



# Dakota County

## Legislation Details (With Text)

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**Type:** Consent Action      **Status:** Passed

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**On agenda:** 8/23/2022      **Final action:** 8/23/2022

**Enactment date:** 8/23/2022      **Enactment #:** 22-337

**Title:** Acquisition Of Conservation Easement On Bauer Property Adjacent To Spring Lake Park Reserve In Nininger Township And Authorization To Amend 2022 Environmental Resources Capital Improvement Program Budget

**Sponsors:** Environmental Resources

**Indexes:**

**Code sections:**

**Attachments:** 1. Legal Descriptions Bauer Property Easement, 2. Depiction of Easement on Bauer Property

Date	Ver.	Action By	Action	Result
8/23/2022	3	Board of Commissioners	approved	Pass
8/16/2022	2	Physical Development Committee of the Whole	Approved and sent to the Board	Pass

**DEPARTMENT:** Environmental Resources

**FILE TYPE:** Consent Action

**TITLE**

**Acquisition Of Conservation Easement On Bauer Property Adjacent To Spring Lake Park Reserve In Nininger Township And Authorization To Amend 2022 Environmental Resources Capital Improvement Program Budget**

**RESOLUTION**

WHEREAS, Alfred and Julie Bauer and Gordon and Cynthia Bauer (collectively Bauer) own 56.34 acres adjacent to Spring Lake Park Reserve (SLPR); and

WHEREAS, the Bauer’s cooperated with the County in completing two ravine stabilization projects, including removal of solid waste from both the Bauer and park properties in early 2022; and

WHEREAS, the 2020 Land Conservation Plan for Dakota County identified 24 Preliminary Conservation Focus Areas (CFA), including the Spring Lake CFA in Nininger Township, which includes a portion of the Bauer property; and

WHEREAS, County staff proposed protecting and restoring a portion of the Bauer property that would include the ravine stabilization project area, provide a vegetative buffer between cultivated farmland and the park and additional wildlife habitat, and allow County staff to more easily access portions of SLPR for natural resource restoration and maintenance; and

WHEREAS, County staff completed, reviewed, and approved an independent appraisal of a 5.61-acre permanent natural area conservation easement (Easement) on the Bauer property in April 2022; and

WHEREAS, the Bauer's have agreed to sell the Easement for the appraised \$52,315 and contribute an estimated \$1,250 of the estimated \$12,500 restoration costs; and

WHEREAS, the estimated closing costs are \$1,000; and

WHEREAS, acquisition of the Easement and restoration is eligible for state Outdoor Heritage (OH) funding appropriated to the County by the Minnesota Legislature in 2022 (ML22); and

WHEREAS, the 2022 Environmental Resources (ER) Capital Improvement Program (CIP) budget includes adequate fund balance from Minnesota ML22 OH funds and County grant match funds for this project; and

WHEREAS, expenditure of OH funds by the County requires the County Board Chair to sign and the County to record a Notice of Funding Restriction (NOFR) for the Easement on the Bauer property if funded with OH funds; and

WHEREAS, the Physical Development Director (PDD) is required to sign the purchase agreement (PA) to acquire the Easement on the Bauer property; and

WHEREAS, the final acquisition costs of the Bauer property will be determined after the settlement statement is finalized and all associated acquisition expenses have been invoiced.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the expenditure of up to \$65,815, including \$52,315 to acquire the 5.61-acre Easement on the Bauer property, an estimated \$1,000 in closing costs, and an estimated \$12,500 for restoration costs; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute the purchase agreement with the Bauer's to acquire the 5.61-acre Easement, subject to approval by the County Attorney's Office (CAO) as to form; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Board Chair to execute a Notice of Funding Restriction as required for use of OH funds for acquiring the Easement on the Bauer property, subject to approval by the CAO as to form; and

BE IT FURTHER RESOLVED, That the 2022 Environmental Resources (ER) Capital Improvement Program (CIP) budget is hereby amended as follows:

**Expense**

Acquisition of the Easement on Bauer property (LC10081)	\$53,315
Restoration of the Bauer Easement (LC30048)	\$11,250
ML 22 OH (LC00010)	<u>(\$64,565)</u>
<b>Total Expense</b>	<b>\$0</b>

**Revenue**

Acquisition :

ML 22 OH Grant Funding - Bauer Acquisition (LC10081)	\$39,986
ML 22 OH County Grant Match - Bauer Acquisition (LC10081)	\$13,329
ML 22 OH Grant Funding (LC00010)	(\$39,986)
ML 22 OH County Grant Match (LC00010)	<u>(\$13,329)</u>
<b>Total Revenue - Acquisition</b>	<b>\$0</b>

Restoration:

ML 22 OH Grant Funding - Bauer Restoration (LC30048)	\$8,438
ML 22 OH County Grant Match - Bauer Restoration (LC30048)	\$2,812
ML 22 OH Grant Funding - Bauer Restoration (LC00010)	(\$8,438)
ML 22 OH County Grant Match (LC0010)	<u>(\$2,812)</u>
<b>Total Revenue - Restoration</b>	<b>\$0</b>

; and

BE IT FURTHER RESOLVED, That, following acquisition of the Easement on the Bauer property, staff will submit the necessary forms and documentation to the State of Minnesota (State) to receive approximately \$48,424 of reimbursement funds; and

BE IT FURTHER RESOLVED, That such reimbursement from the State will be returned to the 2022 ER CIP.