

**ACTION TRANSMITTAL No. 2013-07**

**DATE:** January 30, 2013  
**TO:** Technical Advisory Committee  
**FROM:** TAC Funding and Programming Committee  
**PREPARED BY:** Heidi Schallberg, Senior Planner (651-602-1721)  
**SUBJECT:** Sunset Date Extension Request from Dakota County for the Mississippi River Regional Trail segment through Spring Lake Park Reserve (SP# 019-090-013)  
**REQUESTED ACTION:** Dakota County requests a sunset date extension to move the Mississippi River Regional Trail segment through Spring Lake Park Reserve (SP# 019-090-013) to 2014.  
**RECOMMENDED MOTION:** Recommend that the Technical Advisory Committee approve the sunset date extension request to move the Mississippi River Regional Trail segment through Spring Lake Park Reserve (SP# 019-090-013) to 2014.

**BACKGROUND AND PURPOSE OF ACTION:** Dakota County received \$1,032,192 in federal Transportation Enhancement funds for 2012 in the 2007 regional solicitation to build a segment of the Mississippi River Regional Trail. The project's sunset date is March 31, 2013. The county is requesting a one-year sunset date extension to move to 2014. The county is requesting an extension due to right of way acquisition and design issues. The county's request and supporting documentation are attached.

**RELATIONSHIP TO REGIONAL POLICY:** Since the first regional solicitation in 1993, the Transportation Advisory Board (TAB) has had a sunset date provision in place that applied to all projects awarded funding by the TAB. The sunset date is the date when the federal funds are no longer available to the project sponsor. The sunset date policy includes a procedure to request a one-year extension based on extenuating circumstances.

**STAFF ANALYSIS:** Staff recommends approval of the sunset date extension to March 31, 2014. The project is a segment of the larger Mississippi River Trail corridor and would leave a gap in the trail route from St. Paul to Hastings.

It is important to note that approval of the sunset date extension request to move this project to 2014 does not guarantee federal funding will be available in that year. Due to funding level changes with MAP-21, the new federal transportation legislation, balancing the regional program has not yet been resolved.

**COMMITTEE COMMENTS AND ACTION:** At its January 17, 2013, meeting, the TAC Funding and Programming Committee approved a motion to recommend this sunset date extension to the TAC for approval. The vote was 10-4 after discussion about concerns the project had not moved beyond planning and if it would have been approved using the newly-approved program year policy extension procedure that applies to projects in 2014 and later. Because that process is not in place for 2013 projects, the motion to approve gained more support among the committee.

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**ROUTING**

<b>TO</b>	<b>ACTION REQUESTED</b>	<b>DATE COMPLETED</b>
TAC Funding & Programming Committee	Review & Recommend	January 17, 2013
Technical Advisory Committee	Review & Approve	
Transportation Advisory Board	Information	



January 4, 2013

Karl Keel, PE  
Chair, TAC Funding and Programming Committee  
Metropolitan Council  
390 Robert St. N.  
St. Paul, MN 551101-1805

Physical Development Division

Dakota County  
Western Service Center  
14955 Galaxie Avenue  
Apple Valley, MN 55124

952-891-7000  
Fax 952-891-7031  
[www.dakotacounty.us](http://www.dakotacounty.us)

Environmental Mgmt Dept  
Farmland & Natural Areas Program  
Office of GIS  
Parks & Open Space Department  
Office of Planning  
Surveyor's Office  
Transit Office  
Transportation Department  
Water Resources Department

Re: Sunset Date Extension Request  
Mississippi River Regional Trail  
Spring Lake Park East  
S.P. 019-090-013  
C.P. 97-114

Dear Mr. Keel:

Dakota County respectfully requests a one year sunset date extension for a segment of the Mississippi River Regional Trail project within Nininger Township. This 1.6 mile long segment traverses from the western edge of Hilary Path in Spring Lake Park to the Schaar's Bluff Visitor Center located on the eastern portion of Spring Lake Park. We request consideration of this extension by the Transportation Advisory Board, Funding and Programming Committee at their January 17, 2013 meeting.

The enclosed information provides the project background, progress, and justification of the extension request. Dakota County has diligently pursued this project and seeks support for the sunset date extension. If you have any questions or need additional information, please contact me at 952-891-7106.

Sincerely,

Dakota County

A handwritten signature in black ink, appearing to read "Chris Hartzell", written in a cursive style.

Chris E. Hartzell, PE  
Senior Project Manager

Enclosures



# SUNSET DATE EXTENSION REQUEST

MISSISSIPPI RIVER REGIONAL TRAIL  
SPRING LAKE PARK EAST SEGMENT

*S.P. # 019-090-013*

*C.P. # 97-114*

*PHYSICAL DEVELOPMENT DIVISION*

*January 17, 2013*

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## 1. **PROJECT BACKGROUND**

Construction of the Mississippi River Regional Trail (MRRT) through Spring Lake Park Reserve will complete the 26-mile trail from South St. Paul to Hastings. Spring Lake Park Reserve will provide trail users an enjoyable natural resource and scenic experience.

This project was in the 2012-2015 Transportation Improvement Program (TIP) as SP 091-090-057 for program year 2012 and in the 2013-2016 TIP as SP 019-090-013 for program year 2013. The total programmed funding in the TIP for 2013 is \$1,935,000 of which \$1,032,192 was to be funded through the Federal Highway Administration with a \$902,808 local match.

## 2. **PROJECT PROGRESS**

### A. Progress Schedule:

A project schedule is attached in the Appendices showing the current progress of the project.

### B. Right of Way Acquisition:

A right of way acquisition status map in the Appendices shows the proposed trail location upon which a substantial portion of the project is located on private property located within the park boundaries. Shown below is a timeline of our activities concerning right of way discussions with the property owners:

- In April 2012 we started negotiations with the Ries property owners for acquisition of property.
- On May 8, 2012 the County Board authorized Dakota County staff to appraise and negotiate acquisition of the property. Negotiations for the property are ongoing.
- Preliminary discussions with the Mauch property owners on October 16, 2012. The property owners were amenable to the trail across their property, but were resistant to efforts to locate a trailhead adjacent to the bay area.

### C. Plans:

The extreme slopes in the corridor combined with the sensitivity of the archaeology and private properties within the park corridor required Dakota County to identify several alignments that would meet the MRRT Master Plan, Spring Lake Regional Park Reserve Master Plan, Greenway Guidelines and the grant requirements. In October 2010, the consulting firm of Bonestroo, Inc. (now Stantec) was retained to study the feasibility of several potential alignment choices. Over the next several months Dakota County will be narrowing down the potential alignment choices, engaging the public and local governments in alignment selections and hiring a consultant to generate a project memorandum through final design and construction.

D. Permits:

The following table is a complete list of permitting agencies with approval authority and the current status of their review:

<b>Agency</b>	<b>Permit</b>	<b>Status</b>
MPCA	NPDES	Not yet submitted. Permit by March 2014.
City of Rosemount (LGU administers WCA)	-Wetland Replacement Plan (if there are impacts). -Stormwater Management Plan approval	Process concurrent with City and Township Plan approvals.
Vermillion River Watershed Management Organization	Wetland Replacement Plan, Flood Zone Impacts, and Shoreland Areas.	Process concurrent with City and Township Plan Approvals.
Dakota County	Environmental Management Permit for Asbestos Material on Site	To be completed fall of 2013.

E. Approvals:

The following table is a complete list of approvals needed and the current status of their review:

<b>Agency</b>	<b>Approval</b>	<b>Status</b>
Mn/DOT	Project Memorandum	Draft to be submitted late spring of 2013.
	Plan Approval	60% plans submitted November 2013. Plans expected to be completed February, 2014.
City of Rosemount	Layout Approval	Planned approval with City Staff regarding preliminary grading permits and shoreland restrictions. Planned approval at City Council workshop in June 2013.
	Plan Approval	Final approval expected December 2013.
Nininger Township	Layout Approval	Planned approval at Planning Commission workshop in June 2013.
	Plan Approval	Final approval expected from Board of Supervisors in December 2013.
Dakota County	Layout Approval	To be completed June of 2013.
	Plan Approval	Final approval expected December 2013.

F. Funds and Resources:

To date, the County has invested significant time and funding in excess of \$100,000 in defining the corridor for the trail and amenities through the Spring Lake Park preserve property. It is anticipated between now and the spring of 2014 a total of \$375,000 will be spent in preparing the project for design, right of way acquisition, and construction administration.

3. JUSTIFICATION FOR EXTENSION REQUEST

A. Uniqueness of Project that Requires Extension:

- i. Spring Lake Park Reserve's challenging terrain, cultural and natural resources and recent land acquisition required staff to identify and evaluate several alignments in order to meet the intent and goals of the MRRT Master Plan, Spring Lake Regional Park Reserve Master Plan, Greenway Guidelines and the grant requirements. Staff had difficulty in choosing the most feasible alternative due to design challenges and the location of the trails in an archaeologically sensitive area. The elevation changes across the entire corridor range between 695 to 880 feet.

Balancing the need for a recreational experience, meeting federal guidelines, reducing impacts, and cost have caused a need to seriously evaluate every possible alternative through the project. The time during the evaluation process with the consultant and our own internal staff took longer than expected.

- ii. A complication with this project is the tied Spring Lake Park West Segment project which is under similar circumstances of difficult terrain and sensitive environmental problems. In the spring of 2012 the Joseph property became available for sale. The County and DNR had long wanted a potential boat launch and public access to the river at this location. Due to previous inaccessibility the original trail alignments did not consider this location. This forced yet another study to determine a feasible alignment through the Joseph Property. Since, the alignment on the east segment is heavily dependent on resolution of the west segment alignments the entire project from east and west stalled until such resolution through the Joseph property was settled.
- iii. The largest portion of private property through the east segment is owned by the Sorg Family. Recently completed was the Hastings to Schaar's Bluff Visitor Center trail which had impacted a different parcel along the Sorg property. Currently, and at the time of the study the properties were in litigation to determine the value of the land. Based on previous discussions with the Sorg's it was determined that we would likely need to proceed with condemnation in order to obtain easements across the property in the Spring Lake Park East Segment. In order to avoid changing the outcome or influencing the current litigation the decision was made to halt negotiations until the litigation was settled.



B. Financial Impacts:

The financial impact of this project if the project does not meet the current program year would be the inability for the County to fund the project. The County has no planned alternative source of funding that could replace the federal funds, especially given the current economic climate in local government.

C. Implications:

The value of the trail along the Mississippi River in Dakota County and the Greater Minneapolis/St. Paul Metropolitan area has long been recognized both locally and nationally. Both the Mississippi National River and Recreation Area Comprehensive Management Plan, the Metropolitan Council Study on the Mississippi River pool, and the Minnesota Critical Areas Act of 1973 identify the importance of planned open space requirements and continuous trail corridors adjacent to the Mississippi River.

If the project does not obtain the program year extension thereby preserving the funding the planned Mississippi River Regional Trail from St. Paul to Hastings would have a substantial gap in the trail system until such time that funding becomes available. A gap of this size would be a detriment to the Mississippi River Trail Corridor's recreational value.

D. Actions:

The County has taken significant action on finalizing the alignment study. Over the next several months, staff will engage the public, City of Rosemount, and Nininger Township to share information and to take input on the potential alignments.

A preferred alignment will be presented to the County Board in April along with public responses received through the public involvement process. Later this spring, staff plans to request County Board authorization to execute a contract with a consulting engineering firm for final design.

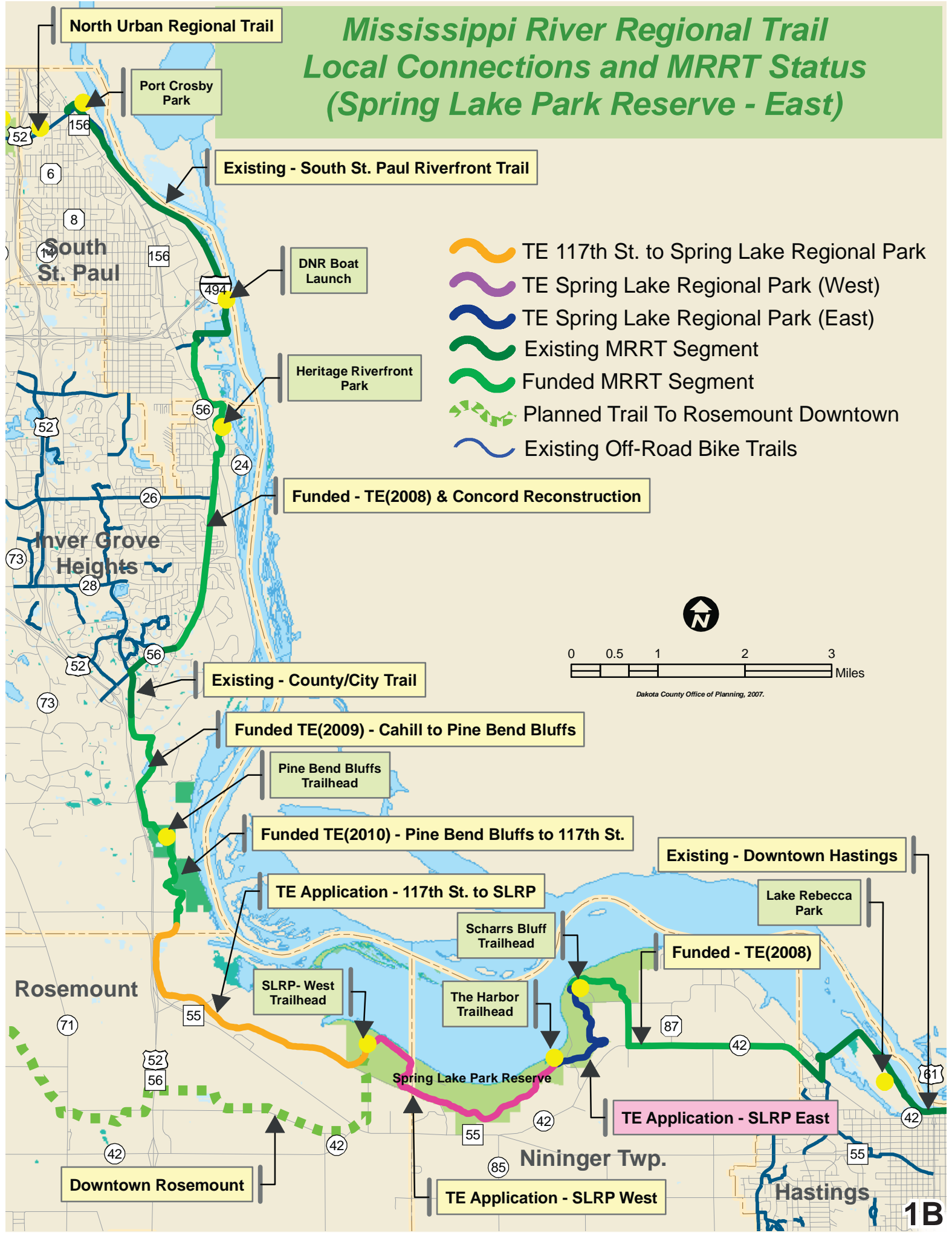
4. **LIST OF ATTACHMENTS**

- A. Mississippi River Regional Trail – Spring Lake Park East Segment Location Maps
- B. Revised Project Schedule
- C. Progress Schedule for Sunset Extensions

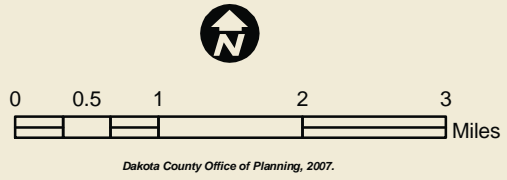
## **ATTACHMENT A**

### **Mississippi River Regional Trail Spring Lake Park East Segment Location Maps**

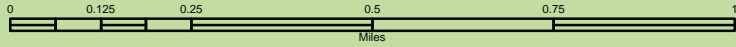
# Mississippi River Regional Trail Local Connections and MRRT Status (Spring Lake Park Reserve - East)



- TE 117th St. to Spring Lake Regional Park
- TE Spring Lake Regional Park (West)
- TE Spring Lake Regional Park (East)
- Existing MRRT Segment
- Funded MRRT Segment
- Planned Trail To Rosemount Downtown
- Existing Off-Road Bike Trails



# Mississippi River Regional Trail - 2006 Aerial (Spring Lake Park Reserve - East)



Dakota County Office of Planning, 2007.

Mississippi River

Funded Trail  
2008/09

Scharrs Bluff

Spring Lake Park Reserve  
East (1.6 Miles)

Spring Lake

The Harbor  
Trailhead

Spring Lake  
Park Reserve

CR 42

SLPR-West

Hwy 55

# Mississippi River Trail – Spring Lake Regional Park Reserve Route Options

## Segment 1

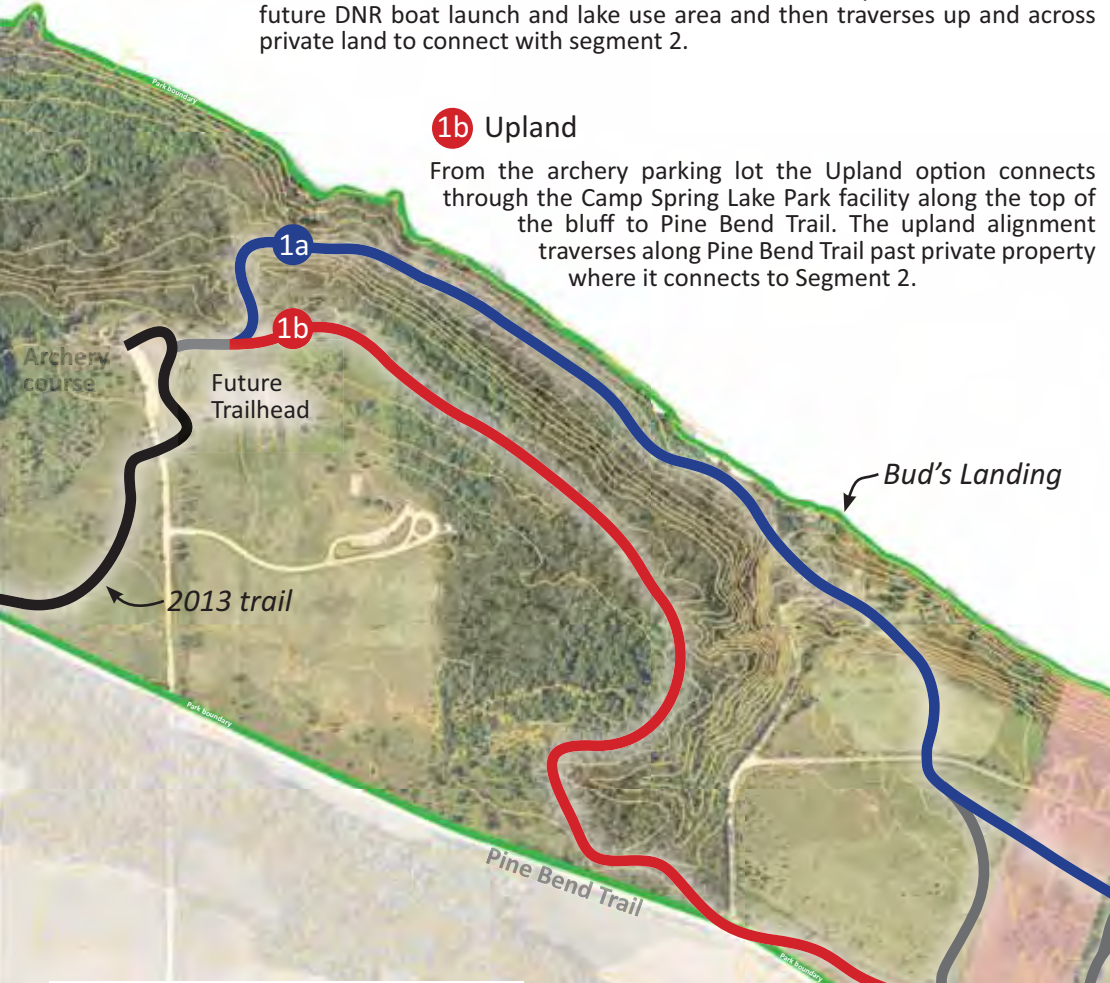
Segment 1 begins at the existing archery use area where the parking and bathroom facility is planned to be utilized as a major trailhead for the MRRT. Segment 1 has two primary alignment options that either travel along top of the bluff through a wooded area or at the bottom of the bluff near Spring Lake.

### 1a River

From the archery parking lot the River option travels along an old cabin road between the river and the base of the bluff. The river option connects to the future DNR boat launch and lake use area and then traverses up and across private land to connect with segment 2.

### 1b Upland

From the archery parking lot the Upland option connects through the Camp Spring Lake Park facility along the top of the bluff to Pine Bend Trail. The upland alignment traverses along Pine Bend Trail past private property where it connects to Segment 2.



## Segment 2

Segment 2 is the middle section of Spring Lake Park Reserve connecting the western and eastern use areas. Currently, this section has minimal public access. Three distinct alignments through this section create different opportunities and challenges.

### 2a 2d River

Connecting from Segment 1, the River option (2a) follows the top of the bluff edge and drops into a large ravine where it can either follow the front of the bluff (2d) by the river or connect with the main east and west ravine (2e) to Segment 3.

### 2b 2e Ravine

Connecting from Segment 1, the Ravine options traverse the main east and west ravine (2b) through the central corridor of the park where it can either continue in the east and west ravine (2e) or follow the front of the bluff (2d) to Segment 3.

### 2c Upland

Connecting from Segment 1, the Upland option continues along the perimeter of the park on the upper terrace where it connects to Segment 3.



## Segment 3

This is the easternmost section of the trail beginning at “The Landing.” Segment 3 has two primary alignment options that either traverse the rock bluff or wooded pasture to connect with the southern tip of Schaar’s Bluff Gathering Center and the existing sections of the MRRT.

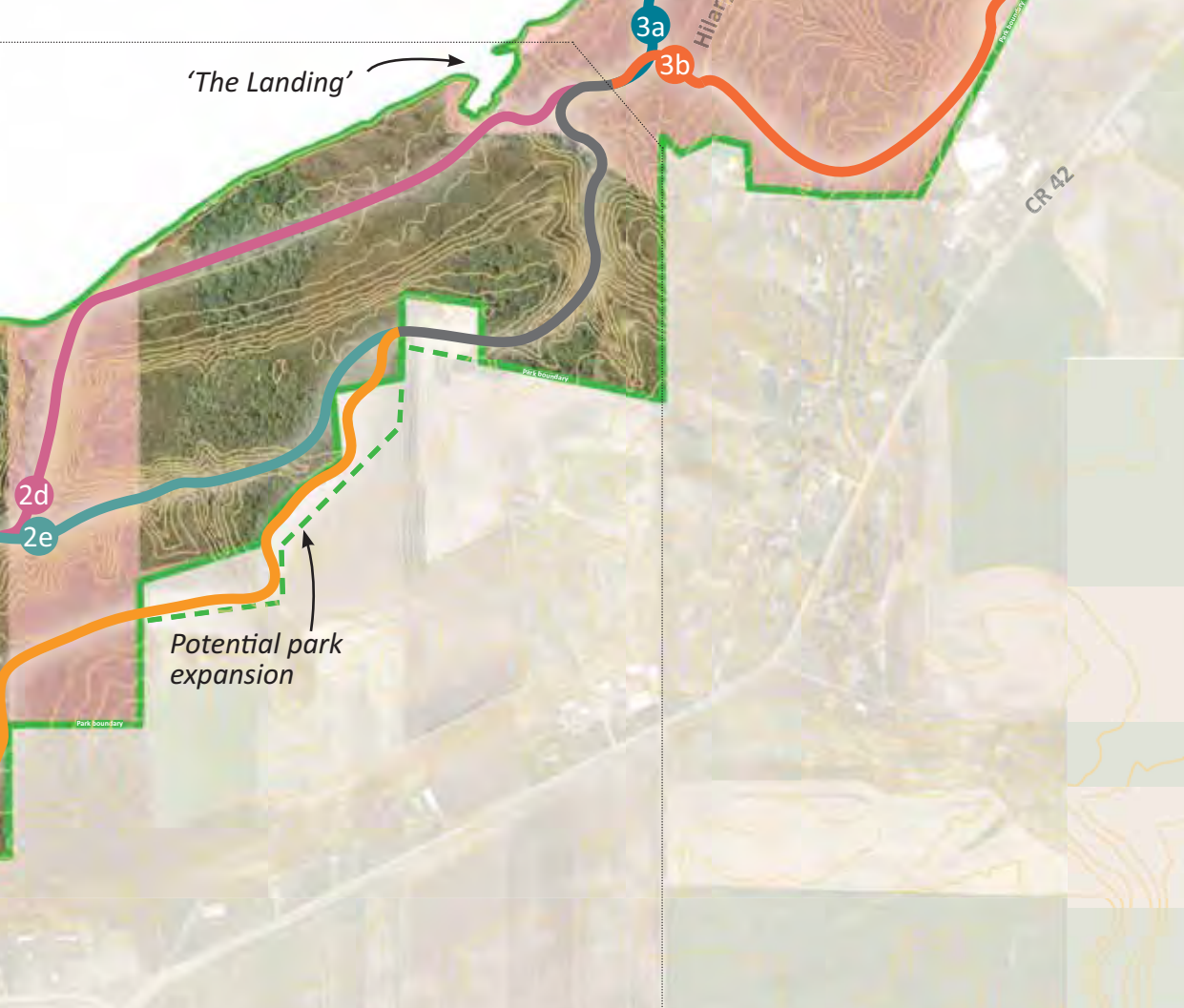
### 3a Rock Cut

Connecting from Segment 2, the Rock Cut option continues along the front of the bluff where it traverses a ravine and rock bluff to an existing walking trail and eventually to the southern tip of the Schaar’s Bluff Gathering Center and existing sections of the MRRT.

### 3b Pasture Climb

Connecting from Segment 2, the Pasture Climb option traverses a wooded pasture on the east side of Hilary Path and at the perimeter of the park to an existing walking trail and eventually to the southern tip of Schaar’s Bluff Gathering Center and existing sections of the MRRT.

‘The Landing’



**Key**

- # Route options
- Private property within park boundary
- Park boundary
- Potential park expansion

1,000 feet

↑  
N

# Mississippi River Trail

## Spring Lake Park East Sunset Date Extension Request

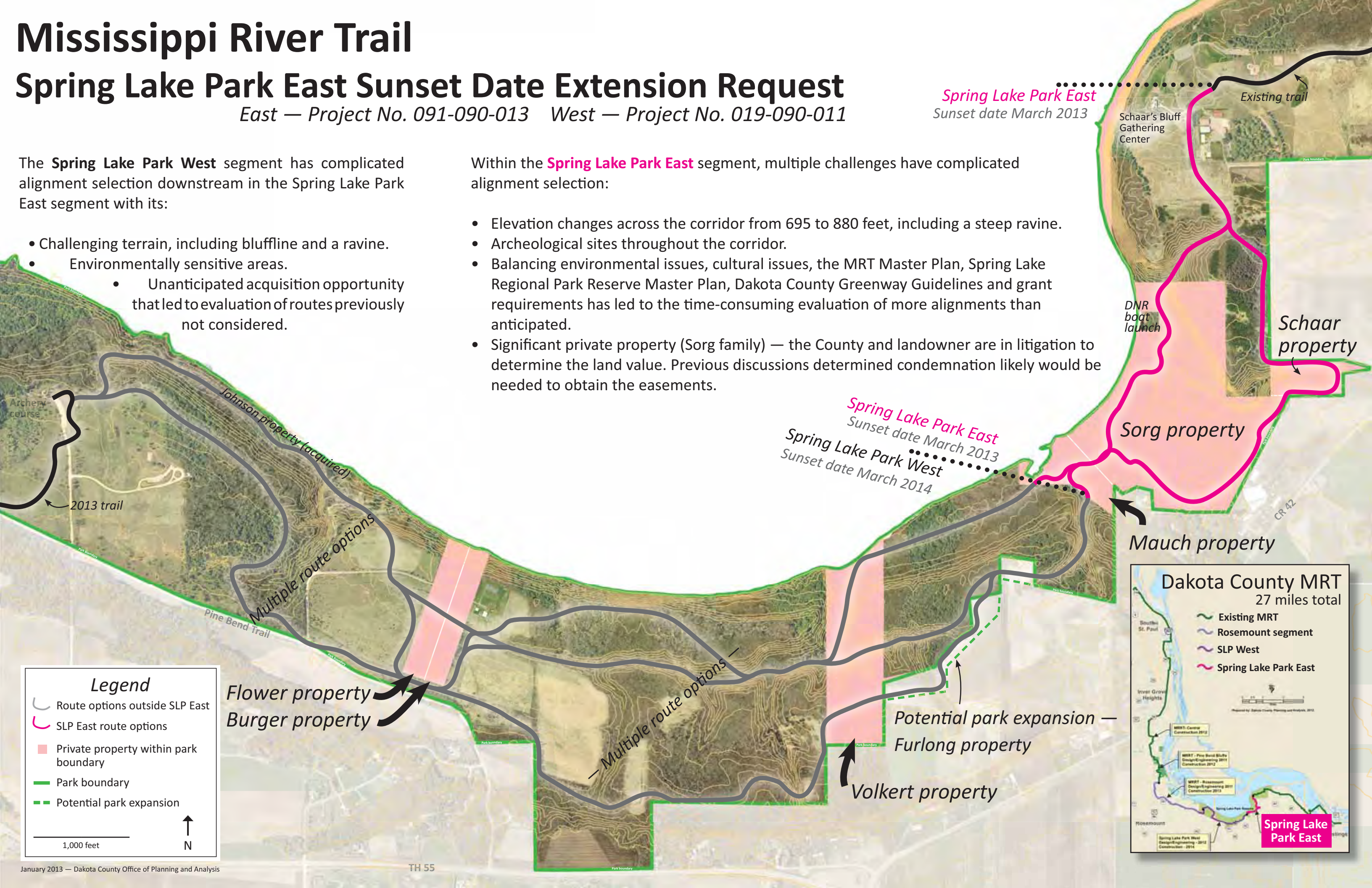
East — Project No. 091-090-013 West — Project No. 019-090-011

The **Spring Lake Park West** segment has complicated alignment selection downstream in the Spring Lake Park East segment with its:

- Challenging terrain, including bluffline and a ravine.
- Environmentally sensitive areas.
- Unanticipated acquisition opportunity that led to evaluation of routes previously not considered.

Within the **Spring Lake Park East** segment, multiple challenges have complicated alignment selection:

- Elevation changes across the corridor from 695 to 880 feet, including a steep ravine.
- Archeological sites throughout the corridor.
- Balancing environmental issues, cultural issues, the MRT Master Plan, Spring Lake Regional Park Reserve Master Plan, Dakota County Greenway Guidelines and grant requirements has led to the time-consuming evaluation of more alignments than anticipated.
- Significant private property (Sorg family) — the County and landowner are in litigation to determine the land value. Previous discussions determined condemnation likely would be needed to obtain the easements.



**Legend**

- Route options outside SLP East
- SLP East route options
- Private property within park boundary
- Park boundary
- Potential park expansion

1,000 feet

N

**Dakota County MRT**  
27 miles total

- Existing MRT
- Rosemount segment
- SLP West
- Spring Lake Park East

Spring Lake Park East

## **ATTACHMENT B**

### Revised Project Schedule

**Mississippi River Regional Trail Project  
Spring Lake Park West & East Segments  
S.P. 091-090-011  
S.P. 091-090-013  
Project Schedule  
Dakota County Physical Development**

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**Preliminary Engineering**

- Alignment Report ..... Completed
- Sunset Date Meeting with State Aid Staff and Met Council ..... Completed
- Staff to Evaluate Alternatives ..... Completed
- PARAC Presentation to Discuss Alignments ..... Completed
- Submit Sunset Date Extension for East Segment Submitted ..... Early January 2013
- Private Property Meetings..... January – February 2013
- Agency & Stakeholder Involvement Meeting No. 1..... Late January 2013
- Public Open House to Discuss Alignment Alternatives ..... Late February 2013
- Develop an RFP for Project Memorandum through Final Design..... March 2013
- Agency & Stakeholder Involvement Meeting No. 2..... March 2013
- Sunset Date Extension Request Granted..... Spring 2013
- Ask the County Board to Ratify the Alignment..... April 2013
- Start Negotiations with Property Owners ..... May 2013
- County Board to Approve Consultant Contract ..... May 2013
- Start Project Memorandum ..... May 2013
- Utility Coordination and Conflict Review ..... May 2013
- Develop Final Design in Locations of Right of Way Concerns..... June 2013
- Agency & Stakeholder Involvement Meeting No. 3..... September 2013
- Planning Commission Presentation to Show Trail Improvements ..... Early October 2013
- Public Open House to Show Trail Improvements ..... Late October 2013
  - Include Floodplain Assessment

**Project Development and Documentation**

- Section 4f Evaluation..... Spring 2013
- Wetlands ..... Spring 2013
- Floodplain ..... Spring 2013
- ESA Phase I ..... Spring 2013
- Historical Review..... Spring 2013
- T&E Request..... Spring 2013
- Farmland Protection Policy Act (FPPA)..... Early Summer 2013
- Section 404 ..... Early Summer 2013
- ESA Phase II..... Early Summer 2013
- Design Study..... Early Summer 2013
- Draft PM Submittal..... Late Summer / Fall 2013
- Final PM Submittal ..... Winter 2013
- PM Approval (pending Mn/DOT review time) ..... Spring 2014

**Right of Way Acquisition**

- County Provides Title Research..... May 2013
- Initial Parcel Work and Landowner Notification..... May 2013
- Construction Limits Determined..... July 2013



**Mississippi River Regional Trail Project  
Spring Lake Park West & East Segments  
S.P. 091-090-011  
S.P. 091-090-013  
Project Schedule  
Dakota County Physical Development**

**(Continued)**

- 
- Complete R/W Map w/Parcel taking info/areas. ....August 2013
  - R/W Plan & Prepare Parcel Sketches ..... Late August 2013
  - County Stakes Parcels, as needed .....Late August 2013
  - Field Title Report.....Late August 2013
  - Appraisal Services Completed.....Early October 2013
  - Appraisal Review Services ..... Late October 2013
  - County Board Approval to Make Offers & Condemn ..... November 2013
  - Present Offers of Just Compensation ..... November 2013
  - Negotiation.....December 2013
  - File for Condemnation & Notify Landowners .....December 2013
  - Hearing on Petition .....February 2013
  - Title and Possession.....Late February, 2014
  - R/W Certificate #1 ..... Early March, 2014

**Final Design and Construction**

- Soil Borings .....Spring 2013
- Retaining Wall Borings.....Spring 2013
- Layout Submittal Approval.....Summer 2013
- Final Design Preparation
  - 60% Plan Submittal .....Late Summer 2013
  - 95% Mn/DOT Plan Submittal ..... Late Fall 2013
  - Mn/DOT State Aid Plan Approval ..... Winter 2013
- Permits ..... Fall 2013
- Bidding through Construction..... Late Spring 2014 to 2015
- Warranty & Punch List Items ..... Spring of 2016

## **ATTACHMENT C**

### Progress Schedule for Sunset Extensions

**PROGRESS SCHEDULE FOR SUNSET EXTENSION**

ENVIRONMENTAL DOCUMENTATION

EA  PROJECT MEMORANDUM  
 Completed/Approved  
Date of approval \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion November 2013

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

Completed  
Date of approval \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion February and October 2013

FINAL ENVIRONMENTAL ASSESSMENT (not required for project memorandum)

Completed/FONSI Approved  
Date of approval \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion \_\_\_\_\_

STUDY REPORT (required for Environmental Assessment Only)

Complete/Approved  
Date of Approval \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion \_\_\_\_\_

CONSTRUCTION PLANS

Completed (includes signature of District State Aid Engineer)  
Date \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion January 2014

RIGHT OF WAY ACQUISITION

Completed (includes approval of R/W Cert. #1 or #1A)  
Date \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion February 2014

LETTING

Anticipated Letting Date May 2014