

C Community Development Committee

Meeting date: December 7, 2009

ADVISORY INFORMATION

Date:	December 2, 2009
Subject:	Rice Creek Chain of Lakes Restrictive Covenant Exchange, Anoka County
District(s), Member(s):	11, Georgeanne Hilker
Policy/Legal Reference:	2030 Regional Parks Policy Plan, Strategy 5(b)
Staff Prepared/Presented:	Jan Youngquist, Senior Planner-Parks (651-602-1029)
Division/Department:	Community Development Division/Parks

Proposed Action

That the Metropolitan Council release the restrictive covenant on 2.7 acres of wetlands depicted in Attachment 1 and described in Attachment 2, in exchange for Anoka County placing a restrictive covenant on the 10 acre property shown in Attachment 5 and described in Attachment 6.

Background

The Metropolitan Council provided grant funds toward the acquisition of several parcels of land within Rice Creek Chain of Lakes Park Reserve. On December 9, 1980, the Metropolitan Council and Anoka County entered into an Agreement and Restrictive Covenant, which was recorded against these parcels on June 3, 1981. The restrictive covenant prohibits the sale, lease, conveyance, or creation of any easement, restriction or other encumbrance against the property without written approval of the Metropolitan Council. The covenant also restricts the use of the property to regional recreation open space purposes.

In 1995, Anoka County created a series of wetlands at Chomonix Golf Course within Rice Creek Chain of Lakes Park Reserve to be banked for wetland credits that could be used when a future regional park or trail project required wetland mitigation. The wetlands that were created also provide benefits to the park reserve by addressing drainage issues, improving the course of play along the fairways, and increasing the ecological diversity and wildlife in the area. The wetlands include a series of nine ponds totaling 2.7 acres.

Anoka County is planning to begin work on an expansion of the Rice Creek North Regional Trail in 2010. The \$2,000,000 project includes constructing a new bituminous trail that will begin at the Lino Lakes Town Center/YMCA development and traverse through the Rice Creek Chain of Lakes Park Reserve to Rice Lake Elementary School. New trail construction will also occur north of Baldwin Lake within the park reserve. The trail project will require wetland mitigation for impacts from boardwalks and crossings over Rice Creek, including a pedestrian bridge. Anoka County plans to use the wetland bank credits toward the required wetland mitigation as part of the regional trail project.

The Minnesota Board of Soil and Water Resources ("BWSR") oversees the wetland banking program. In order to deposit the wetland credits, BWSR requires that a perpetual conservation easement be placed on the wetlands; the easement states that the wetland bank area be preserved in a natural condition in perpetuity. The wetland

bank area is located on land which has the above-mentioned restrictive covenant recorded against it. Since the restrictive covenant prohibits the creation of any easements, BWSR prepared a draft Consent and Subordination Agreement, which stated that the Metropolitan Council agreed to the easement and would subordinate the restrictive covenant to the provisions in the easement. Council legal staff strongly advised against subordinating its interest in the property due to the poor precedent it would set. Council legal staff drafted an alternate document which stated that the Council would consent to the easement; however, the easement would be subordinate to the restrictive covenant. BWSR would not accept the alternate consent.

In order to proceed with the Rice Creek North Regional Trail project and take advantage of the wetland credits, Anoka County proposes removing the restrictive covenant from the 2.7 acre wetland bank site and in exchange, placing a restrictive covenant on 10 acres located elsewhere in the park reserve. The 10 acre site is located on the south side of Rice Lake and contains undisturbed wetlands as part of a larger wetland complex. The site also has approximately 700 feet of shoreline along Rice Lake.

Anoka County has requested that the Metropolitan Council consider this issue the same week as the Community Development Committee in order to meet deadlines for the Rice Creek North Regional Trail project. Construction of the pedestrian bridge and boardwalks should preferably occur during the winter to minimize damage to the site by allowing construction equipment access while the ground is frozen.

Rationale

The 2.7 acre wetland bank area is consistent with regional park uses and the BWSR perpetual conservation easement will protect this area in perpetuity. The placement of a restrictive covenant on 10 acres in another area of the park reserve will afford that site another layer of protection. The exchange of restrictive covenants will facilitate development of the Rice Creek North Regional Trail, which will provide additional recreational opportunities for the region. Therefore, the release of the restrictive covenant on the wetland bank area in exchange for the placement of a restrictive covenant on the 10 acre site will benefit the regional parks system.

Funding

The exchange of restrictive covenants does not have any funding implications.

Known Support / Opposition

The Metropolitan Parks and Open Space Commission considered this request at its meeting on December 1, 2009. After clarifying that with the exception of the 10 acre covenant exchange parcel and a few parcels to the west, the vast majority of the park reserve land already has restrictive covenants recorded against it; that the Council-approved master plan for the park reserve identifies that these parcels will be protected in their natural state and will not be developed; and that Anoka County could not sell these parcels without the Council approving an amendment to the master plan, the Commission unanimously approved the recommendation. There is no known opposition.

METROPOLITAN COUNCIL
390 North Robert Street, St. Paul, MN 55101
Phone (651) 602-1000 TDD (651) 291-0904

DATE: November 23, 2009

TO: Metropolitan Parks and Open Space Commission

FROM: Jan Youngquist, Senior Planner-Parks (651) 602-1029

SUBJECT: (2009-444) Rice Creek Chain of Lakes Park Reserve Restrictive Covenant Exchange, Anoka County

INTRODUCTION

Anoka County has requested that the Metropolitan Council release the restrictive covenant on 2.7 acres of wetland ponds at the Chomonix Golf Course portion of Rice Creek Chain of Lakes Park Reserve and in exchange, allow a restrictive covenant to be placed on 10 acres located along the southern edge of Rice Lake, which is also within the park reserve. (See Attachment 1 for the request letter from Anoka County).

This staff report includes a review of the request based on criteria outlined in the *2030 Regional Parks Policy Plan* and recommends approval of the restrictive covenant exchange.

AUTHORITY TO REVIEW

The *2030 Regional Parks Policy Plan* (“*Parks Policy Plan*”) indicates that restrictive covenants on regional parkland cannot be released without approval from the Metropolitan Council. In order to release a restrictive covenant, Strategy 5(b) of the *Parks Policy Plan* requires an equally valuable land or facility exchange and outlines criteria that must be satisfied to exchange regional parks system land for other parkland.

BACKGROUND

The Metropolitan Council provided grant funds toward the acquisition of several parcels of land within Rice Creek Chain of Lakes Park Reserve. On December 9, 1980, the Metropolitan Council and Anoka County entered into an Agreement and Restrictive Covenant, which was recorded against these parcels on June 3, 1981. The restrictive covenant prohibits the sale, lease, conveyance, or creation of any easement, restriction or other encumbrance against the property without written approval of the Metropolitan Council. The covenant also restricts the use of the property to regional recreation open space purposes.

In 1995, Anoka County created a series of wetlands at Chomonix Golf Course within Rice Creek Chain of Lakes Park Reserve to be banked for wetland credits that could be used when a future regional park or trail project required wetland mitigation. The wetlands that were created also provide benefits to the park

reserve by addressing drainage issues, improving the course of play along the fairways, and increasing the ecological diversity and wildlife in the area. The wetlands include a series of nine ponds totaling 2.7 acres. (Aerial maps showing the location of the ponds are shown in Attachment 2. Legal descriptions of these ponds are included in Attachment 3)

Anoka County is planning to begin work on an expansion of the Rice Creek North Regional Trail in 2010. The \$2,000,000 project includes constructing a new bituminous trail that will begin at the Lino Lakes Town Center/YMCA development and traverse through the Rice Creek Chain of Lakes Park Reserve to Rice Lake Elementary School. New trail construction will also occur north of Baldwin Lake within the park reserve. The trail project will require wetland mitigation for impacts from boardwalks and crossings over Rice Creek, including a pedestrian bridge. (See Attachment 4 for a map of the planned trail route) Anoka County plans to use the wetland bank credits toward the required wetland mitigation as part of the regional trail project.

The Minnesota Board of Soil and Water Resources (“BWSR”) oversees the wetland banking program. In order to deposit the wetland credits, BWSR requires that a perpetual conservation easement be placed on the wetlands; the easement states that the wetland bank area be preserved in a natural condition in perpetuity. The wetland bank area is located on land which has the above-mentioned restrictive covenant recorded against it. Since the restrictive covenant prohibits the creation of any easements, BWSR prepared a draft Consent and Subordination Agreement, which stated that the Metropolitan Council agreed to the easement and would subordinate the restrictive covenant to the provisions in the easement. Council legal staff strongly advised against subordinating its interest in the property due to the poor precedent it would set. Council legal staff drafted an alternate document which stated that the Council would consent to the easement; however, the easement would be subordinate to the restrictive covenant. BWSR would not accept the alternate consent.

In order to proceed with the Rice Creek North Regional Trail project and take advantage of the wetland credits, Anoka County proposes removing the restrictive covenant from the 2.7 acre wetland bank site and in exchange, placing a restrictive covenant on 10 acres located elsewhere in the park reserve. The 10 acre site is located on the south side of Rice Lake and contains undisturbed wetlands as part of a larger wetland complex. The site also has approximately 700 feet of shoreline along Rice Lake. (The proposed covenant exchange land is shown in Attachment 5. The legal description for this property is included in Attachment 6)

ANALYSIS

Strategy 5(b) of the Parks Policy Plan requires an equally valuable land or facility exchange to be approved in order to release a restrictive covenant. Anoka County is proposing to place a restrictive covenant on 10 acres of land in exchange for the removal of the restrictive covenant on 2.7 acres of land.

Strategy 5(b) defines equally valuable land as follows:

“Equally valuable land” is defined in this context as land that is contiguous to the regional parks system unit containing the land proposed to be exchanged (that is, only add and take away land in the same park/trail unit) and/or, the land has comparable or better natural resource characteristics and could provide comparable or better recreation opportunities as what is being exchanged.

Both areas of land that are party to the restrictive covenant exchange are located in Rice Creek Chain of Lakes Park Reserve. (The location of these properties is shown in Attachment 7) The 2.7 acre wetland

bank area is part of a developed golf course. These wetlands were created along the sides of the fairways. The 10 acre exchange site contains undisturbed natural wetlands as part of a larger wetland complex and has approximately 700 feet of shoreline along Rice Lake. The master plan for the park reserve calls for this area to remain in its natural state. Therefore, the 10 acre covenant exchange site has better natural resource characteristics than the wetland bank site. The restrictive covenant exchange will also facilitate the development of the Rice Creek North Regional Trail, which will provide additional recreation opportunities to the region.

Strategy 5(b) requires that the following criteria be evaluated in order to determine whether regional parks system land may be exchanged for other parkland:

Issues with respect to the existing park system unit:

1. How well can the park system unit (Rice Creek Chain of Lakes Park Reserve) continue to meet Council site and site attribute standards established for the particular type of park system unit (regional park, park reserve, trail or special recreation feature)?

The Parks Policy Plan indicates that park reserves must be a minimum of 1,000 acres. Eighty percent of the park reserve must be managed as wild lands to protect high quality natural resources and the ecological functions of the native landscape; up to 20 percent may be developed for recreational purposes.

Anoka County owns 4,473 acres in this park reserve. The area of land on which the restrictive covenant is proposed to be released is 2.7 acres. Although the covenant is proposed to be released, this land would remain within the park reserve boundary, since it is still being used for regional recreational open space purposes. The 10 acre site on which the restrictive covenant is proposed to be recorded is already within the boundary of the park reserve. Therefore, the overall park reserve acreage will not be affected.

The wetlands created for the wetland bank are located on Chomonix Golf Course, which has been developed for recreational purposes, so wild lands were not affected. The 10 acre covenant exchange site is part of a wetland complex, which will be afforded another layer of protection by the restrictive covenant, which will limit use of the land to regional recreation open space purposes.

2. Can the park system unit (Rice Creek Chain of Lakes Park Reserve) continue to function as the Council intended? How will use of the park system unit be affected?

The park reserve will continue to function as intended. The wetlands created at Chomonix Golf Course improved the conditions of the course and are not a detriment to the function of the park reserve.

3. Will environmental features (wildlife habitat, water quality) be adversely affected? Can they be protected with the new use?

The wetlands that were created provide a benefit to the park reserve by addressing drainage issues, improving the course of play at Chomonix Golf Course, and increasing the ecological diversity and wildlife in the area. The perpetual conservation easement required by BWSR will ensure that the wetlands will be protected in perpetuity.

4. Can any loss of site or function be made up through acquisition of a site with comparable characteristics adjacent to or in the immediate area of the current location? Is there a need to replace a site or function for comparable uses in comparable location? Would the system benefit from a different park system unit in a different location? Does the park system unit benefit from a facility in exchange for land?

The wetland bank area did not result in any loss of the site or of the function of the park reserve. The land will remain within the park reserve boundaries. The exchange of restrictive covenants will provide an additional layer of protection to 10 acres of land located within the park reserve. Additionally, the exchange will facilitate the development of the Rice Creek North Regional Trail, which will provide additional recreational opportunities within and adjacent to the park reserve.

5. Will all costs of relocation be covered by nonregional recreation funds?

The creation of the wetlands for the wetland bank program did not use regional recreation funds. The restrictive covenant exchange site already is part of a wetland complex. No type of relocation is necessary for this exchange; therefore this issue is not applicable.

6. Are there mitigating measures that may be preferable to land exchange, particularly with respect to minor conversions? Is the need for the conversion, as in the instance of transportation improvements, generated by the recreational park system unit?

The land exchange is preferable since the wetland bank area will be protected via the perpetual conservation easement, and an additional 10 acres within the park reserve will be protected through a restrictive covenant. The wetland bank area is consistent with regional parkland use and does not convert the land to another land use; therefore the second issue is not applicable.

Issues with respect to the alternative use:

1. What are the land area needs of the proposed project?

Anoka County created 2.7 acres of wetlands to be used as credits for future park and trail projects that require wetland mitigation.

2. What are the specific site requirements for the proposed project and how unique are they to the area proposed for conversion?

The land on which the wetlands were created was chosen in order to achieve two goals. One goal was to establish a wetland bank to be used as credits for future projects that require wetland mitigation. The other goal was to address site specific problems at Chomonix Golf Course. Drainage issues along some of the fairways caused standing water and poor conditions for golfers after a large rain event. The creation of the wetlands helped alleviate these problems and brought birds and wildlife back to the area.

3. What is the duration of the proposed project?

Anoka County completed the wetland project at Chomonix Golf Course in 1995. These banked wetlands will serve as a credit for the necessary wetland mitigation associated with the Rice Creek North Regional Trail project, which is anticipated to begin in January 2010 and be completed before the end of the year.

4. Is the proposed project consistent with Council policies?

The wetland bank and the Rice Creek North Regional Trail extension projects are both consistent with the *Parks Policy Plan*. The Council's *2030 Regional Development Framework* includes goals of working with local and regional partners to conserve, protect and enhance the region's vital natural resources. The creation of 2.7 acres of wetlands adds natural resource value to the site, and the BWSR perpetual conservation easement will ensure that these wetlands will be protected. The restrictive covenant that will be recorded on the exchange site will help protect its natural resources.

5. Is the proposed project of greater benefit to the region than continuance of the regional parks system unit (Rice Creek Chain of Lakes Park Reserve)?

The wetlands that were created on Chomonix Golf Course do not result in a discontinuation of the land being used as regional parkland. These wetlands are consistent with regional park uses; therefore this issue is not applicable.

CONCLUSIONS:

1. Anoka County must record a perpetual conservation easement on the 2.7 acres of wetlands it created on Chomonix Golf Course in order to participate in the BWSR wetland banking program and receive credits to be used for other regional park and trail projects that require wetland mitigation.
2. The Metropolitan Council should not subordinate its restrictive covenant interest in the property to the BWSR easement.
3. The Rice Creek North Regional Trail expansion project relies on using the wetland credits created at Rice Creek Chain of Lakes Park Reserve to mitigate the project's wetland impacts.
4. The wetland bank area is consistent with regional park uses and the perpetual conservation easement will protect this area in perpetuity. The placement of a restrictive covenant on 10 acres in another area of the park reserve will afford that site another layer of protection. The exchange of restrictive covenants will indirectly facilitate development of the Rice Creek North Regional Trail. Therefore, the release of the restrictive covenant on the wetland bank area in exchange for the placement of a restrictive covenant on the 10 acre site will benefit the regional parks system.

RECOMMENDATION:

That the Metropolitan Council release the restrictive covenant on 2.7 acres of wetlands depicted in Attachment 1 and described in Attachment 2, in exchange for Anoka County placing a restrictive covenant on the 10 acre property shown in Attachment 5 and described in Attachment 6.

ATTACHMENT 1—REQUEST LETTER FROM ANOKA COUNTY



Anoka County Parks and Recreation

550 Bunker Lake Boulevard NW, Andover, MN 55304

November 20, 2009

Jan Youngquist, Senior Planner – Parks
Metropolitan Council
390 N. Roberts Street
St. Paul, MN 55101

Re: Release of Covenant – Rice Creek Chain of Lakes Park Reserve

Dear Jan:

This letter serves as a request from the Anoka County Parks and Recreation Department to release Metropolitan Council restrictive covenants on 2.7 acres of park land within Chomonix Golf Course located in the Rice Creek Chain of Lakes Park Reserve.

To provide some background information on this project, in 1995 Anoka County created 2.7 acres of wetlands within Chomonix Golf Course. This purpose of the project was to: raise the fairways; increase the ecological diversity and wildlife in the area; improve play on the golf course; and provide wetland credits to use when future parks and trails projects require wetland mitigation. The Rice Creek North Regional Trail expansion project is one such project. To complete this process with Board of Soil and Water Resources (BWSR), the County needs to remove the Metropolitan Council's restrictive covenants from the 2.7 acres and place a BSWR conservation easement on the 2.7 acres of wetlands.

According to the Metropolitan Council's Parks Policy Plan removing those restrictions constitutes a conversion of park land and therefore, those 2.7 acres must be replaced. Anoka County is proposing to replace those 2.7 acres with land of equal recreational and natural resource value within the Rice Creek Chain of Lakes Park Reserve.

The replacement land is located along the southern edge of Rice Lake. This land currently contains undisturbed wetlands and is part of a larger wetland complex. Therefore, Anoka County believes the parcel not only provides equal wetland value, but it also provides a larger more diverse natural resource and recreational value to the citizens in the region. In addition, this will allow Anoka County to construct the Rice Creek North Regional Trail, which will increase the number of recreation opportunities in the region.

Anoka County also requests that the approval process be expedited as much as possible. As referenced above, the Rice Creek North Regional Trail expansion project was one of the future projects the County intended to use the wetland credits for. This \$2,000,000 trail project will

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construct a new bituminous trail that will begin at the Lino Lakes Town Center/YMCA development and traverse through the Rice Creek Chain of Lakes Park Reserve to Rice Lake Elementary. From there it follows existing trails along Birch Street to Ware Road, south to County Road J and west to the intersection of Lexington Avenue and County Road J. See attached trail map for reference.

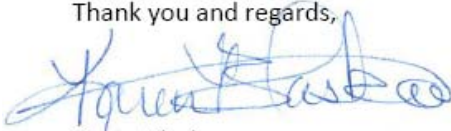
The project requires a bridge over Rice Creek and about 1000' of boardwalk. Ideally construction on the bridge and boardwalk would occur during the winter to allow construction equipment access to the site while the ground is frozen to minimize damage to the site.

The County is in the process of preparing bid documents and will be out for bid on this project in December. Bidding on this project is expected to occur in December with bid award occurring in the beginning of January; the lead time for bridge manufacturing is 8-10 weeks, which would allow construction of the bridge to occur in March while the ground is still frozen. Due to the timing of the project outlined above, Anoka County requests that the approval process for the release of these covenants be expedited.

Enclosed with this letter are maps outlining the park context, the parcels for release of covenant, the replacement land and the Rice Creek North Regional Trail expansion project.

Please let me know if you have any questions or need more information. You can contact me at 763-767-2865 or via e-mail at karen.blaska@co.anoka.mn.us.

Thank you and regards,

A handwritten signature in blue ink, appearing to read 'Karen Blaska', with a stylized flourish at the end.

Karen Blaska
Park Planner/Landscape Architect

ATTACHMENT 2— WETLAND BANK PONDS PROPOSAL TO REMOVE RESTRICTIVE COVENANT

Chomonix Golf Course Land to be replaced



Northern Ponds A, B C & D

Chomonix Golf Course Land to be replaced



Southern Ponds F, G, H & I

**ATTACHMENT 3— LEGAL DESCRIPTION OF WETLAND BANK PONDS
PROPOSAL TO REMOVE RESTRICTIVE COVENANT**

Easement Number 02-01-09-05

**Chomonix Wetland Bank
LEGAL DESCRIPTION**

POND "A"

A perpetual Conservation Easement over, under and across that part of the Northwest Quarter of Section 21, Township 31, Range 22, Anoka County, Minnesota, described as follows:

Commencing at the northwest corner of said Section 21;

thence South 00 degrees 29 minutes 37 seconds East, bearing assumed, along the west line of said Section 21, a distance of 117.52 feet;

thence North 89 degrees 30 minutes 23 seconds East 605.33 feet to the point of beginning of the easement to be described;

thence South 54 degrees 00 minutes 32 seconds West 24.86 feet;

thence South 19 degrees 12 minutes 45 seconds West 16.23 feet;

thence South 03 degrees 17 minutes 29 seconds East 27.49 feet;

thence South 28 degrees 46 minutes 11 seconds East 26.47 feet;

thence South 58 degrees 11 minutes 35 seconds East 20.17 feet;

thence South 37 degrees 34 minutes 40 seconds East 23.20 feet;

thence South 44 degrees 50 minutes 17 seconds East 23.72 feet;

thence South 51 degrees 35 minutes 52 seconds East 23.17 feet;

thence South 52 degrees 12 minutes 08 seconds East 19.42 feet;

thence South 84 degrees 32 minutes 26 seconds East 25.52 feet;

thence North 50 degrees 33 minutes 52 seconds East 32.73 feet;

thence North 14 degrees 20 minutes 25 seconds East 12.29 feet;

thence North 23 degrees 13 minutes 06 seconds West 32.38 feet;

thence North 29 degrees 26 minutes 13 seconds West 38.49 feet;

thence North 35 degrees 41 minutes 43 seconds West 44.68 feet;

thence North 56 degrees 50 minutes 09 seconds West 41.69 feet;

thence North 89 degrees 52 minutes 46 seconds West 31.44 feet to the point of beginning.

PONDS "B" & "D"

A perpetual Conservation Easement over, under and across that part of Government Lot 4, Section 21, Township 31, Range 22, Anoka County, Minnesota described as follows:

Commencing at the West Quarter corner of said Section 21;

thence North 00 degrees 29 minutes 37 seconds West, bearing assumed, along the west line of said Section 21, a distance of 952.61 feet;

thence North 89 degrees 30 minutes 23 seconds East 200.14 feet to the point of beginning of the easement to be described;

thence North 23 degrees 50 minutes 35 seconds East 26.99 feet;

thence North 44 degrees 11 minutes 58 seconds East 21.87 feet;

thence North 63 degrees 46 minutes 20 seconds East 37.54 feet;

thence North 48 degrees 18 minutes 49 seconds East 30.89 feet;

thence North 74 degrees 49 minutes 02 seconds East 24.01 feet;
thence South 81 degrees 37 minutes 15 seconds East 26.21 feet;
thence South 62 degrees 56 minutes 48 seconds East 27.96 feet;
thence South 73 degrees 53 minutes 09 seconds East 31.43 feet;
thence South 62 degrees 40 minutes 58 seconds East 28.29 feet;
thence South 64 degrees 25 minutes 11 seconds East 28.61 feet;
thence South 73 degrees 09 minutes 16 seconds East 27.68 feet;
thence South 48 degrees 17 minutes 29 seconds East 20.41 feet;
thence South 48 degrees 15 minutes 36 seconds East 27.51 feet;
thence South 84 degrees 21 minutes 10 seconds East 29.89 feet;
thence South 89 degrees 51 minutes 19 seconds East 16.15 feet;
thence North 69 degrees 44 minutes 55 seconds East 31.73 feet;
thence North 88 degrees 10 minutes 17 seconds East 38.37 feet;
thence South 66 degrees 19 minutes 55 seconds East 27.93 feet;
thence South 42 degrees 31 minutes 40 seconds East 15.73 feet;
thence South 38 degrees 24 minutes 13 seconds East 22.99 feet;
thence South 45 degrees 46 minutes 18 seconds East 23.65 feet;
thence South 74 degrees 05 minutes 45 seconds East 22.54 feet;
thence South 54 degrees 33 minutes 56 seconds East 31.60 feet;
thence South 40 degrees 50 minutes 43 seconds East 33.49 feet;
thence South 06 degrees 42 minutes 11 seconds East 20.55 feet;
thence South 31 degrees 59 minutes 28 seconds West 35.99 feet;
thence South 62 degrees 18 minutes 00 seconds West 47.25 feet;
thence North 65 degrees 49 minutes 43 seconds West 38.58 feet;
thence North 35 degrees 59 minutes 07 seconds West 39.87 feet;
thence North 25 degrees 46 minutes 01 seconds West 34.32 feet;
thence South 57 degrees 59 minutes 49 seconds West 34.43 feet;
thence South 36 degrees 53 minutes 22 seconds West 8.41 feet;
thence South 47 degrees 47 minutes 33 seconds West 27.45 feet;
thence North 58 degrees 53 minutes 17 seconds West 16.69 feet;
thence North 39 degrees 46 minutes 31 seconds West 24.57 feet;
thence North 41 degrees 19 minutes 32 seconds West 25.52 feet;
thence North 75 degrees 22 minutes 21 seconds West 37.14 feet;
thence North 55 degrees 15 minutes 22 seconds West 37.90 feet;
thence North 58 degrees 17 minutes 49 seconds West 39.19 feet;
thence North 75 degrees 16 minutes 25 seconds West 27.81 feet;
thence South 89 degrees 23 minutes 47 seconds West 16.59 feet;
thence South 67 degrees 50 minutes 35 seconds West 18.97 feet;
thence South 64 degrees 12 minutes 27 seconds West 24.15 feet;
thence South 57 degrees 44 minutes 51 seconds West 23.47 feet;
thence South 53 degrees 15 minutes 29 seconds West 20.27 feet;
thence South 64 degrees 07 minutes 31 seconds West 20.56 feet;
thence South 84 degrees 23 minutes 52 seconds West 30.20 feet;
thence North 85 degrees 08 minutes 51 seconds West 30.68 feet;
thence North 75 degrees 17 minutes 04 seconds West 13.99 feet;
thence North 06 degrees 23 minutes 49 seconds West 14.69 feet;

thence North 14 degrees 41 minutes 56 seconds West 29.37 feet;
thence North 04 degrees 44 minutes 10 seconds East 42.08 feet to the point of beginning.

POND "C"

A perpetual Conservation Easement over, under and across that part of Government Lot 4, Section 21, Township 31, Range 22, Anoka County, Minnesota described, as follows:

Commencing at the West Quarter corner of said Section 21;

thence North 00 degrees 29 minutes 37 seconds West, bearing assumed, along the west line of said Section 21, a distance of 673.65 feet;

thence North 89 degrees 30 minutes 23 seconds East 304.62 feet to the point of beginning of the easement to be described;

thence North 42 degrees 47 minutes 00 seconds East 30.33 feet;

thence North 67 degrees 27 minutes 10 seconds East 36.03 feet;

thence North 88 degrees 57 minutes 28 seconds East 30.70 feet;

thence South 72 degrees 44 minutes 30 seconds East 37.76 feet;

thence South 87 degrees 50 minutes 11 seconds East 31.50 feet;

thence South 85 degrees 08 minutes 07 seconds East 35.49 feet;

thence North 63 degrees 02 minutes 00 seconds East 29.47 feet;

thence North 38 degrees 36 minutes 04 seconds East 23.21 feet;

thence North 41 degrees 54 minutes 22 seconds East 13.00 feet;

thence South 54 degrees 48 minutes 27 seconds East 11.89 feet;

thence South 27 degrees 52 minutes 30 seconds East 28.85 feet;

thence South 34 degrees 48 minutes 07 seconds East 11.92 feet;

thence South 11 degrees 42 minutes 42 seconds East 16.20 feet;

thence South 17 degrees 31 minutes 26 seconds West 22.49 feet;

thence South 00 degrees 56 minutes 18 seconds East 27.32 feet;

thence South 38 degrees 12 minutes 41 seconds West 24.34 feet;

thence South 62 degrees 35 minutes 56 seconds West 24.61 feet;

thence South 67 degrees 57 minutes 53 seconds West 17.81 feet;

thence South 82 degrees 53 minutes 02 seconds West 37.90 feet;

thence North 55 degrees 08 minutes 50 seconds West 23.38 feet;

thence North 06 degrees 34 minutes 15 seconds West 28.62 feet;

thence North 30 degrees 19 minutes 47 seconds West 36.73 feet;

thence South 80 degrees 20 minutes 12 seconds West 45.61 feet;

thence South 78 degrees 17 minutes 33 seconds West 40.59 feet;

thence South 87 degrees 07 minutes 07 seconds West 22.67 feet;

thence North 73 degrees 49 minutes 05 seconds West 21.81 feet;

thence North 08 degrees 27 minutes 54 seconds West 23.91 feet to the point of beginning.

POND "E"

A perpetual Conservation Easement over, under and across that part of Government Lot 4, Section 21, Township 31, Range 22, Anoka County, Minnesota, described as follows:

Commencing at the West Quarter corner of said Section 21;
thence North 00 degrees 29 minutes 37 seconds West, bearing assumed, along the west line of said Section 21, a distance of 955.83 feet;
thence North 89 degrees 30 minutes 23 seconds East 728.34 feet to the point of beginning of the easement to be described;
thence North 38 degrees 45 minutes 26 seconds East 26.50 feet;
thence North 76 degrees 23 minutes 47 seconds East 27.59 feet;
thence South 86 degrees 28 minutes 14 seconds East 16.75 feet;
thence South 58 degrees 40 minutes 19 seconds East 19.60 feet;
thence South 31 degrees 39 minutes 00 seconds East 36.47 feet;
thence South 24 degrees 28 minutes 16 seconds East 41.45 feet;
thence South 16 degrees 19 minutes 12 seconds West 47.13 feet;
thence South 76 degrees 07 minutes 48 seconds West 32.43 feet;
thence North 64 degrees 33 minutes 10 seconds West 39.10 feet;
thence North 26 degrees 53 minutes 40 seconds West 33.64 feet;
thence North 15 degrees 17 minutes 54 seconds West 24.09 feet;
thence North 17 degrees 53 minutes 45 seconds West 37.63 feet to the point of beginning.

POND "F"

A perpetual Conservation Easement over, under and across that part of the Northeast Quarter of the Southeast Quarter and of Government Lot 8, all in Section 20, Township 31, Range 22, Anoka County, Minnesota, described as follows:

Commencing at the East Quarter corner of said Section 20;
thence North 89 degrees 52 minutes 51 seconds West, bearing assumed, along the east-west quarter line of said Section 20, a distance of 710.11 feet;
thence South 00 degrees 07 minutes 09 seconds West 1173.79 feet to the point of beginning of the easement to be described;
thence South 77 degrees 03 minutes 40 seconds East 37.49 feet;
thence South 41 degrees 39 minutes 19 seconds East 32.84 feet;
thence South 39 degrees 13 minutes 50 seconds East 22.70 feet;
thence South 41 degrees 15 minutes 11 seconds East 14.07 feet;
thence South 54 degrees 13 minutes 13 seconds East 34.75 feet;
thence South 38 degrees 36 minutes 36 seconds East 36.60 feet;
thence South 01 degrees 58 minutes 51 seconds West 44.04 feet;
thence South 41 degrees 32 minutes 26 seconds West 56.13 feet;
thence South 67 degrees 35 minutes 26 seconds West 47.87 feet;
thence South 83 degrees 54 minutes 17 seconds West 18.54 feet;
thence North 40 degrees 07 minutes 32 seconds West 44.53 feet;
thence North 00 degrees 34 minutes 29 seconds East 39.26 feet;
thence North 28 degrees 07 minutes 59 seconds East 29.11 feet;
thence North 10 degrees 26 minutes 29 seconds West 20.40 feet;
thence North 51 degrees 16 minutes 05 seconds West 19.96 feet;
thence North 78 degrees 19 minutes 28 seconds West 24.03 feet;
thence North 66 degrees 50 minutes 28 seconds West 28.52 feet;
thence North 23 degrees 18 minutes 55 seconds East 22.21 feet;

thence South 27 degrees 40 minutes 17 seconds East 29.19 feet;
thence South 17 degrees 14 minutes 11 seconds East 36.05 feet;
thence South 02 degrees 13 minutes 44 seconds East 28.61 feet;
thence South 06 degrees 56 minutes 20 seconds West 31.92 feet;
thence South 35 degrees 26 minutes 50 seconds West 42.18 feet;
thence South 46 degrees 44 minutes 05 seconds West 49.03 feet;
thence South 41 degrees 25 minutes 26 seconds West 45.33 feet;
thence South 46 degrees 22 minutes 37 seconds West 37.69 feet;
thence South 52 degrees 48 minutes 26 seconds West 37.36 feet;
thence South 68 degrees 54 minutes 30 seconds West 26.98 feet;
thence North 71 degrees 42 minutes 41 seconds West 22.01 feet;
thence North 50 degrees 03 minutes 44 seconds West 15.67 feet;
thence North 22 degrees 47 minutes 10 seconds West 22.87 feet;
thence North 19 degrees 27 minutes 17 seconds East 40.73 feet;
thence North 33 degrees 47 minutes 37 seconds East 41.34 feet;
thence North 46 degrees 44 minutes 20 seconds East 42.65 feet;
thence North 58 degrees 19 minutes 07 seconds East 46.13 feet;
thence North 29 degrees 22 minutes 29 seconds East 44.09 feet;
thence North 13 degrees 18 minutes 06 seconds East 43.09 feet;
thence North 29 degrees 49 minutes 17 seconds East 42.76 feet to the point of beginning.

POND "I"

A perpetual Conservation Easement over, under and across that part of Government Lot 7, Section 20 and Government Lot 1, Section 29, all in Township 31, Range 22, Anoka County, Minnesota, described as follows:

Commencing at the East Quarter corner of said Section 20;

thence North 89 degrees 52 minutes 51 seconds West, bearing assumed, along the east-west quarter line of said Section 20, a distance of 1366.84 feet;

thence South 00 degrees 07 minutes 09 seconds West 2482.91 feet to the point of beginning of the easement to be described;

thence South 53 degrees 18 minutes 00 seconds East 39.39 feet;

thence South 21 degrees 55 minutes 23 seconds East 18.91 feet;

thence South 07 degrees 26 minutes 08 seconds West 46.75 feet;

thence South 34 degrees 17 minutes 14 seconds West 27.61 feet;

thence South 49 degrees 29 minutes 47 seconds West 34.50 feet;

thence South 60 degrees 47 minutes 34 seconds West 37.04 feet;

thence South 45 degrees 41 minutes 24 seconds West 42.02 feet;

thence South 48 degrees 10 minutes 30 seconds West 44.04 feet;

thence South 49 degrees 58 minutes 57 seconds West 35.05 feet;

thence South 29 degrees 13 minutes 39 seconds West 37.38 feet;

thence South 08 degrees 11 minutes 50 seconds West 33.08 feet;

thence South 28 degrees 30 minutes 39 seconds West 37.07 feet;

thence South 37 degrees 04 minutes 21 seconds West 28.22 feet;

thence South 61 degrees 51 minutes 23 seconds West 50.85 feet;

thence North 57 degrees 30 minutes 33 seconds West 19.11 feet;

thence North 28 degrees 58 minutes 02 seconds West 4.24 feet;

thence North 59 degrees 34 minutes 10 seconds East 25.79 feet;
thence North 42 degrees 02 minutes 42 seconds East 23.40 feet;
thence North 12 degrees 49 minutes 22 seconds East 13.53 feet;
thence North 26 degrees 23 minutes 56 seconds East 5.17 feet to the point of beginning.

POND "G"

A perpetual Conservation Easement over, under and across that part of Government Lot 8, Section 20, Township 31, Range 22, Anoka County, Minnesota, described as follows:

Commencing at the East Quarter corner of said Section 20;
thence North 89 degrees 52 minutes 51 seconds West, bearing assumed, along the east-west quarter line of said Section 20, a distance of 979.49 feet;
thence South 00 degrees 07 minutes 09 seconds West 1860.55 feet to the point of beginning of the easement to be described;
thence South 66 degrees 07 minutes 48 seconds East 24.50 feet;
thence South 36 degrees 27 minutes 55 seconds East 25.94 feet;
thence South 02 degrees 05 minutes 56 seconds West 21.20 feet;
thence South 36 degrees 13 minutes 57 seconds West 14.02 feet;
thence South 57 degrees 29 minutes 02 seconds West 20.49 feet;
thence South 58 degrees 33 minutes 34 seconds West 27.31 feet;
thence South 35 degrees 29 minutes 32 seconds West 25.00 feet;
thence South 03 degrees 41 minutes 15 seconds West 37.28 feet;
thence South 04 degrees 49 minutes 31 seconds East 31.94 feet;
thence South 17 degrees 09 minutes 01 seconds West 16.22 feet;
thence South 73 degrees 35 minutes 36 seconds West 16.20 feet;
thence South 72 degrees 27 minutes 04 seconds West 7.05 feet;
thence North 86 degrees 21 minutes 21 seconds West 27.34 feet;
thence North 58 degrees 33 minutes 41 seconds West 22.84 feet;
thence North 11 degrees 43 minutes 48 seconds West 32.22 feet;
thence North 22 degrees 50 minutes 26 seconds East 44.43 feet;
thence North 32 degrees 40 minutes 21 seconds East 33.62 feet;
thence North 08 degrees 26 minutes 23 seconds East 31.24 feet;
thence North 13 degrees 00 minutes 45 seconds East 19.26 feet;
thence North 49 degrees 20 minutes 58 seconds East 39.84 feet;
thence North 72 degrees 29 minutes 57 seconds East 33.42 feet to the point of beginning.

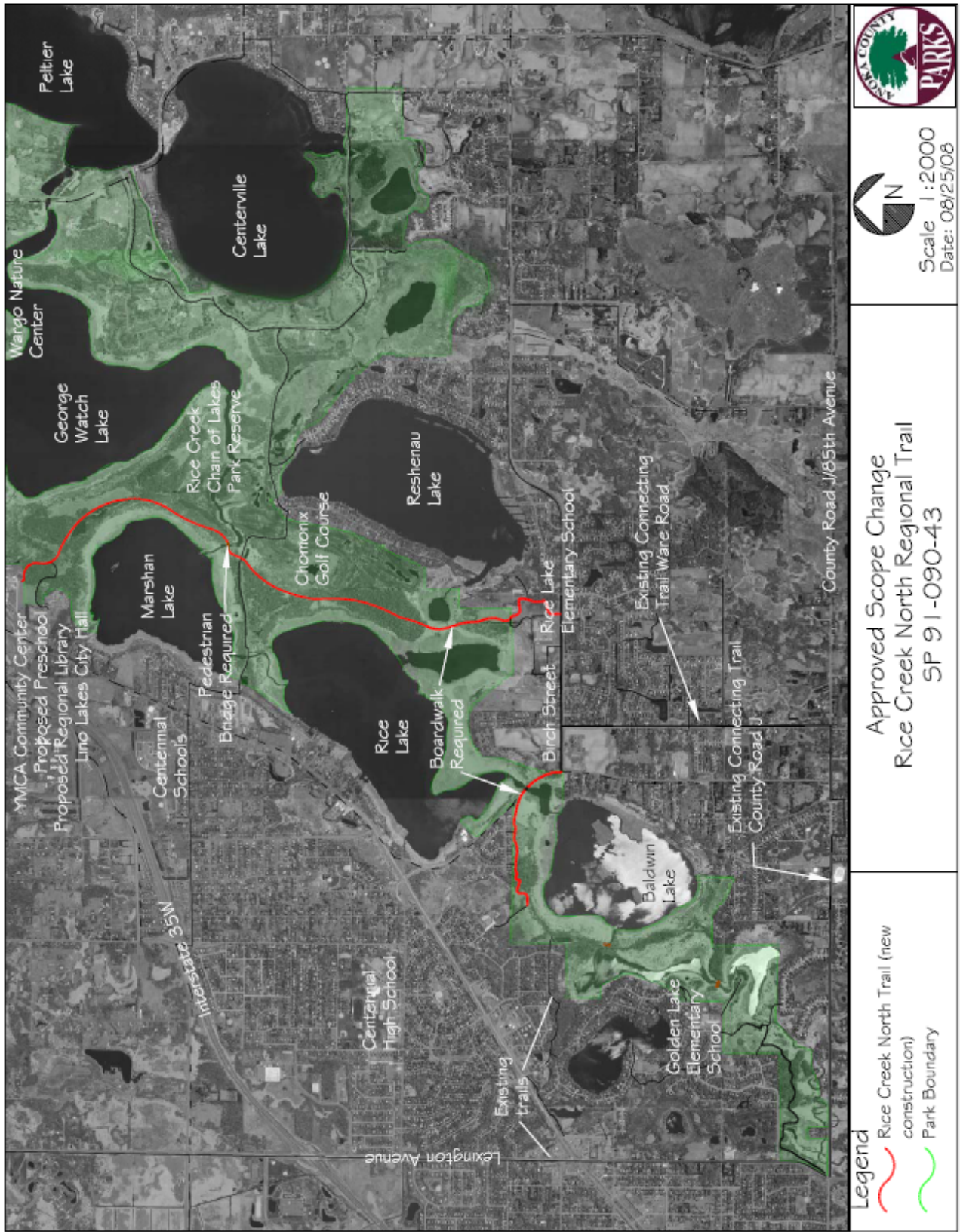
POND "H"

A perpetual Conservation Easement over, under and across that part of Government Lot 7 and Government Lot 8, all in Section 20, Township 31, Range 22, Anoka County, Minnesota, described as follows:

Commencing at the East Quarter corner of said Section 20;
thence North 89 degrees 52 minutes 51 seconds West, bearing assumed, along the east-west quarter line of said Section 20, a distance of 1184.59 feet;
thence South 00 degrees 07 minutes 09 seconds West 2203.28 feet to the point of beginning of the easement to be described;
thence South 88 degrees 25 minutes 17 seconds East 32.98 feet;



thence North 22 degrees 34 minutes 07 seconds West 17.23 feet;
thence North 00 degrees 51 minutes 55 seconds West 61.42 feet;
thence North 08 degrees 01 minutes 10 seconds East 41.83 feet;
thence North 41 degrees 56 minutes 52 seconds East 34.45 feet;
thence North 59 degrees 14 minutes 20 seconds East 42.16 feet;
thence North 44 degrees 47 minutes 07 seconds East 41.13 feet;
thence North 30 degrees 52 minutes 41 seconds East 42.27 feet;
thence North 20 degrees 25 minutes 29 seconds East 40.52 feet;
thence North 42 degrees 45 minutes 41 seconds East 38.23 feet;
thence North 50 degrees 58 minutes 28 seconds East 45.39 feet;
thence North 46 degrees 52 minutes 42 seconds East 39.16 feet;
thence North 76 degrees 20 minutes 56 seconds East 40.94 feet to the point of beginning.

ATTACHMENT 4—RICE CREEK NORTH REGIONAL TRAIL EXPANSION



**ATTACHMENT 5— LOCATION OF RESTRICTIVE COVENANT EXCHANGE
REPLACEMENT SITE**



- Legend
-  Park Boundary
 -  Replacement Land (12 acres)

Rice Creek Chain of Lakes Park Reserve
Replacement Land



**ATTACHMENT 6— LEGAL DESCRIPTION OF RESTRICTIVE COVENANT EXCHANGE
REPLACEMENT SITE**

November 23, 2009

Rice Creek Chain of Lakes Park Reserve

That part of Government Lot 5, Section 30, Township 31, Range 22, Anoka County, Minnesota, lying northerly and easterly of the following described line:

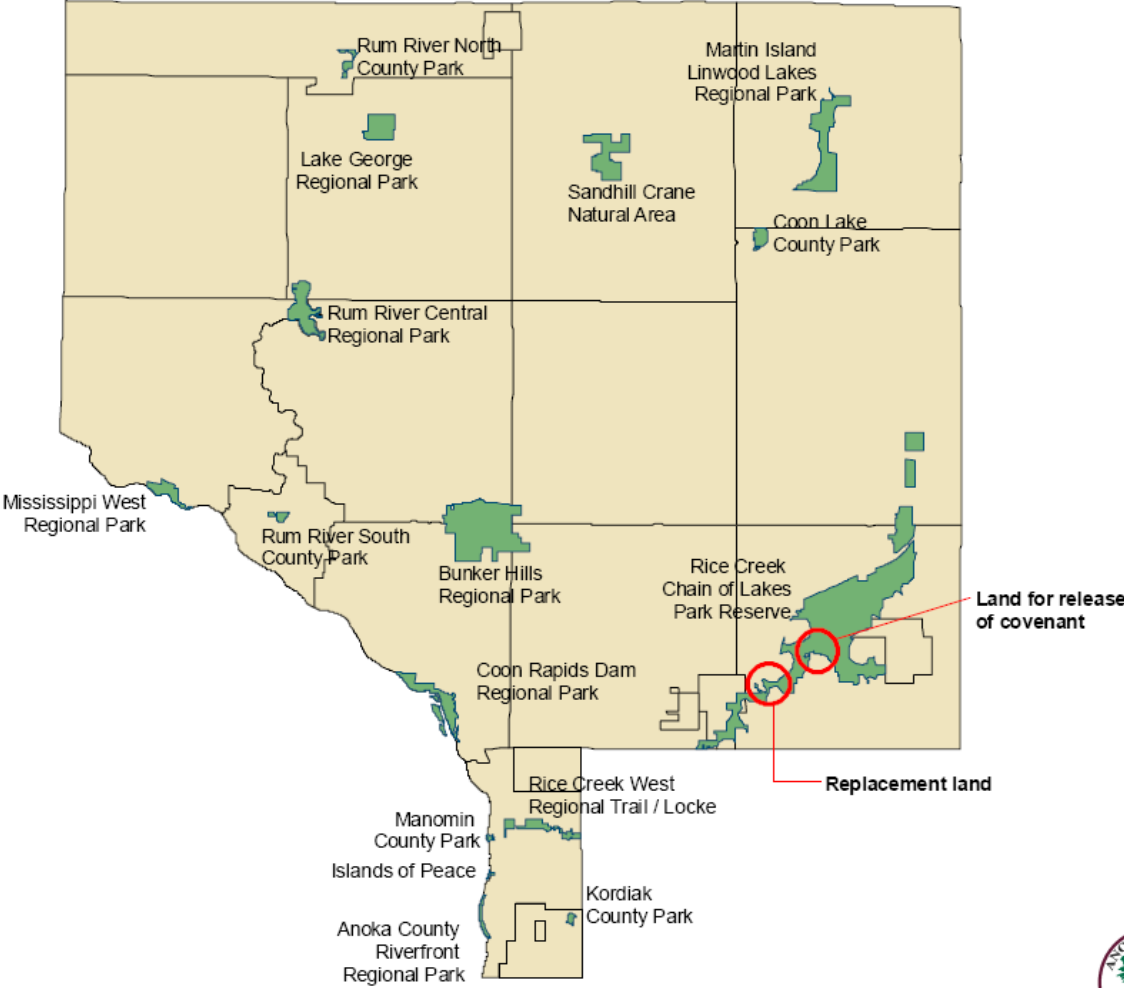
Beginning at the northeast corner of Lot 19, Block 1, SPIRIT HILLS, Anoka County, Minnesota; thence southwesterly, along the north line of said Block 1, SPIRIT HILLS, to the northwest corner of Lot 14 of said Block 1, SPIRIT HILLS, thence northerly, parallel with the east line of said Government Lot 5, to the southerly shore line of Rice Lake and said line there terminating.

Containing 10 acres, more or less.

P.I.N. 30-31-22-14-0002

ATTACHMENT 7—LOCATION OF RESTRICTIVE COVENANT EXCHANGE SITES

Anoka County Regional and County Park System



Release of Covenant Request

