



Other Business

Metropolitan Council Meeting October 10, 2007

ADVISORY INFORMATION	
Date:	October 4, 2007
Subject:	Agreement with Minneapolis Park & Recreation Board Regarding Release of Restrictive Covenant on Nicollet Island Park Land (Resolution 2007-31)
District(s), Member(s):	All
Policy/Legal Reference:	2030 Regional Parks Policy Plan, Strategy 5(b)
Staff Prepared/Presented:	Peter Bell, Chair Guy Peterson, Director, Community Development Div. (651) 602-1418
Division/Department:	Office of the Chair; Community Development Division

Proposed Action

That the Metropolitan Council adopt the attached Resolution 2007-31 ratifying an agreement with the Minneapolis Park and Recreation Board regarding regional park land in the City of Minneapolis.

Overview

Strategy 5(b) of the Council’s *2030 Regional Parks Policy Plan* states that regional park restrictive covenants may be released in exchange for “equally valuable land” as that term is defined in Strategy 5(b). Pursuant to that policy, the Minneapolis Park Board requested that the Council release a restrictive covenant on 1.48 acres of regional park land on Nicollet Island in exchange for the Minneapolis Park Board’s agreement to place a regional park restrictive covenant on a 2.89-acre parcel located along the Mississippi River within the boundaries of the Above the Falls Regional Park.

At its August 22, 2007 meeting, the Council authorized its Chair and Regional Administrator to negotiate an agreement with the Minneapolis Park Board under which the Council would release the restrictive covenant on the 1.48-acre parcel if a regional park restrictive covenant is recorded against the 2.89-acre parcel. To ensure the “equally valuable land” provision of the Council’s park policy plan is satisfied, the Council also stated that the restrictive covenant would be released only after:

the MPRB provides a binding commitment, within thirty (30) days, to provide additional acreage not currently encumbered as open space, that is deemed by the Chair as acceptable for inclusion in the regional park system and sufficient to satisfy [the] “equally valuable land” provision of Strategy 5(b) of the *2030 Regional Parks Policy Plan*, and which will be subject to the Council’s restrictive covenant, by no later than March 1, 2009.

Subsequent to the Council’s action, Council staff prepared an August 28, 2007 memorandum that identified some properties that satisfied the “equally valuable land” provision of Strategy 5(b) and could meet the Council’s “additional acreage” requirement. On September 4, 2007 Regional Administrator Weaver and I met with Council staff and legal counsel to consider and discuss the options and land parcels described in the August 28 memorandum.

On September 5, 2007 Regional Administrator Weaver and I, along with Council staff and legal counsel, met with Minneapolis Park Board staff and legal counsel to discuss parcels that could fulfill the Council's "additional acreage" requirement. Minneapolis Park Board staff agreed that parcels identified in the August 28 staff memorandum and discussed at our meeting with Minneapolis Park Board staff could be part of the agreement required by the Council's August 22 action.

Based on our discussions with Minneapolis Park Board staff, Council attorneys prepared an agreement consistent with the Council's August 22 action that requires the Minneapolis Park Board to:

- (1) Record against the 2.89-acre parcel a regional park restrictive covenant; and
- (2) Place regional park restrictive covenants on four additional parcels that are located along the West Bank of the Mississippi River adjacent to the 2.89-acre parcel.

The total acreage of these five parcels is approximately 9.2 acres. The agreement also requires the Minneapolis Park Board to record a restrictive covenant on a 3.47-acre parcel that previously was acquired with regional grant funds.

The Minneapolis Park Board Commissioners approved the agreement on September 19, 2007. The agreement was approved by Mayor Rybak and is signed by the Minneapolis Park Board's authorized representatives. Regional Administrator Weaver and I have not yet signed the agreement.

Recommendation

Based on my viewing of the 1.48-acre parcel on Nicollet Island and the West Bank of the Mississippi River where the five parcels are located, and my discussion of the Strategy 5(b) requirements with staff as they relate to these particular parcels, I found that the "exchange" of these five parcels satisfies the "equally valuable land" provision of Strategy 5(b) and complies with the "additional acreage" requirement of the Council's August 22, 2007 action.

Accordingly, I am recommending for your adoption the attached resolution which would ratify the agreement negotiated with the Minneapolis Park Board.

Attachments

[Map](#) showing location of five parcels relative to the 1.48-acre parcel on Nicollet Island

[Agreement](#) with Minneapolis Park and Recreation Board

[October 2, 2007 memorandum](#) from Council parks staff analyzing the five parcels and the "exchange" under Strategy 5(b) policies and criteria in the *2030 Regional Parks Policy Plan*

METROPOLITAN COUNCIL
390 Robert Street North, Saint Paul, Minnesota 55101

RESOLUTION NO. 2007-31

**RATIFICATION OF AGREEMENT WITH
MINNEAPOLIS PARK AND RECREATION BOARD REGARDING
REGIONAL PARK LAND IN THE CITY OF MINNEAPOLIS**

WHEREAS, the Minneapolis Park and Recreation Board (“Minneapolis Park Board”) requested the Metropolitan Council (“Council”) to release a regional park restrictive covenant on a 1.48-acre parcel of regional park land on Nicollet Island; and

WHEREAS, in exchange for that release of the restrictive covenant the Minneapolis Park Board indicated it would place a regional park restrictive covenant on a 2.89-acre parcel located on the West Bank of the Mississippi Riverfront North of Plymouth Avenue in Minneapolis; and

WHEREAS, Strategy 5(b) of the Council’s *2030 Regional Parks Policy Plan* states that regional park restrictive covenants may be released in exchange for “equally valuable land” as that term is defined in Strategy 5(b); and

WHEREAS, at its August 22, 2007 meeting the Council considered the Minneapolis Park Board’s request and authorized its Chair and Regional Administrator to negotiate an agreement with the Minneapolis Park Board under which the Council would release the restrictive covenant on the 1.48-acre parcel, but only after the Minneapolis Park Board:

- (1) records a regional park restrictive covenant against the 2.89-acre parcel; and
- (2) provides a binding commitment, within thirty (30) days, to provide additional acreage not currently encumbered as open space, that is deemed by the Chair of the Council as acceptable for inclusion in the regional park system and sufficient to satisfy the “equally valuable land” provision of Strategy 5(b) of the *2030 Regional Parks Policy Plan* and which will be subject to the Council’s restrictive covenant by no later than March 1, 2009.

WHEREAS, the Chair and Regional Administrator negotiated an agreement under which the Council would release the restrictive covenant on the 1.48-acre parcel and the Minneapolis Park Board agreed to place regional park restrictive covenants on the 2.89-acre parcel and four other parcels located adjacent to the 2.89-acre parcel; and

WHEREAS, the agreement was approved by the Minneapolis Park Board and is signed by the Board’s authorized representatives, but has not yet been signed by the Chair or the Regional Administrator.

NOW, THEREFORE, BE IT RESOLVED:

1. Based on the reports, documents and other information presented to the Council’s governing body, the Council finds:

- (a) The 2.89-acre parcel and the four parcels of “additional acreage” identified in the agreement comprise approximately 9.2 acres of contiguous riverfront property along the West Bank of the Mississippi River.
 - (b) Some of the five parcels identified in the agreement are subject to park and walkway dedications, but none of the parcels currently is encumbered as open space.
 - (c) A river-oriented trail system is the primary recreational feature of all regional park land adjacent to the Mississippi River.
 - (d) The five parcels are located within the boundaries of the Above the Falls Regional Park and can be developed as a regional trail under Phase I of the Council-approved master plan for the Above the Falls Regional Park.
 - (e) The 1.48-acre parcel on Nicollet Island has three tennis courts constructed on it, is located away from the Mississippi River, and is surrounded by streets and a railroad track.
 - (f) The regional trails and park lands on or around Nicollet Island can continue to fulfill their regional park purposes if the 1.48-acre parcel is not retained as regional park property.
2. Considering the policies and criteria stated in Strategy 5(b) of its *2030 Regional Parks Policy Plan*, the Council concludes:
- (a) The total acreage of the five parcels identified in the agreement is substantially more than the 1.48-acre parcel on Nicollet Island, and the five parcels have both better natural resource characteristics and better recreation opportunities than the 1.48-acre parcel.
 - (b) The five parcels identified in the agreement meet the “additional acreage” requirements of the Council’s August 22, 2007 action and satisfy the “equally valuable land” provision of Strategy 5(b).
 - (c) Releasing the regional park restrictive covenant on the 1.48-acre parcel will not harm the regional trails or park lands on or around Nicollet Island, and will not otherwise harm the regional parks system.
 - (d) The regional park system and users of regional park facilities will benefit if the five parcels identified in the agreement are placed under regional park restrictive covenants in exchange for the release of the restrictive covenant on the 1.48-acre parcel.
 - (e) The agreement negotiated with the Minneapolis Park Board is consistent with and complies with the Council’s August 22, 2007 action.
 - (f) Although some of the five parcels are subject to park and walkway dedications, regional park restrictive covenants are more restrictive and therefore are more beneficial to the regional park system.

3. The agreement with the Minneapolis Park Board negotiated by the Chair and the Regional Administrator is ratified and the Chair's and the Regional Administrator's authority to execute the agreement on behalf of the Metropolitan Council is affirmed.

Adopted on October 10th, 2007

Peter Bell
Chair

Pat Curtiss
Recording Secretary