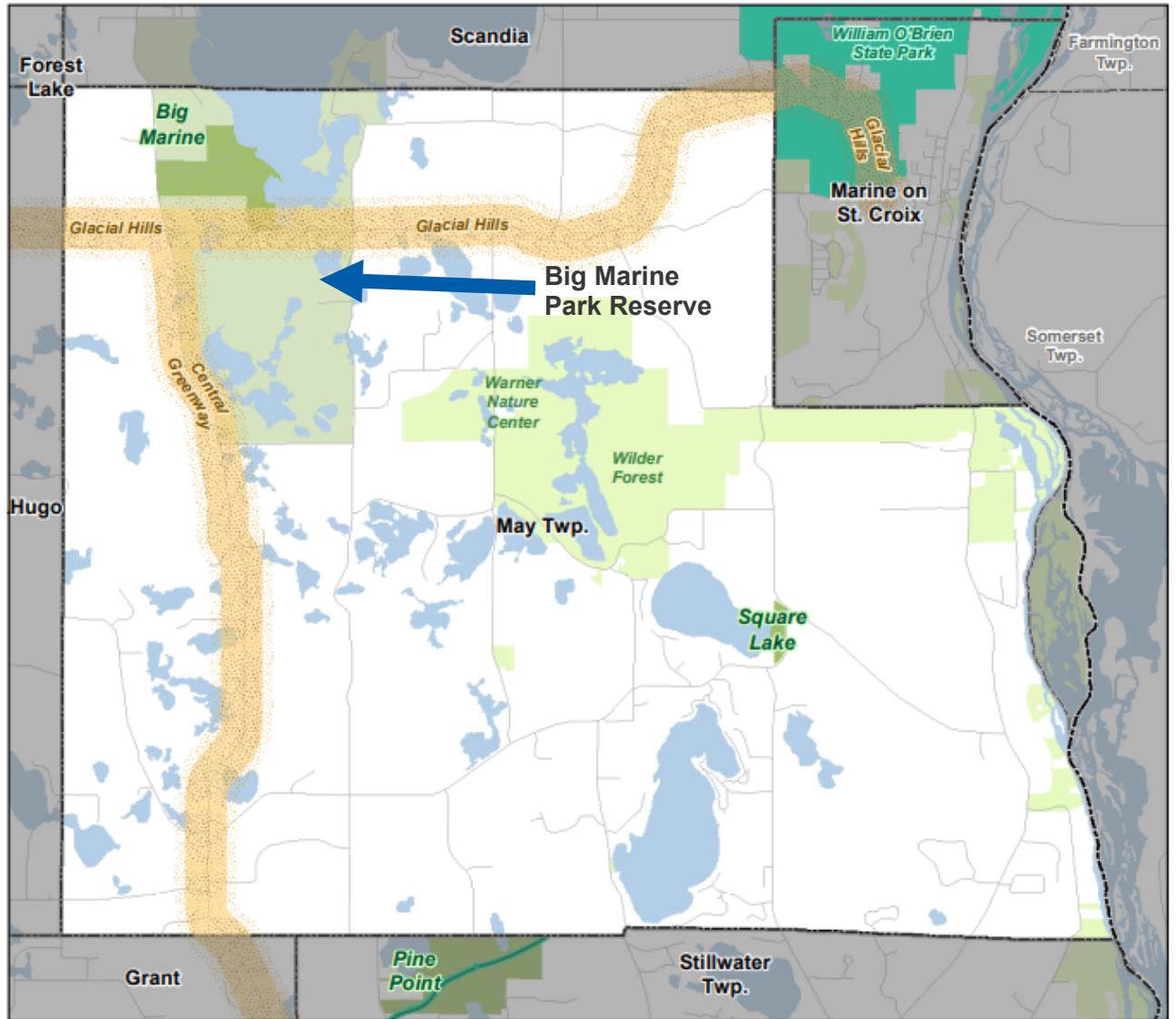


Figure 2. Location of the former Reibel property within the Big Marine Park Reserve boundary

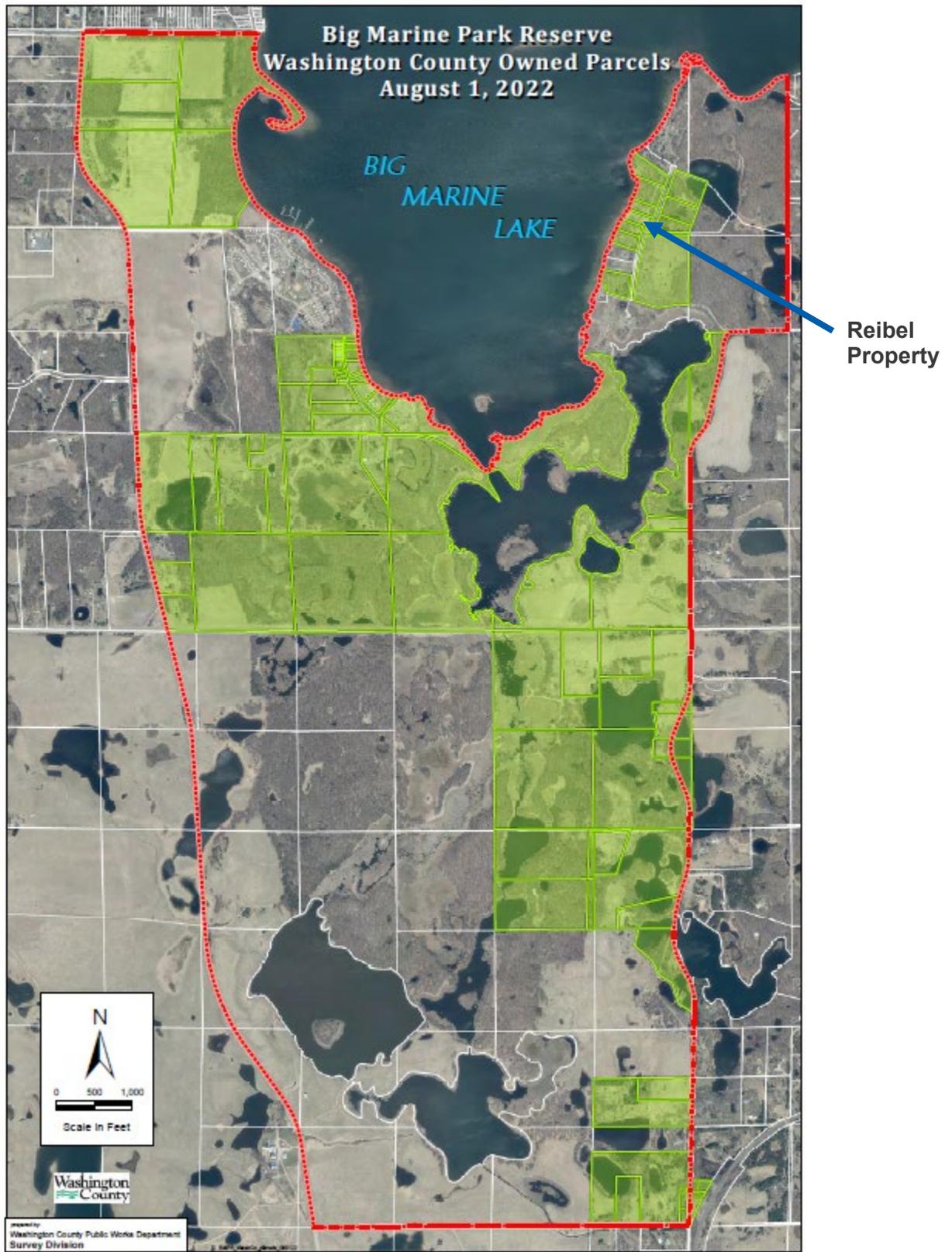


Figure 3. The former Reibel property and surrounding County-owned parcels for Big Marine Park Reserve



Exhibit 2: Grant Request Letter



Public Works Department

Wayne H. Sandberg, P.E.
Director / County Engineer

December 2, 2022

Ms. Jessica Lee
Senior Grants Administrator
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101

RE: Request for Acquisition Opportunity Grant Funds for Purchase of the Reibel Property at 14621 Margo Avenue in Big Marine Park Reserve

Dear Jessica,

Washington County requests that Metropolitan Council consider providing acquisition opportunity grant funds for the purchase of a portion of the Reibel property located within the boundary of Big Marine Park Reserve in May Township. This property is vacant land. On November 30, 2018, the Metropolitan Council approved this as a Future Reimbursement Request as referenced on the attached. Washington County has now completed the Eminent Domain proceeding in connection this this purchase

The final amount of the purchase as directed by the Commissioner’s Award and Ordered by the Judge is \$675,000.00. Funding for this project is requested to be 75% from Metropolitan Council’s Acquisition Opportunity Fund with remaining 25% funded by Washington County funds.

Estimated Acquisition Costs:

Purchase Price	\$ 675,000.00
Estimated costs incurred:	\$ 191,123.79

	\$ 866,123.79

Proposed Revenue Sources:

Acquisition Opportunity Fund (75%)	\$ 649,592.84
Washington County (25%)	\$ 216,530.95

	\$ 866,123.79

Page Two
December 2, 2022

We understand that there are funds available for the 2023 fiscal year and hope to be able to use said funds. If the funds are not available, we request that this acquisition be funded in the 2024 fiscal year.

Thank you for your cooperation herein. If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sharon M. Price".

Sharon M. Price
Property Acquisition Manager

cc: Sandy Breuer, Parks Director

Sharon Price

From: Jensen, Deb <deb.jensen@metc.state.mn.us>
Sent: Friday, November 30, 2018 10:10 AM
To: Sharon Price
Cc: Mullin, Emmett; Hendrikson, Nickolas; Dupre, Victoria; Giesel, Heather
Subject: RE: Big Marine Park Reserve - Future Reimbursement Request

Hello, Sharon – the Council accepts the information you have submitted as sufficient to serve as notice that Washington County intends to acquire the property at 14621 Margo Avenue through eminent domain. This email does not constitute approval for a grant. Reimbursement of costs to acquire this property is subject to all Park Acquisition Opportunity Fund requirements and funding availability.

Please begin an application for a Park Acquisition Opportunity Fund grant now and upload a copy of this email as item #10.1 on the Required Attachments page. When the settlement is finalized, upload a copy of the settlement agreement as item #10.2, then complete the application and submit as you would for any other PAOF request.

Please do not hesitate to contact me if I can help you throughout the process.

Deb

From: Sharon Price <Sharon.Price@co.washington.mn.us>
Sent: Thursday, November 29, 2018 9:43 AM
To: Jensen, Deb <deb.jensen@metc.state.mn.us>
Subject: FW: Big Marine Park Reserve - Future Reimbursement Request

Hi Deb,

I know that you are busy, but can you provide me an update on this soon, our attorney's office would like to move this forward.

Thanks a bunch!
Sharon

From: Sharon Price
Sent: Tuesday, November 27, 2018 4:49 PM
To: 'Jensen, Deb' (<deb.jensen@metc.state.mn.us>) <deb.jensen@metc.state.mn.us>
Subject: Big Marine Park Reserve - Future Reimbursement Request

Hi Deb,

You and I spoke about this a few weeks ago. I would like to seek future reimbursement for the purchase of a property in Big Marine Park Reserve. The parcel is 14621 Margo Avenue. On November 13th the County Board approved moving forward with this purchase. Currently is vacant land and we do not want it to be developed so the board has authorized the use of eminent domain since the owner has not accepted our offer. Attached is the "draft" letter seeking future reimbursement consideration for this parcel. Please let me know if this is acceptable. Our attorney is preparing the eminent domain papers, however, we need approval of the Met Council before we serve the papers on the owner. I have also attached an aerial diagram for reference. Thanks for your assistance on this.

Any questions or changes, please let me know.

Have a nice evening. 😊

Sharon

Sharon M. Price | Property Acquisition Manager

Phone: 651-430-4391 | Fax: 651-430-4350

Sharon.Price@co.washington.mn.us

Washington County Public Works Department

11660 Myeron Rd North | Stillwater, MN 55082

“Plan, build and maintain a better Washington County”

Washington
 **County**



Public Works Department

Donald J. Theisen, P.E.
Director/County Engineer

Wayne H. Sandberg, P.E.
Deputy Director/Assistant County Engineer

November 27, 2018

Ms. Deb Jensen
Senior Planner Finance
Regional Parks Administration & Budget
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101

RE: 14621 Margo Avenue North, Scandia, MN
Lot 2, Block 2, Big Lake Estates
Property for possible inclusion into Big Marine Park Reserve

Dear Ms. Jensen:

Washington County is moving forward to purchase the above-referenced property for inclusion into Big Marine Park Reserve. The property at 14621 Margo Avenue North, Scandia sits currently within the Big Marine Park Reserve Master Plan and is along the shoreline of Big Marine Lake. It is a critical piece for the park and is currently vacant land. The Washington County Board of Commissioners approved the purchase by resolution on November 13, 2018. We have presented an offer based on an appraisal and the owner has not accepted. We will be initiating eminent domain proceedings and seek future reimbursement consideration from the Metropolitan Council for this purchase. The appraised value for this property is \$491,500.

Thank you for your consideration of this request. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Sharon M. Price".

Sharon M. Price
Property Acquisition Manager
651-430-4391
Sharon.Price@co.washington.mn.us

Exhibit 3: Grant application



Application

17132 - 2022 Park Acquisition Opportunity Fund Program

18499 - BMPP - Reibel Property_14621 Margo Ave

Parks Grants Acquisition

Status: Under Review
Submitted Date: 12/02/2022 2:31 PM

Primary Contact

Name:* Ms. Sharon Price
Pronouns First Name Middle Name Last Name

Title: Land Acquisition

Department:

Email: Sharon.Price@co.washington.mn.us

Address: 11660 Myeron Road N.

***** Stillwater Minnesota 55082
City State/Province Postal Code/Zip

Phone:* 651-430-4391
Phone Ext.

Fax:

What Grant Programs are you most interested in? Parks Grants Acquisition

Organization Information

Name: WASHINGTON CTY

Jurisdictional Agency (if different):

Organization Type:

Organization Website:

Address: PUBLIC WORKS
11660 MYERON RD

* STILLWATER Minnesota 55082
City State/Province Postal Code/Zip

County: Washington

Phone:* 651-430-4325
Ext.

Fax:

PeopleSoft Vendor Number 0000028637A10

Project description

PAOF grants are limited to a single park or trail. Do not mix properties from more than one park or trail on a single request.

Park or trail name Big Marine PR-Washington County

Master plan

An acquisition request will not be considered complete until the property is included in a Council-approved master plan.

Is the project consistent with a Council-approved master plan? Yes

If yes, name of master plan and date of Council approval Big Marine Park Reserve
Master Plan Amendment 09/22/2021
Name of master plan Council approval date - Format: mmddyyyy
(Do not enter any punctuation.)

If no, has a master plan amendment been submitted to the Council for review and approval?

Acquisition method

Acquisition method Condemnation

If the acquisition method is anything other than routine, provide more detail.

*This question seeks a general description of the acquisition method - is this a routine purchase, or does it involve a land donation, park dedication fees, condemnation, or some combination? Please use this space to describe the overall acquisition **project**.*

The property at 14621 Margo Avenue North, Scandia sits currently within the Big Marine Park Reserve Master Plan and is along the shoreline of Big Marine Lake. It is a critical piece for the park and is currently vacant land. The Washington County Board of Commissioners approved the purchase by resolution on November 13, 2018. We have presented an offer based on an appraisal and the owner did not accept it. Metropolitan Council approved Washington County to move forward with the purchase using eminent domain for potential future reimbursement per correspondence received November 30, 2018.

Does this acquisition involve eminent domain? Yes

Eminent domain

If eminent domain is being used:

(1) you must upload a copy of the notice your Agency provided to the Council that the petition to the Court was filed.

(2) Include documentation of your governing body's authorization (on the Other Acquisition Attachments web page).

When was the Council notified of your intention to use eminent domain? 11/05/2018

Date the petition was filed.

Settlement date 01/11/2022

Public domain

Note that ENRTF funding cannot be used for acquisitions of property already in the public domain unless a minimum of 12 LCCMR commissioners approve the transaction. If this is a public domain acquisition and if you propose using ENRTF, be sure your closing schedule accommodates planning to be included on a future LCCMR agenda.

Is any portion of the property currently in the public domain? No

If yes, describe/name the entity and the portion of the property it owns, as well as why this public-to-public transfer is necessary.

Closing date

The Council will process all acquisition requests expeditiously, but we do not guarantee that the approval process will be completed to meet your requested closing date. This date will be considered an **estimate** only. However, the acquisition must be completed during the standard one-year grant term unless prior approval is obtained from the Council or the grant term is amended.

Estimated closing date

Format: mmdyyy (Do not enter any punctuation.)

Type of agreement

i.e., purchase agreement, offer letter, etc.

Date agreement expires

Format: mmdyyy (Do not enter any punctuation.)

Relocation costs

Payment of relocation costs is required by both state and federal law, unless the seller waives those rights. Please consult with Agency attorneys to determine applicability for this acquisition. If the seller has waived relocation rights, you must upload an executed copy of the waiver.

Does the requested grant amount include relocation costs? No

Appraisal

The appraisal must have an effective date within one year of the date the purchase agreement is signed. The appraisal **MUST** list the Metropolitan Council as an intended user, and the intended use must include "negotiation and grant reimbursement."

Appraisal effective date 03/13/2019

Appraised value \$511,000.00

Amount being offered the seller (net of closing and other costs) \$0.00 0%
% of appraised value

Who performed the appraisal? Lake State Realty Services

Who contracted for the appraisal (i.e., was it done at arms' length)? Washington County

Survey

Was a survey done?

No

Quality of natural resources - is the property...

...undeveloped?

Yes

Fully

Partially

...wooded?

Fully

Yes

Partially

...shoreline?

Yes

Fully

Partially

Describe the existing natural resources it contains

Big Marine Park Reserve is comprised of diverse natural systems along a natural shoreline. This parcel contains some hard woods, grasses and shoreline that provide important habitat for wildlife used for nesting, foraging, loafing and a traveling corridor.

Known opposition

Is the Agency aware of any opposition to this acquisition?

If yes, explain:

Encumbrances

To your knowledge, are there any current or anticipated assessments or liens on property?

No

If yes, describe.

Are there easements or other encumbrances on any part of the property?

No

If yes, describe

Clear title

To your knowledge, does the current owner have clear title to the property?

Yes

If not, what must be done to clear the title, and when will that be completed?

Suggested funding source

For guidance, see the PAOF rules in the 2040 Regional Parks Policy Plan at <http://metro council.org/Parks/Publications-And-Resources/POLICY-PLANS/2040-Regional-Parks-Policy-Plan.aspx>; for **ENRTF fee title acquisition project requirements**, see http://www.lccmr.leg.mn/pm_info/enrtf_fee-title-acquisition-project-requirements.pdf

The Council will review your project specifics and work with you to determine the optimal funding source(s).

Anticipated funding source

PTLF Legacy / Council match

Select as many as apply

Funding source comments, if desired

Structures currently on the property

Does the property contain ANY structures?

No

If yes, are there any habitable structures?

No

Does the property currently contain any revenue-generating businesses? No

If yes, what is the plan for the structure(s)?

If there are habitable structures, could they be relocated? If yes, how? If no, why not?

If the property contains habitable structures or revenue-generating businesses, describe:

For ENRTF funding only

If this will use ENRTF funding, LCCMR rules require that you describe the selection process used to identify these proposed parcels.

NOTICE: ENRTF funding has specific requirements for disseminating information to the public when property is purchase through the Trust Fund. It is the agency's responsibility to meet those requirements and to provide documentation to the Council BEFORE payment will be made.

Stewardship and minimal access

Describe the stewardship plan.

The stewardship plan for this property is to manage the shore line of Big Marine Lake to minimize the potential for erosion and balance active recreation needs with resource quality and pursue revegetation for future reuse. Minimal restoration is required since the property is currently vacant lane. Longer term restoration efforts would consist of plantings consistent within the Big Marine Park Reserve master plan.

How will the stewardship implementation be funded?

Stewardship implementation will continue to be funded through Washington County Parks, the Metropolitan Council and available grants.

Are you requesting funds to provide minimal access to the property (prior to it being open to the public) as part of this grant request? No

If yes, how will those funds be used?

Site Description

Land Use History

Current land uses Residential

Select as many as apply

Previous land uses Residential

Select as many as apply

Adjacent land uses Park

Select as many as apply

Inspection

Does the property contain any of the following? Wells

Select as many as apply

Sellers and parcels

Seller name	Parcel addresses	PID	Acres (SF for easements)	Date PA signed	Habitable structures?	MN House district	City	County	Met Council district	MPOSC	Latitude	Longitude	
Equity Trust Co Custodian FBO Brent Reibel IRA	14621 Margo Avenue, Scandia, MN 55073	32.032.20.44.0009	1.2		No	33B	Marine-on-St. Croix	Washington	12	F	45.21062	-92.85812	
			1										

Local match

[Source of local match](#)

Grant agreement signatories

Full name	Title	If this is an attorney, is the signature 'for form only'?
Wayne Johnson	County Board Chair	No
Kevin Corbid	County Administrator	No
Jessica Oertel	Assistant County Attorney	Yes

Acquisition Costs

Cost Items	Amount	State funds	Metro funds	Match funds
Purchase price				
Negotiated purchase price	\$675,000.00	\$303,750.00	\$202,500.00	\$168,750.00
Appraisal expenses				
Appraisal	\$1,675.00	\$753.50	\$503.00	\$418.50
Appraisal review	\$1,250.00	\$562.50	\$375.00	\$312.50
Environmental expenses				
Phase I environmental site assessment	\$0.00	\$0.00	\$0.00	\$0.00

Phase II environmental site assessment	\$0.00	\$0.00	\$0.00	\$0.00
Environmental contamination remediation	\$0.00	\$0.00	\$0.00	\$0.00
Holding expenses				
Interest	\$0.00	\$0.00	\$0.00	\$0.00
Land stewardship	\$0.00	\$0.00	\$0.00	\$0.00
Land development	\$0.00	\$0.00	\$0.00	\$0.00
Pro-rated share of all property taxes/assessments	\$0.00	\$0.00	\$0.00	\$0.00
Legal services and closing costs	\$0.00	\$0.00	\$0.00	\$0.00
Property tax equivalency payment-473.341	\$2,022.00	\$909.90	\$606.60	\$505.50
Relocation costs to seller	\$0.00	\$0.00	\$0.00	\$0.00
State deed tax/conservation fee	\$0.00	\$0.00	\$0.00	\$0.00
Title insurance	\$0.00	\$0.00	\$0.00	\$0.00
Well disclosure statement	\$0.00	\$0.00	\$0.00	\$0.00
Other holding	\$0.00	\$0.00	\$0.00	\$0.00
Other expenses				
Other expenses	\$186,178.00	\$83,780.10	\$55,853.40	\$46,544.50
Totals	\$866,125.00	\$389,756.00	\$259,838.00	\$216,531.00

Total Estimated Acquisition Costs

Totals	Total acquisition cost	Total paid with state funds	Total paid with metro funds	Total paid by agency	Total grant amount
Total Estimated Acquisition Cost (calculated after costs above are entered)	\$866,125.00	\$389,756.00	\$259,838.00	\$216,531.00	\$649,594.00

Exhibit 4: Appraisal excerpt

APPRAISAL SUMMARY

Project Reibel Property	Acquisition No. N/A	Project No. N/A	Parcel N/A	County Washington
APPRAISER: Julie Jeffrey Schwartz Lake State Realty Services, Inc. 2140 Otter Lake Drive White Bear Lake, MN 55110 Telephone No. 651-653-0788		OWNER: Equity Trust Company Custodian FBO Brent Reibel IRA 17751 Lomond Trail North Marine on St. Croix, MN 55047 Telephone No. 651-260-9748		
County Property Tax I.D. Number 32.032.20.44.0009	Section 32	Township 32	Range 20	
Zoning GR, General Rural District within the Shoreland Overly District	Township/Municipality City of Scandia	Population 3,936 (2010 Census)	School District ISD 831 – Forest Lake	
Real Estate Taxes - Current Year (Payable 2018) \$3,634.00 (A property tax statement for 2019 is not yet available)	Delinquent Amount \$2,018.42 (\$1,817 tax + \$152.19 penalty/fee + \$49.23 interest)	Special Assessments \$0	Assessment Balance \$0	

Road Frontage: Paved Gravel - Approximately 157 feet

Road Name: Margo Avenue North

Water Frontage: Lake Stream - Approximately 155 feet Water Body: Big Marine Lake

Recreational Quality of Water Frontage: Fishing and Swimming Fishing Only None

Public Hazards: None we have been made aware of.

Total contiguous ownership consists of 1.22 acres.

Proposed ACQUISITION consists of 1.22 acres

Total Estimated Value of Subject **\$511,000**

Utility Value of Improvements: N/A

Severance Damages Not Applicable

Marketing Time Estimate 4-8 months

Appraiser's Signature  _____, MN Certified General License #4002423	Date 03/13/2019
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Exhibit 5: Order granting petition

**Filed in District Court
State of Minnesota**

Case Type: 2 Condemnation
DISTRICT COURT

STATE OF MINNESOTA

FEB 06 2019

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT
Court File No. 82-CV-18-5627

Washington County, a body politic
and corporate,

Petitioner

vs.

Equity Trust Company Custodian FBO Brent
Reibel IRA c/o Brent M. Reibel and Sandra
L. Reibel and County of Washington,
Respondents.

**ORDER GRANTING PETITION,
AUTHORIZING QUICK TAKE AND
APPOINTING COMMISSIONERS
IN THE MATTER OF THE EXERCISE
OF THE POWER OF EMINENT
DOMAIN OF CERTAIN LANDS FOR
PUBLIC PURPOSES; TO-WIT:
BIG MARINE PARK RESERVE**

The above-entitled matter came on for hearing before the undersigned, the Honorable Gregory Galler, Judge of the above-named Court at the Washington County Government Center at Stillwater, Minnesota on January 18, 2019, upon the petition of Washington County, for the taking of certain lands under the power of eminent domain. Richard D. Hodsdon, Assistant Washington County Attorney, appeared on behalf of Petitioner. Daniel J. Beeson and David L. Sienko, LeVander, Gillen & Miller, P.A., appeared on behalf of Respondents Equity Trust Company Custodian FBO Brent Reibel IRA and Brent M. and Sandra L. Reibel.

Based upon the files, arguments and proceedings herein, the Court makes the following:

FINDINGS OF FACT:

1. Petitioner, Washington County, is a county organized and existing under and by virtue of the laws of the State of Minnesota. It is authorized to exercise the power of eminent domain pursuant to Minn. Stat. Chpt. 117 to acquire lands and property for public park purposes.
2. On November 13, 2018, by Resolution No. 2018-126, the Board of Washington County Commissioners determined that it was reasonable and proper for Washington County to

acquire interests in the land described in Exhibit A to the Petition to establish, locate, relocate, construct, reconstruct, improve and maintain Big Marine Park Reserve.

3. On November 13, 2018, by Resolution No. 2018-126 the Board of Washington County Commissioners determined that Washington County required title and possession to all or part of the property, as set forth on Exhibit A prior to the filing of an award by the court-appointed commissioners pursuant to MINN. STAT. § 117.042.

4. The interests of respondents and the nature and extent of the interests to be acquired from the respective respondents are as set forth on Exhibit A attached hereto.

Based on the foregoing, the Court makes the following as:

CONCLUSIONS OF LAW

1. The taking of the interests of respondents as set forth on the attached Exhibit A is authorized by law and necessary and proper for a public purpose.

2. The utilization of the "Quick Take Procedure" authorized in MINN. STAT. § 117.042 is justified.

Based on the foregoing, the Court makes the following:

ORDER

1. That the Petition is granted and the following three commissioners are hereby appointed: Michael E. Muske, David Harvieux and Tony Lesicka, MAI.

2. The following alternate commissioner is appointed: None.

3. Michael E. Muske is appointed to chair the commission and to the extent authorized by law is granted the authority and power to enforce the terms and provisions of this order.

4. The commissioners shall proceed according to law and make a fair and impartial assessment of the damages to the land described in the petition by reason of the taking and report

the same to the Court.

5. The commissioners shall schedule a meeting convenient to the parties in the Office of the Washington County Court Administrator at the Washington County Government Center, 14949 62nd Street No., Stillwater, Minnesota 55082 or at such other place as the chair shall determine appropriate as soon as reasonably appropriate, as determined by the chair.

6. Said commissioners shall file their final report within two hundred sixty-five (265) days of the date of this order. If such report is not filed within 265 days, the chair shall file a report with the Court, with a copy to counsel for the parties, or the party if unrepresented, explaining why no such report has been filed. Upon the Court's determination that good cause exists for such failure to file the report, the Court may order the terms of this order to the extent necessary to be extended for a reasonable time and under such terms as ordered by the Court.

7. Said commissioners shall submit a detailed statement of the dates and times of their work in connection herewith and a corresponding report of what was accomplished during said time; their compensation shall be \$150 per diem or any part thereof, plus mileage at the rate of \$.50 per mile.

8. The commission chair shall be authorized to require the parties to exchange appraisals and any other relevant evidence at a reasonable time prior to the commissioners' hearing, which shall be at least thirty (30) days prior to the Commissioners Hearing. Failure to comply with the chair's order may result in sanctions against the non-complying party as determined by the commissioners and/or the Court, including, but not limited to the extent authorized by law and determined appropriate by the commissioner and/or Court, exclusion of evidence, continuance of proceedings and/or such other sanctions as authorized by the Rules of Civil Procedure.

9. Petitioner is hereby permitted and authorized to deposit with the Court into an

interest bearing account or to pay to the owners pursuant to MINN. STAT. § 117.042, the amount of Petitioner's approved appraisal of value. On or after March 12, 2019, upon proof thereon being filed with the Court, the Petitioner shall without further notice or proceedings be entitled to an Order Vesting Title and Possession to the properties that are the subject of these proceedings. Failure to vacate said real estate within five (5) days after notice of the filing of the Order Vesting Title and Possession shall entitle Petitioner to the relief authorized in MINN. STAT. § 117.043.

10. In the event where for any reason it is doubtful to whom the award, or any amount thereof, shall be paid, payment shall be made to the Washington County Court Administrator to be paid out under the direction of the Court. Any party that asserts an interest in the property or such award may bring a motion before the Court to establish that party's interest in the property and award of the Court, commissioners or certified appraisal.

11. The Washington County Court Administrator shall serve a true and correct copy of this order by United States mail upon counsel for the above-named parties and upon the pro se respondents and upon the commissioners listed herein. Such mailing shall constitute due and proper notice of this Order for all purposes.

Dated: _____

FEB 06 2019

BY THE COURT:

District Court Judge

EXHIBIT A**WASHINGTON COUNTY
REAL PROPERTY ACQUISITION CERTIFICATE**

Property Address: 14621 Margo Avenue North
Scandia, MN 55047

Geo Code Nos. Of Property: 32.032.20.44.0009

Property Owners Of Record: Equity Trust Company Custodian FBO Brent Reibel IRA
c/o Brent M. Reibel and Sandra L. Reibel
17751 Lomond Trail North
Marine on St. Croix, MN 55047

Legal Description: See below

Mortgages: None

Taxes: 2018 Payable Taxes: \$3,634.00 (1st half paid)
\$1,817.00 plus penalties (11/19/18)

Size and Type Of Acquisition: Approximately: 53,143 sf
Fee Purchase

APPRAISAL SUMMARY			
Based on the Appraisal of Lake State Realty Services, Inc.			
BREAKDOWN OF COMPENSATION PER APPRAISAL			
Total Fee Purchase: 14621 Margo Avenue, Scandia, MN	=	\$	491,500
TOTAL	=	\$	491,500

LEGAL DESCRIPTION OF ACQUISITION**FEE Purchase:**

Lot 2, Block 2, Big Lake Estates, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota.

STATE OF MINNESOTA

Case Type: 2 Condemnation
DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

Washington County, a body politic
and corporate,

Court File No.: 82-CV-18-5627

Petitioner

vs.

AWARD OF COMMISSIONERS

Equity Trust Company Custodian FBO Brent
Reibel IRA c/o Brent M. Reibel and Sandra L.
Reibel and County of Washington,
Respondents.

The undersigned commissioners, having been appointed by the Court and having qualified according to law, met as directed by the Court. The commissioners have viewed the subject property, heard testimony under oath from all those persons who wished to be heard in connection with said taking, have completed such hearings as were requested by the parties, and have considered the information and arguments presented by counsel. Petitioner was represented during these proceedings by Jessica L. Oertel, Assistant Washington County Attorney. Respondent(s), Brent M. Reibel were/was represented by David Sienko.

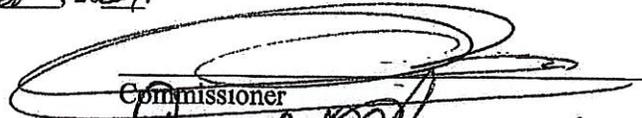
1. The commissioners hereby make the following award of such damages as will arise as a result of the taking by the County of Washington, Minnesota of the property described in the Petition as follows:

A. Total Fee Purchase of 14621 Margo Avenue, Scandia MN:

\$ 675,000.00

2. We further report that each of the undersigned commissioners viewed the subject property and that all of the undersigned participated in hearing all the testimony and evidence offered by the parties and in ascertaining and awarding damages for the taking of the property.

Dated this 28th day of December, 2021.



Commissioner

Commissioner



Commissioner

BY THE COURT: 11/2022 01:23:55 PM

— *Judge Gregory G. Galler*

The Honorable Judge Galler
Judge of District Court

Exhibit 7: Board approval to purchase property

**BOARD OF COUNTY COMMISSIONERS
WASHINGTON COUNTY, MINNESOTA**

RESOLUTION NO. 2018-126

DATE November 13, 2018
MOTION
BY COMMISSIONER Lavold

DEPARTMENT Public Works - Parks
SECONDED BY
COMMISSIONER Karwoski

**RESOLUTION TO PURCHASE PROPERTY AT
14621 MARGO AVENUE IN THE CITY OF SCANDIA
BIG MARINE PARK RESERVE**

WHEREAS, the property at 14621 Margo Avenue (Property) is located within the Big Marine Park Reserve Master Plan and the Official Map of Big Marine Park Reserve; and,

WHEREAS, Washington County is interested in acquiring the Property described herein which is located in the City of Scandia, Minnesota, for inclusion into the Big Marine Park Reserve.

NOW, THEREFORE, BE IT RESOLVED, that Washington County proceed to acquire 14621 Margo Avenue (Property) for inclusion into Big Marine Park Reserve as identified within the Big Marine Park Reserve Master Plan and the Official Map of Big Marine Park Reserve.

BE IT FURTHER RESOLVED, that the officers of Washington County, including the Parks Director, County Administrator and County Attorney, shall proceed and are hereby authorized to proceed to acquire, by negotiations and purchase and if necessary the exercise of eminent domain for the Property. Such officers are specifically authorized to take such action and execute any such instruments necessary to purchase the Property legally described as follows:

Lot 2, Block 2, Big Lake Estates, according to the plat thereof on file and of record in the office of the Register of Deeds, Washington County, Minnesota

ATTEST: 
COUNTY ADMINISTRATOR

COUNTY BOARD CHAIR

	YES	NO
MIRON	<u>X</u>	___
KARWOSKI	<u>X</u>	___
KRIESEL	<u>X</u>	___
LAVOLD	<u>X</u>	___
WEIK	<u>X</u>	___