



Dakota County

Legislation Text

File #: DC-1362, **Version:** 2

DEPARTMENT: Environmental Resources

FILE TYPE: Consent Action

TITLE

Authorization To Amend County State Aid Highway 31 Wetland Bank

RESOLUTION

WHEREAS, planned improvements to County State Aid Highway 31 in the early 2000s would negatively impact existing wetlands; and

WHEREAS, the state Wetland Conservation Act of 1991 required mitigation for wetland impacts; and

WHEREAS, a 17.1-acre wetland bank, administered through the Minnesota Board of Water and Soil Resource (BWSR), was proposed to locally mitigate these wetland impacts; and

WHEREAS, by Resolution No. 02-562 (November 5, 2002), the County Board of Commissioners approved the establishment of a 17.1-acre wetland bank and authorized the execution of a Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank (Declaration) which described wetland bank requirements and the legal description of the wetland bank area; and

WHEREAS, the intent of the mitigation project and Declaration was to also exclude 25 feet of the southern portion of the identified property parcel and reserve it for future public use as a trail corridor; and

WHEREAS, it was recently discovered during the North Creek Greenway trail design and construction process that the legal description for the Declaration did not exclude the future trail corridor in the wetland bank area; and

WHEREAS, the Declaration includes language to request the modification of the Declaration with written approval by the City of Lakeville and BWSR; and

WHEREAS, staff and the County Attorney's Office prepared an Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank; and

WHEREAS, the Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank includes a revised legal description for the wetland bank area that excludes the trail corridor and reaffirms that all other terms and conditions of the 2002 Declaration shall remain in full force and effect for the amended wetland bank area.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes amending the Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Chair to execute the Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank and to submit the amended Declaration to Minnesota Board of Water and Soil Resources; and

BE IT FURTHER RESOLVED, That upon approval by the Minnesota Board of Water and Soil Resources, the fully executed Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank will be recorded in the County's Recorder's Office and a copy of the recorded Amendment to Declaration of Restrictions and Covenants for Dakota County State Aid Highway 31 Wetland Bank will be provided to the Minnesota Board of Water and Soil Resources.