

**E** Environment Committee  
**Meeting date: January 12, 2010**

**For the Metropolitan Council Meeting of January 27, 2010**

**ADVISORY INFORMATION**

<b>Date:</b>	December 18, 2009
<b>Subject:</b>	Declaration of Property No Longer Needed for MCES Purposes and Authorization to Convey to Minnesota Department of Natural Resources, Subject to Reservation of Sanitary Sewer Easements
<b>District(s), Member(s):</b>	District 16 - Wendy Wulff
<b>Policy/Legal Reference:</b>	Minnesota Statutes § 473.504 Subd. 11
<b>Staff Prepared/Presented:</b>	Jim Roth, 651-602-1123; Bryce Pickart, 651-602-1091
<b>Division/Department:</b>	MCES, c/o William G. Moore, General Manager 651-602-1162

**Proposed Action:**

That the Metropolitan Council declares that the fee title for Parcel 35, Empire Outfall Pipe, MCES Project 800920, is no longer required for accomplishment of the purposes of the Metropolitan Council and authorizes the Regional Administrator to execute the documents to convey the fee title to Parcel 35 to the Minnesota Department of Natural Resources (DNR) reserving to the Council the permanent easements necessary for the Empire Outfall Pipe Project, MCES Project 800920.

**Background**

In 2004, the MCES Empire Outfall Pipe Project called for permanent and temporary easements on a parcel of land identified as Parcel 35 which consists of approximately 23 acres of mainland and islands adjacent to and in the Mississippi River in Dakota County. An offer was made to the property owner - Wells Fargo Bank as Trustee for two Gores Family Trusts. The Gores Family Trusts actually owned a total of 84 acres of mainland and islands adjacent to Parcel 35, including the 23 acres of Parcel 35. Rather than convey just the permanent and temporary easements to the Council, the Trustee offered to donate all 84 acres to the Council. On June 30, 2004, the Council accepted the donation of all 84 acres.

Metropolitan Council agreed to accept the land with the intention of donating it to Dakota County for an expansion of the Spring Lake Regional Park. Such a transfer would be within the Council's powers and in accord with its regional parks system plan. The Metropolitan Council approved the transfer at its September 8, 2004 meeting (Business Item 2004-301). Dakota County subsequently determined that the subject property would best be placed under the jurisdiction of the DNR as part of the Mississippi River Waterway and requested Council to transfer the property to the DNR. DNR has agreed to the transfer and has stated its intentions to manage the property as part of the Spring Lake Wildlife Management Area.

**Rationale**

The declaration of property no longer needed has previously been approved by the Council. This action changes the government agency to which the property is donated.

**Funding**

The conveyance of the donated property to the DNR would be at no cost and would be subject to a reservation to the Metropolitan Council of the permanent sanitary sewer easements necessary for the Empire Outfall Pipe Project, MCES Project 800920.

**Known Support / Opposition**

No opposition is known at this time.