

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

DATE: November 4, 2008

TO: Metropolitan Parks and Open Space Commission

FROM: Arne Stefferud, Planning Analyst-Parks (651-602-1360)

SUBJECT: (2008-314) Acquisition Opportunity Grant request to purchase land for Above the Falls Regional Park, Minneapolis Park & Recreation Board

INTRODUCTION

The Minneapolis Park & Recreation Board (MPRB) has negotiated the acquisition of four parcels in two locations that are owned by one owner (Galka) that total 0.52 acre and includes 100 feet of shoreline on the Mississippi River in Above the Falls Regional Park. The seller is donating two of the parcels at 13th Ave. NE, so the MPRB is requesting a Park Acquisition Opportunity Grant for the remaining two parcels located at 1808 and 1812 Marshall Street NE. The total cost of the acquisition and related expenditures for these parcels is \$186,227—not \$190,176 stated in the MPRB request letter. The lower total is due to the fact that the Property Tax Equivalency Payment listed in the letter was incorrect. The correct amount is \$827—not \$4,976 for all four parcels. The corrected amount is based on the stipulation that MS 473.341 requires 180% of the city or township taxes due on land acquired for the Regional Park System to be paid as a property tax equivalency payment. Therefore 180% of the property taxes due to the City of Minneapolis only—not other taxes payable to Hennepin County and the Minneapolis School District for the Marshall Street NE parcels and the 13th Ave. NE parcels was used to calculate the correct Property Tax Equivalency Payment amount.

Due to the corrected total cost of \$186,227 for the acquisition of the Marshall Street NE parcels and the tax equivalency payment on the 13th Ave. NE parcels, the MPRB requests 75% of that cost (\$139,670) to acquire the parcels from the Park Acquisition Opportunity Fund (hereafter called “Fund”) (See **Attachment 1**, letter from Judd Reitkerk).

This memorandum analyzes this request against the rules for Park Acquisition Opportunity Fund grants for the period July 1, 2008 to June 30, 2009. It recommends approving a grant of \$139,670 to help acquire the Marshall Street NE parcels.

An additional \$1.5 million of Environment and Natural Resources Trust Fund revenue was added to the Fund shortly after July 1 based on the recently approved Laws of MN 2008 Chapter 367, Section 2, Subd. 3(i) appropriation as recommended by the Legislative Citizens Commission on Minnesota Resources. If \$139,670 is granted for the Marshall Street NE parcels and the tax equivalency payments on all four parcels, there would be \$2,461,012 remaining in the Fund for future land acquisitions. This grant complies with the Park Acquisition Opportunity Fund grant rule limit of \$1.7 million per agency for the period from July 1, 2008 to June 30, 2009. The MPRB could request other grants totaling \$1,560,330 from the Fund for other acquisitions if sufficient revenue was in the Fund during this period.

AUTHORITY TO REVIEW

Minnesota Statute Section 473.315 authorizes the, “Metropolitan Council, with the advice of the Metropolitan Parks and Open Space Commission, to make grants from any funds available to it for recreation open space purposes to any municipality, county or Park District located wholly or partially within

the metropolitan area to cover the cost, or any portion of the cost, of acquiring or developing regional recreation open space in accordance with the *Regional Recreation Open Space Policy Plan*".

BACKGROUND

The MPRB is obtaining a total of four parcels in two locations from one seller (Galka). The parcels are inholdings in the Above the Falls Regional Park. Two parcels are located adjacent to 13th Ave, NE next to Sheridan Memorial Park and comprise 6,900 sq. ft (0.15 acre). The address of this land is 9/15 13th Ave. NE. This land is being donated to the MPRB. The other two parcels are located at 1808 and 1812 Marshall Street NE and comprise 15,800 sq. ft. (0.36 acre). Figure 1 illustrates the location of these parcels in relation to the park's master plan.

Appraisals were completed on the parcels in May and after negotiations with the seller, the Park Board and seller agreed that the 9/15 13 Ave. NE parcels would be donated and that the parcels at 1808 and 1812 Marshall Ave. NE would be acquired for \$176,000.

Photos of the parcels are shown in Figures 2 and 3.

Figure 2: 9/15 13th Ave. NE parcels to be donated



Figure 3: 1808 and 1812 Marshall St. NE parcels to be purchased



ANALYSIS

Here are the costs associated with the purchase of the 1808 and 1812 Marshall St. NE parcels:

Purchase Price for 1808 and 1812 Marshall St. NE	\$ 176,000
MPRB Appraisal costs	\$ 2,400
MPRB Legal costs	\$ 2,500
Closing costs	\$ 3,000
Surveying costs	\$ 1,500
Property Tax Equivalency Payment required by law (180% of property taxes due to City of Minneapolis on all four parcels. Amount in MPRB letter was incorrect as it was based on all property taxes—not just those to City of Minneapolis)	\$ 827
Total:	\$186,227

The MPRB proposes to finance the acquisition with the following revenue sources:

Metropolitan Council Park Acquisition Opportunity Fund (75%)	\$ 139,670
<u>MPRB funds (25%)</u>	<u>\$ 46,557</u>
Total	\$ 186,227

Background on Park Acquisition Opportunity Fund

The Park Acquisition Opportunity Fund is comprised of two accounts. One account is used to buy raw land with high natural resource values and is funded with Environment and Natural Resources Trust Fund revenue (ENRTF) and Metropolitan Council bonds. This account known as the State Acquisition Grant Account currently includes \$1.5 million of ENRTF revenue that was appropriated in the 2008 Legislative Session and is matched with \$1 million of Metropolitan Council bonds for a total of \$2.5 million. The grant for the Marshall Street NE parcels and the tax equivalency payment on the 13th Ave. NE parcels would be financed from this account since only land including a portion of Mississippi River shoreline is being acquired.

The second account is called the Metro Council Acquisition Grant Account (also known as the Land Acquisition Opportunity Account). It is comprised of Metropolitan Council bonds only. This account is used to buy land that includes houses and other structures. This account is projected to have a balance of \$100,682 if two grants to Three Rivers Park District for parcels at Lake Rebecca Park Reserve are approved by the Metropolitan Council on November 12. The projected balance for both accounts in the Fund is \$2,600,682 if the grants to the Park District are approved on November 12.

The Metropolitan Council has granted \$12,714,539 from the Fund to partially finance the acquisition of 1,729 acres. as shown in **Attachment 2**.

Based on the grants approved to-date and assuming the Council will approve the two grants to Three Rivers Park District on November 12, the updated balance of the Fund is \$2,600,682 as shown in Table 1 below.

Table 1: Projected Balance to Park Acquisition Opportunity Fund assuming grants to Three Rivers Park District are approved on November 12, 2008

\$2,400,000	Original amount in Park acquisition Opportunity Fund
\$3,357,000	Additional Council bonds added to Fund in June 2003
\$340,334	Additional Council bonds added that were not needed to match State funds for natural resource restoration grants. Added in December 2003
\$15,362	Additional funds added from closed grants as part of amendment to 2005 Unified Capital Budget on May 11, 2005
\$3,000,000	Additional Council bonds authorized to be added to Fund in July 2006
\$2,500,000	ENRTF appropriation added in July 2007
\$3,000,000	Additional Council bonds authorized to be added to Fund on December 12, 2007
\$1,500,000	ENRTF appropriation added in July 2008
\$16,112,696	Total funds provided over time
-\$12,714,539	Granted as of September 25, 2008 (For details see Attachment 2)
-\$ 304,725	Proposed grant to Three Rivers Park District for Baudin parcel at Lake Rebecca Park Reserve—pending Metro Council consideration on November 12, 2008
-\$ 492,750	Proposed grant to Three Rivers Park District for Westerlund parcel at Lake Rebecca Park Reserve—pending Metro Council consideration on November 12, 2008

Rules for distributing grants from Park Acquisition Opportunity Fund

On June 25, 2008 the Metropolitan Council adopted rules that govern the distribution of grants from the Fund for the period from July 1, 2008 to June 30, 2009. Those rules are indicated below in italic font. The following findings indicate that these rules have been met for the MPRB request to acquire the Marshall Street NE parcels for Above the Falls Regional Park.

A. Grants from the Park Acquisition Opportunity Fund may only be awarded to finance a portion of the cost to acquire land within Metropolitan Council-approved master plan boundaries, and only after the requesting regional park implementing agency has used available acquisition grant funds previously provided by the Metropolitan Council.

The MPRB request is consistent with this rule because the land in question is within the Metropolitan Council-approved master plan boundary for Above the Falls Regional Park. Plus, the MPRB does not have acquisition grant funds previously provided by the Metropolitan Council to finance this acquisition.

B. Any interest cost on a contract for deed or other timed payment plan is not eligible for grant funding. The value of a discounted sale (i.e. the difference between the appraised value and a reduced sale price) is not counted as part of the cost to acquire land and is not included as part of a local match to the grant.

There is one transaction proposed to purchase the land. The purchase price is the negotiated price between buyer and seller based on a certified appraisal for the land.

C. Grants from the Park Acquisition Opportunity Fund may finance a portion of the actual cost to acquire land after deducting any Metropolitan Council grants and other grants used to finance a portion of the cost as follows:

The Park Acquisition Opportunity Fund Grant finances 75% of the net cost of acquiring the land which is defined as the purchase price—not the appraised value; legal fees, appraisal costs and other closing costs incurred by the park agency; the property tax equivalency payment due to the city or township; and stewardship costs.

A contribution of 25% of the net cost of acquiring the land up to \$567,000 that is financed by regional park implementing agency funds or other sources is not eligible for reimbursement consideration by the Metropolitan Council. Seventy-five percent (75%) of a contribution above \$567,000 that is financed with regional park implementing agency funds only is eligible for reimbursement consideration by the Metropolitan Council.

The MPRB request is \$139,670 which is 75% of the \$186,227 cost to acquire the Marshall Street NE parcels and pay the tax equivalency payment on the 13th Ave. NE parcels. The MPRB will provide \$46,557 as a 25% non-reimbursable match to the Council's grant. The grant request and match to the Council's grant is consistent with this rule.

The maximum grant(s) available to a park agency is \$1.7 million during this time period.

Assuming up to \$139,670 is granted the MPRB could request other grants totaling \$1,560,330 from the Fund for other acquisitions if sufficient revenue was in the Fund during the July 2008 to June 2009 period.

Status of remaining Park Acquisition Opportunity Funds

If \$139,670 was granted for the MPRB on December 10, and the Metropolitan Council approved two grants to Three Rivers Park District for parcels at Lake Rebecca Park Reserve on November 12, there would be \$2,461,057 remaining for future acquisition opportunities as shown in Table 2.

Table 2: Updated Balance to Park Acquisition Opportunity Fund if grant is awarded for parcels at Above the Falls Regional Park

\$3,398,157	Balance of Acquisition Opportunity Fund as of September 25, 2008 (For details see Table 2 above)
-\$304,725	Proposed grant for Bauduin parcel at Lake Rebecca Park Reserve on Nov. 12, 2008
-\$492,750	Proposed grant for Westerlund parcel at Lake Rebecca Park Reserve on Nov. 12, 2008
-\$139,670	Proposed grant for Galka parcels at Above the Falls Regional Park on Dec. 10, 2008.
\$2,461,012	Balance if grant awarded for parcels

This acquisition grant is only for vacant land. Therefore the State Acquisition Grant Account comprised of \$1.5 million of Environment and Natural Resources Trust Fund revenue and \$1 million of Metropolitan Council bonds can be used. The State Acquisition Grant Account would have a new balance of \$2,360,330 as shown in Table 3.

Table 3: Updated Balance to State Acquisition Grant Account in Fund if grant is awarded for parcels at Above the Falls Regional Park

\$ 2,500,000	Balance in Account prior to awarding grant
-\$ 139,670	Proposed grant for Marshall Street NE parcels and 13 th Ave. NE parcels at Above the Falls Regional Park
\$2,360,330	Approximate Balance if grant awarded for parcels

CONCLUSION

1. The Minneapolis Park & Recreation Board's request of \$139,670 in Park Acquisition Opportunity Funds to purchase the parcels at 1808 and 1812 Marshall St. NE and pay the tax equivalency payment on the 13th Ave. NE parcels for Above the Falls Regional Park, is consistent with the rules for receiving a grant from the Park Acquisition Opportunity Fund.
2. The State Acquisition Grant Account should be used to finance the grant since only land is being acquired.

RECOMMENDATION

That the Metropolitan Council authorize a grant of \$139,625 from the State Acquisition Grant Account in the Park Acquisition Opportunity Fund to the Minneapolis Park & Recreation Board to partially finance the acquisition of 1808 and 1812 Marshall Street NE and the tax equivalency payment for the 13th Ave. NE parcels as part of Above the Falls Regional Park. The grant will be financed with \$83,802 from the 2008 Environment and Natural Resources Trust Fund appropriation and \$55,868 of Metropolitan Council bonds.

Attachment 1: Letter from Judd Reitkerk



**Minneapolis
Park and Recreation
Board**

Administrative Offices
2117 West River Road
Minneapolis, MN 55411-2227
Phone: 612-230-6400
Fax: 612-230-6500

Operations Center
3800 Bryant Avenue South
Minneapolis, MN 55409-1000
Phone: 612-370-4900
Fax: 612-370-4831

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www.minneapolisparcs.org

November 3, 2008

Mr. Arne Stefferud
Planning Analyst – Parks
390 Robert Street North
St. Paul, Minnesota 55101-1805

Subject: Acquisition Opportunity Grant Request - Above the Falls Regional Park

Dear Mr. Stefferud:

On behalf of the Minneapolis Park and Recreation Board, I am writing to request the Metropolitan Council's consideration of funding assistance for acquisition of park land within the Above the Falls Regional Park.

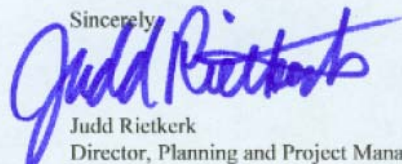
The Park Board has negotiated the purchase of two parcels along the east side of the Mississippi River. These parcels are located at 1808 and 1812 Marshall Street NE comprising of 15,800 square feet and 100 lineal feet of shoreline. These parcels are undeveloped and are key acquisitions for riverbank and open space protection within the Above the Falls park area. The parcels are owned by one individual and the Park Board has negotiated a purchase price based on appraisals from May of 2008. The combined appraised value of the two parcels is \$118,000. After significant negotiations and mutual agreement, the Park Board has agreed to a purchase price of \$176,000

In addition, there are two parcels located along 13th Ave NE, within Sheridan Memorial Park, comprising of approximately 6,900 square feet. There is a good chance that the owner will likely donate these to the Park Board. These parcels are key acquisitions to the park's entrance.

The Minneapolis Park and Recreation Board is requesting funding assistance through the Acquisition Opportunity Grant Program under the "75% Met Council/25% Local Match" rules. Under these rules, we are requesting an Acquisition Opportunity Grant in the amount of \$142,782 based on the 75% of the total estimated costs (see below). The Park Board acknowledges that the local match portion is non-reimbursable through the Regional Park CIP and will fund the local 25% match through its own local resources. Below is an estimated acquisition cost for the identified parcels:

Purchase Price (1808/1812 Marshall Street NE)	\$ 176,000
Appraisals	\$ 2,400
Legal	\$ 2,500
Survey	\$ 1,500
Property Tax (180%)	\$ 4,976
Closing Costs	\$ 3,000
Total related Acquisition Costs	\$ 190,376

I would like to thank the Metropolitan Parks and Open Space Commission and the Metropolitan Council for consideration of this request. As a result of your past support, the Park Board has provided the citizens of the metropolitan area with one-of-the best regional park systems in the county. We are proud to continue that tradition.

Sincerely

Judd Reitkerk
Director, Planning and Project Management

Enclosures

Attachment 2: Park Acquisition Opportunity Fund Grants approved as of Sept. 25, 2008

Amount Granted	Park Agency	Project Description
\$99,966	Dakota County	Acquire Wasserman and Klink parcels at Spring Lake Park Reserve. Dakota County eligible for reimbursement consideration up to \$180,882 in a future regional parks CIP. Approved November 15, 2001.
\$521,000	Mpls. Park & Rec. Board	Acquire 3.3 acres (Parcel B of Riverview Supper Club site) as part of "Above the Falls—Master Plan for the Upper River in Minneapolis". Other matching funds were from federal grant and watershed district. Approved April 24, 2002.
\$731,200	Three Rivers Park District	Fund a portion of the costs to acquire Silver Lake SRF, which was acquired in September 2001 after 2002-03 CIP was adopted. Remaining costs eligible for reimbursement consideration in future regional parks CIP. Approved April 24, 2002.
\$140,000	Ramsey County	Acquire permanent trail easement on Burlington Northern/Santa Fe railroad right of way for the Bruce Vento Regional Trail. Ramsey County eligible for reimbursement consideration up to \$35,000 in a future regional parks CIP. That reimbursement was part of the funded 2004-05 CIP. Approved August 14, 2002.
\$500,000	Washington County	Acquire three parcels totaling 27.4 acres at an estimated cost of \$1.87 million in Big Marine PR. Grant is 40% of the projected \$1.25 million gap after other Council acquisition grants were spent. Washington County eligible for reimbursement consideration of up to \$750,000 in a future regional parks CIP. Approved December 12, 2002.
\$126,638	Dakota County	Acquire 1.1-acre Medin parcel in Lebanon Hills RP. Dakota County eligible for reimbursement consideration of up to \$189,957 in a future regional parks CIP. Approved January 29, 2003.
\$135,200	Anoka County	Acquire 579 acres from St. Paul Water Utility for addition to Rice Creek Chain of Lakes Park Reserve. Grant financed 40% of market value (not sale price) of land. Water Utility discounted the sale price, which was counted as part of the 60% match to this grant. Approved April 23, 2003.
\$153,703	Three Rivers Park District	Acquire 5 acre Rask parcel in Lake Rebecca Park Reserve. Park District eligible for reimbursement consideration of up to \$235,200 in a future regional park CIP. Approved Dec. 17, 2003.
\$26,479	Anoka County	Acquire 80-acre Birkeland parcel in Rice Creek Chain of Lakes Park Reserve. Balance of costs financed with watershed district grant and partial donation. Approved February 2004.
\$370,000	Three Rivers Park District	Acquire 17-acre Brakemeier parcel in Lake Minnetonka Regional Park. Balance of funds (\$810,000) provided by MN Dept. of Transportation. Approved May 12, 2004.
\$83,060	Carver County	Acquire 39.04 acres related to Harriet Island-Lilydale Regional Park. Grant finances 40% of the \$207,649 funding gap remaining to buy the land. Rest of the costs financed with a previously authorized Metro Council grant (\$456,130) and City funds (\$124,589). City amount eligible for reimbursement consideration in a future regional park CIP. Approved August 11, 2004.
\$184,109	City of Bloomington	Acquire .5 acre residential lot 9625 E. Bush Lake Road for Hyland-Bush-Anderson Lakes Park Reserve. Bloomington and Three Rivers Park District eligible for reimbursement consideration of up to \$138,081 each in a future regional park CIP. Approved September 22, 2004
\$49,435	Washington County	Acquire 0.81 acre parcel within the boundary of Big Marine Park Reserve. Washington County would be eligible for reimbursement consideration of up to \$74,152 in a future regional park CIP. Approved September 22, 2004.
\$433,333	Scott County	Acquire 80 acres within the Doyle-Kennefick Regional Park as a match to a DNR Metro Greenways grant of \$650,000. Approved Nov. 10, 2004.

Amount Granted	Park Agency	Project Description
\$950,000	Anoka County	Acquire 115 acres within Rice Creek Chain of Lakes Park Reserve from St. Paul Water Utility. Land cost discounted 79% from market value and thus grant finances remaining 21%. Approved April 13, 2005.
\$41,080	Ramsey County	Acquire 3.5 acre Duell parcel in Battle Creek Regional Park. Ramsey County would be eligible for reimbursement consideration of up to \$61,620 in a future regional park CIP. Approved May 25, 2005
\$279,431	Dakota County	Acquire 2.5 acre Pryor parcel in Lebanon Hills Regional Park. Dakota County would be eligible for reimbursement consideration of up to \$419,146 in a future regional park CIP. Approved June 29, 2005.
\$154,124	Washington County	Acquire 5 acre Goossen parcel in Big Marine Park Reserve. Washington County would be eligible for reimbursement consideration of up to \$231,185 in a future regional park CIP. Approved July 27, 2005
\$151,093	Dakota County	Acquire 0.68 acre Skoglund parcel in Lebanon Hills Regional Park. Dakota County would be eligible for reimbursement consideration of up to \$226,639 in a future regional park CIP. Approved September 28, 2005
\$149,069	Washington County	Acquire 5-acre Melbostad parcel in Big Marine Park Reserve. Washington County would be eligible for reimbursement consideration of up to \$223,603 in a future regional park CIP. Approved October 26, 2005.
\$20,953	Washington County	Acquire .45-acre Taylor parcel in Big Marine Park Reserve. Washington County would be eligible for reimbursement consideration of up to \$31,430 in a future regional park CIP. Approved August 23, 2006.
\$354,799	Three Rivers Park District	Acquire 20-acre Weinkauf parcel in Lake Rebecca Park Reserve. Three Rivers Park District would be eligible for reimbursement consideration of up to \$532,199 in a future regional park CIP. Approved May 23, 2007.
\$9,023	Washington County	Acquire 1.5 acre Hohlt parcel in Big Marine Park Reserve. Washington County would be eligible for reimbursement consideration of up to \$13,534 in a future regional park CIP. Approved April 25, 2007.
\$1,000,000	Scott County	Acquire 61-acre Cedar Lake Farm Resort parcel in Cedar Lake Farm Regional Park. Scott County would be eligible for reimbursement consideration of up to \$3,526,192 in a future regional park CIP. Approved May 23, 2007.
\$400,841	City of St. Paul	Partially finance acquisition of 43.94 acres for Harriet Island-Lilydale Regional Park. City of St. Paul would be eligible for reimbursement consideration of up to \$601,263 in a future regional park CIP. Approved August 8, 2007
\$182,094	Washington County	Partially finance acquisition of 8.19 acre Katarik parcel for Grey Cloud Island Regional Park. Washington County would be eligible for reimbursement consideration of up to \$273,141 in a future regional park CIP. Approved October 24, 2007
\$116,609	Ramsey County	Partially finance acquisition of 3 acre Parcel #6 for Battle Creek Regional Park. Ramsey County would be eligible for reimbursement consideration of up to \$174,913 in a future regional park CIP. Approved December 12, 2007.
\$1,000,000	Carver County	Partially finance acquisition of 2.94 acres of lakeshore land associated with Lakeside Ballroom in Lake Waconia Regional Park. Carver County would be eligible for reimbursement consideration of up to \$1,530,000 minus lease revenue from parcel in a future regional park CIP. Approved February 27, 2008.

Amount Granted	Park Agency	Project Description
\$122,726	City of St. Paul	Partially finance acquisition of 0.74 acre at 350 Water Street for Harriet Island-Lilydale Regional Park. Grant financed 75% of acquisition cost. The remaining 25% financed by City of St. Paul (\$40,909) is not eligible for reimbursement consideration in a future regional park CIP. Approved February 27, 2008
\$339,389	City of Bloomington	Partially finance acquisition of 0.568 acre at 9633 East Bush Lake Road for Hyland-Bush-Anderson Lakes Park Reserve. Grant financed 75% of acquisition cost. The remaining 25% (\$113,130) financed by City of Bloomington and Three Rivers Park District is not eligible for reimbursement consideration in a future regional parks CIP. Approved on April 9, 2008
\$1,700,000	Dakota County	Partially finance acquisition of 456-acre Empire Wetlands Regional Park. Grant financed 14.2% of the \$11.94 million acquisition cost. Rest of costs financed with \$800,000 Metro Council grant SG-2006-123, \$6 million from 2006 State bond pass through grant, and \$3,440,000 of Dakota County funds of which \$2,155,000 is eligible for reimbursement in a future regional parks CIP. Grant approved on April 23, 2008. Reimbursement approved for consideration on May 28, 2008.
\$ 572,469	City of St. Paul	Partially finance acquisition of 1.85 acre for Bruce Vento Nature Sanctuary as part of Bruce Vento Regional Trail. Grant financed 75% of acquisition cost. The remaining 25% financed by City of St. Paul (\$190,823) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 11, 2008
\$ 848,369	Scott County	Partially finance acquisition of 47.08 acres for Doyle-Kennefick Regional Park (Adelmann parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Scott County (\$282,789) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 25, 2008
\$ 352,050	Three Rivers Park District	Partially finance acquisition of 6.46 acres for Baker Park Reserve (Laidlaw parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Three Rivers Park District (\$117,350) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 25, 2008
\$ 416,297	Washington County	Partially finance acquisition of 19 acres for Big Marine Park Reserve (Grundhofer parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Washington County (\$138,766) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved August 27, 2008
\$12,714,539	Total funds granted as of September 25, 2008	