

**METROPOLITAN COUNCIL**

390 North Robert Street, St. Paul, MN 55101  
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**DATE:** February 27, 2012

**TO:** Metropolitan Parks and Open Space Commission

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

**SUBJECT:** (2012-xxx) Park Acquisition Opportunity Fund Grant Request for Trout Brook Regional Trail, City of St. Paul  
Metropolitan Parks & Open Space Commission District G: Carrie Wasley

**INTRODUCTION**

At its meeting on January 3, 2012 the Metropolitan Parks and Open Space Commission considered a \$1.5 million grant request to partially finance the acquisition of a use car business known as Jackson Auto for a trailhead at Trout Brook Regional Trail. **(See Attachment 1, December 22, 2012 memorandum to the Metropolitan Parks and Open Space Commission)**. The Commission tabled consideration because the land proposed for acquisition was likely to be contaminated, and no Phase 1 Environmental Assessment had been completed. The Commission and Metropolitan Council staff had a series of questions about the proposed acquisition. This memorandum contains the City's response, Metropolitan Council staff analysis and a recommendation that the grant be approved.

**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, park district or county 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".

## ANALYSIS

The City has responded to all questions raised by the Metropolitan Parks and Open Space Commission and Metropolitan Council staff in the following letter.

### DEPARTMENT OF PARKS AND RECREATION DESIGN AND CONSTRUCTION



CITY OF SAINT PAUL  
Mayor Christopher B. Coleman

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February 24, 2012

Metropolitan Parks and Open Space Commission Members  
Mr. Arne Stefferud, Planning Analyst  
Metropolitan Council  
390 Robert St. North  
Saint Paul, MN 55101

Subject: Jackson Auto Acquisition for the Trout Brook Regional Trail

Dear Chair Haas, Commissioners, and Mr. Stefferud,

We very much appreciate the opportunity to respond to your comments and questions from the January MPOSC meeting regarding the Jackson Auto acquisition for the Trout Brook Regional Trail/Trillium Nature Sanctuary project. We are very excited about this project, which will bring regional facilities and nature based amenities to the central part of Saint Paul, a diverse and economically challenged area. We respectfully request the Commission's reconsideration of this important acquisition and to that end we are providing the following responses as suggested by Metropolitan Council staff. We look forward to a discussion and resolution of the matter at the March MPOSC meeting. Our responses are shown in italic font.

**January 3<sup>rd</sup> MPOSC meeting questions and comments - paraphrased from minutes, with similar comments grouped:**

Has due diligence been done with respect to potential contamination? Has a Phase I been done?

*The City did not suspect contamination when the master planning process was underway. Phase I and II ESAs were done in 2007/8 for the St.Paul Port Authority as part of an initiative to redevelop the area. The existence of those reports was not known until recently.*

Are there other funding sources that the city would look to if clean up was necessary?

*Yes, examples include the US Environmental Protection Agency (EPA) and the Minnesota Pollutions Control Agency (MPCA).*

Concern for high cost of land, what is so special about this land?

*This land was identified as an important area for a trailhead in a comprehensive community planning process for a master plan amendment. The MPOSC approved the master plan amendment for Trout Brook Regional Trail in 2010. At the time, the estimate for the acquisition was much higher than the price that was eventually negotiated. Urban land can be expensive, as can rural land, especially if it includes a business, expensive home, or is close to a water body. Numerous such parcels have been approved by the MPOSC and Metropolitan Council in recent years. As the Minnesota Pollution Control Agency website illustrates, pollution of all types can be found in most areas of the state, urban to rural.*

Is it safe to say more investigation will be done into the possibility that the land is contaminated?

*The City is in the process of updating the 2007/2008 Phase I and will submit the summary of the updated findings as part of the March MPOSC meeting memorandum from Metropolitan Council regional parks staff.*

The Metropolitan Council does not clean up contaminated land.

*The City is not requesting the Metropolitan Council to clean up the land.*

What is the difference between the two appraisals?

*The appraisals were completed separately by two different appraisers, one chosen by the City, and one by the seller. It is unlikely that two different appraisers will determine the same value for a given parcel, even using similar assumptions and information. This is a common method to start a price negotiation process. Based on how appraisers analyze the information they gather, values could vary widely. The City negotiated a price below the average of the 2 appraisals.*

Is the cost of anticipated cleanup reflected in the cost to acquire? Why wasn't the potential pollution used as a negotiating tool to lower the price? Concern with paying full price without doing a Phase I Environmental Assessment first as it could potentially lower the cost of the land.

*When the City begins the process of acquiring property for use as a city park, trail, nature sanctuary, or open space, we recognize that environmental assessment, testing, and cleanup may be necessary to satisfy MPCA requirements and make the property usable by the general public. We also recognize that the environmental work requires additional resources beyond the cost of purchasing the property. The City generally does not consider the potential cleanup cost in valuing the property. We instruct our appraisers to value the property under its current use, not its future use. There are many used car dealerships located on former gas station sites and the value of the property to be acquired, in this case 1200/1202 Jackson Street, should be consistent with the value of other comparable properties, based on recent sales of those properties. The fact that the City chooses to change the use to a park, which must meet higher environmental standards, should not factor into the valuation of the property. If the*

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*property were sold to another used car dealer, its environmental condition would likely not be a determining factor in its valuation.*

**Metropolitan Council staff e-mailed comments:**

The Phase II ESA indicates that there was an underground storage tank leak on Parcel 17. Although the tanks were removed, there is still residual petroleum impacted soils and soil vapors. To remediate the petroleum impacted soils, 4 feet of soil will need to be removed and replaced with clean soil. In looking at the estimated acquisition costs that were submitted with the grant request, there is \$200,000 for clean up of the site beyond demolition costs, plus adding topsoil, grading, and planting grass. Any costs associated with remediating contaminated soil is not a grant eligible expense.

*The \$200,000 amount is designated only for minimal stewardship development as allowed in the 2030 Regional Parks Policy Plan, Chapter 5 - Management Procedures, Stewardship, Page 5-99, which states in part: "Grants for acquisition pay for the cost of real estate, relocation assistance, special assessments existing at the time land was designated for the regional system, land stewardship and legal fees, and appraisals. Land stewardship is defined as boundary fencing or marking; stabilizing or rehabilitating natural resources to aid in the re-establishment of threatened natural resources or to prevent non-natural deterioration thereof; preventing the deterioration of existing structures; removal of unneeded structures, dangerous land forms, or attractive nuisances; maintaining or closing existing roads; and developing the unit to support minimal recreational use, including access roads, parking lots, signage, and restrooms, until capital improvement funds are available to develop the regional parks system unit."*

*Saint Paul is planning minimal redevelopment with the estimated amount of \$200,000, including such items as non-contamination related removals (buildings, retaining walls, pavement, etc.) and minimal development to make the area attractive; including such items as topsoil, turf grasses, lighting, trees and landscaping, signage, paths, picnic area, benches, and related amenities.*

The 2030 Regional Parks Policy Plan includes a policy that the Council needs to make findings of fact before determining whether contaminated land should be part of a regional park or trail (System Protection Strategy 4). St. Paul will need to address the bullet points in order for the Council to make its findings.

**System Protection Strategy 4: Phase 1 environment site assessments must be done for land that may be contaminated or that may have abandoned wells on it.**

*(Note: Saint Paul Parks and Recreation followed the Master Plan guidelines in the 2030 Plan but since there was no reference to the System Protection Strategy 4 within those guidelines, we were unaware that it was a requirement.)*

Regional park implementing agencies must conduct Phase 1 environmental site assessments on land that is suspected to be contaminated or land suspected to have abandoned wells as part of the master planning process. The Phase 1 environmental site assessments will determine the likelihood of soil contamination or abandoned wells, including the likelihood of contaminated groundwater aquifers. The findings of the site assessments should be included in the master plan submitted to the Metropolitan Council.

The cost of the Phase I environmental site assessments is eligible for reimbursement as an acquisition cost.

Prior to the Council determining whether the contaminated land, including lands with abandoned wells, should be part of the proposed park or trail, the Council will make findings of fact regarding the following factors:

1. The likelihood and extent of the contamination.

*Upon request for a Phase I, we discovered that a Phase I and Phase II was completed for the parcels for the Port Authority in 2008. The City is in the process of updating the 2007/2008 Phase I, and will submit the summary of the updated findings as part of the March MPOSC meeting memorandum from Metropolitan Council regional parks staff.*

2. Whether the land is essential to make the regional park or trail function as intended according to a Council-approved master plan and the existence of a reasonable alternative to relocate the park or trail facilities elsewhere.

*The land is essential as determined by an extensive community process, community support, and an approved 2010 Master plan by the MPOSC and Metropolitan Council. The acquisition of this parcel was noted in the master plan at a cost of \$2.3M but the City successfully negotiated a much lower price of \$1.5M. Options for an entry to the trail and the Trillium Nature Sanctuary are limited due to steep slopes and conflicting adjacent industrial uses. This area also provides easy access for bus riders and bicyclists. These parcels give the trailhead and Nature Sanctuary entrance high visibility and an increased level of security. There is not another reasonable alternative for a trail/park entrance within any land already owned by the City.*

3. Whether responsible parties have been identified who will remediate the site.

*Based on the Phase I done in 2008, the responsible party for the leaking underground storage tank was identified and they took the necessary steps to remediate the issue under the guidance of the MPCA. There was no further action required on their part to remediate site. Once the parcels are purchased by the City, it will be the City's responsibility to remediate the site to recreational conditions.*

4. Whether the estimated costs to clean up the contamination or cap the abandoned well(s) outweigh the need versus the recreational, economic, and social benefits the park or trail will provide.

*Previous Phase I and Phase II ESAs do not estimate costs to clean up the site, but based on our worst case estimated calculations, soil remediation may cost up to \$200,000. The recreational, economic, and social benefits of turning this very visually undesirable corner into an accessible and visible green space and park/trail facility greatly outweighs the cost of soil clean up.*

*The Trillium Nature Sanctuary is located at the nexus of the North End (District 6) neighborhood and the Payne-Phalen (District 5) neighborhood on Saint Paul's northeast side. Both of these neighborhoods display great ethnic and cultural diversity. Furthermore, the area displays a greater poverty than on average for either the City or the Twin Cities Metropolitan Region. Two Family Public Housing Developments (Mount Airy and McDonough Homes), comprising a total of 879 family units, are located within a mile radius of the Nature Sanctuary; additional Public Housing Scattered Sites are located within this same radius. The Trillium Site is intimately connected with its host neighborhoods.*

*Whereas Saint Paul strives to build a livable city where residents can enjoy park amenities and walk, ride, or bus to work; this site is an important link to connect and fill gaps in the City's open space system that is crucial to the livable city model.*

*The community has worked since the late 1990s to get the Site redeveloped as a park and natural area.*

5. If the Council concludes that the land should be added to the regional parks system, this does not imply that the Council will use park funds to clean up the site or cap abandoned wells. Park funds will only be used for contaminated soil clean up or capping abandoned wells if the four preceding conditions have been met.

*The Council already concluded that this parcel be added to the regional park system by approval of the Master Plan which clearly included the acquisition and estimated cost of this parcel as part of it. We fully understand that MPOSC may not approve use of funds for soil remediation. We plan to apply for Federal Brownfield clean up grant funds and to use existing local sources. MPOSC funds will not be requested for soil remediation.*

Thank you for your time in reconsidering this acquisition.

Sincerely,



Jody Martinez, ASLA  
Design and Construction Manager  
City of Saint Paul, Parks and Recreation Department

As noted in the City's letter, a Phase I Environmental Assessment has been updated for this property. Following are the updated findings from the assessment.

## **Phase I Environmental Site Assessment**

Jackson Auto Sales and Finance  
1200-1202 Jackson Street  
Saint Paul, Minnesota

*Prepared For*

### **City of Saint Paul**

Project SP-12-00179  
February 23, 2012

Braun Intertec Corporation

### **Executive Summary**

Braun Intertec Corporation conducted a Phase I Environmental Site Assessment (ESA) of the Jackson Auto Sales and Finance facility located at 1200 to 1202 Jackson Street in St. Paul, Minnesota (Site) in general conformance with the scope and limitations of ASTM Practice E 1527-05 and 40 CFR Part 312.

At the time of the reconnaissance, the Site consisted of three parcels totaling approximately 1.64 acres. The southern parcel (1200 Jackson Street) was developed with a slab-on-grade 2,034-square-foot used car dealership and detailing garage constructed in 1995. Paved parking areas surrounded the building, and a gravel parking area was located to the east of the building. Two concrete block garages were located within the gravel parking area. One concrete block garage was a two-stall facility that was used to store used equipment; the second concrete block garage was a one-stall facility that was locked, but was reportedly also used for storage purposes. The northern parcel (1202 Jackson Street) was developed with a slab-on-grade, 3,600-square foot office building and minor maintenance garage constructed in 1955. Paved parking areas surrounded the building, and a road (formerly E Maryland Avenue) bisected the northern and southern parcels.

Available historical information indicates the southern portion of the Site was developed as early as 1896 for residential purposes. Residential buildings remained at the property until 1965 when they were demolished to construct a filling station in the western portion of the property. A smaller filling station was also present in the north-central portion of the property from at least 1944 until 1965 was constructed. During this period, the Site was also occupied by Gilbert Construction (1959) and by a gardener (1949-1964). The Site was utilized as a filling station until 1992, at which time the building was demolished. The property was vacant until footings were poured for a used car dealership in 1995. City files indicate the building was remodeled in 2008 to convert two auto garage bays into offices.

Historical information indicates the northern portion of the Site was undeveloped until the late 1950s, at which time the property was occupied by concrete product manufacturers (Red-E-Maid), and two construction contractors (Dean Lundholm, Gilbert Construction). Site use remained relatively unchanged until the late 1990s. City files identified the presence of a gas/service station, repair garage, and used motor vehicle dealership at the Site.

This assessment identified no recognized environmental conditions in connection with the Site, with the exception of the following:

- An investigation conducted at the Site in 2008 identified several contaminants in soil or in soil-vapor at concentrations that exceeded various regulatory criteria. Contaminants detected

**BRAUN**  
**INTERTEC**

included diesel range organics (DRO), gasoline range organics (GRO) at concentrations of 840 mg/kg and 3,100 mg/kg, respectively, in the southern portion of the Site; several soil volatile organic compound (VOC) concentrations exceeding their Tier 2 soil reference values (SRVs) in the 1200 and 1202 Jackson Street parcels; several soil-vapor VOC compound concentrations exceeding their respective intrusion screening values; chromium at concentrations exceeding the soil leaching value; and a calculated benzo(a)pyrene equivalent exceeding the Tier 2 Industrial SRV in the 1202 Jackson Street parcel. Because the detected concentrations exceed regulatory criteria, they are considered a recognized environmental condition.

- Available information indicates historical filling activities occurred at the Site, most notably in the 1202 Jackson Street parcel. The 2008 investigation confirmed the presence of debris in fill and it noted the extent of the debris/fill was never characterized. Based on this information, the possibility exists that fill of an unknown origin remains at the Site, and the presence of unregulated fill with confirmed debris is considered a recognized environmental condition for the Site.

This assessment identified no historical recognized environmental conditions in connection with the Site, with the exception of the following:

- Historical information indicates the southern portion of the Site (1200 Jackson Street) was used as a filling station from at least 1944 until 1995. City files indicate a tank of unlisted capacity was removed from the property in 1974. Records also indicate two 10,000-gallon and one 1,000-gallon underground storage tank were removed from the Site in 1990. A release was reported for the Site in 1986 under Leak No. 1351. After appropriate remedial activities, a closure letter was issued in May 1991 and a No Corrective Action Required letter was issued in September 1992. The letters indicate the release had been remediated to the satisfaction of MPCA staff. Based on its regulatory status, the historic filling stations and closed LUST listing represent a historic recognized environmental condition for the Site. However, the potential exists for petroleum impacts to remain on-Site that would require appropriate management in accordance with MPCA regulations and guidelines.

## CONCLUSIONS

1. The City has responded to all questions/concerns raised about this grant request with the submissions shown above. The proposed use of park grant proceeds to finance up to 75 percent of the costs to acquire the property and associated acquisition and stewardship costs are consistent with the rules for Park Acquisition Opportunity Fund Grants and the definition of eligible stewardship costs in the *Updated 2030 Regional Parks Policy Plan*.
2. The City has complied with the requirements of System Protection Strategy 4 in the *Updated 2030 Regional Parks Policy Plan*. There is soil contamination on the site, and as noted in the City's response it is seeking other funding sources to remediate the contaminated soils.
3. The acquisition of the property for a trailhead to Trout Brook Regional Trail is consistent with the Metropolitan Council approved master plan for the trail approved on February 4, 2010 (Agenda Item 2010-34).

## RECOMMENDATIONS

That the Metropolitan Council authorize a grant of up to \$1,526,723 from the FY 2012 Parks and Trails Legacy Fund Acquisition Account in the Park Acquisition Opportunity Fund to the City of St. Paul to partially finance the acquisition of 2.5 acres (Jackson Auto parcel) as depicted in Figure 2 for Trout Brook Regional Trail. The grant should be financed with:

\$916,034 from the FY 2012 Parks and Trails Legacy Fund appropriation

\$610,689 from Metropolitan Council bonds

**Attachment 1: December 22, 2012 memorandum to Metropolitan Parks and Open Space Commission**

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

**DATE:** December 22, 2011

**TO:** Metropolitan Parks and Open Space Commission

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

**SUBJECT:** (2012-xxx) Park Acquisition Opportunity Fund Grant Request for Trout Brook Regional Trail, City of St. Paul

**INTRODUCTION**

In 2001, the Metropolitan Council established a Park Acquisition Opportunity Fund grant program to assist regional park agencies in acquiring land for the Metropolitan Regional Park System. Land that is acquired must be within Metropolitan Council approved master plan boundaries for that particular park or trail unit. To-date, about \$21.8 million has been granted for the acquisition of 1,866 acres. The total related acquisition costs and market value of this land is about \$61.3 million. (See Attachment 2 at the end of this memorandum for a list of all grants awarded and successfully completed).

The City of St. Paul has submitted a request for a Park Acquisition Opportunity Fund Grant to help finance the acquisition and related costs for 2.5 acres for a trailhead access to the Trout Brook Regional Trail. Total estimated cost of the acquisition is \$2,035,631. Under the rules of the Park Acquisition Opportunity Fund grant program 75% of that cost or \$1,526,723 is requested. (See **Attachment 1: Letter from Jody Martinez, City of St. Paul**)

This memorandum analyzes the request against the rules for Park Acquisition Opportunity Fund grants. The memorandum recommends approving the grant. If \$1,526,723 is awarded, there would be \$1,739,493 for future land acquisitions that qualify from the Parks and Trails Legacy Fund Acquisition account. Those acquisitions are for lands that do not contain high quality natural resource features or include the acquisition of a structure.

**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 Park Acquisition Opportunity Fund is comprised of two accounts:

The first account is called the Environment and Natural Resources Trust Fund Acquisition Account, which is used to purchase land with high quality natural resource characteristics. No residential structures can be acquired with this account. This account has a balance of \$4,089,240 at this time. The account is comprised of \$2,347,893 of Environment and Natural Resources Trust Fund revenue appropriated in the

2009 and 2011 Legislative Sessions and \$1,741,348 of bonds issued by the Metropolitan Council as a 40% match to the State appropriation.

The second account is called the Parks and Trails Legacy Fund Acquisition Account, which is used to purchase land that has low natural resource characteristics and any related structures –typically a parcel with a house or other buildings. This account is financed with Parks and Trails Legacy Fund appropriations from the Land and Legacy Amendment plus bonds issued by the Metropolitan Council. This account has a balance of \$3,266,216 at this time. The account is comprised of \$1,576,000 of FY 2012 Parks and Trails Legacy Funds and \$1,690,216 of Metropolitan Council bonds.

The combined balance of both accounts is \$7,355,456 at this time. Grants from the Park Acquisition Opportunity Fund are awarded under a set of rules that were approved by the Council on June 24, 2009 and amended on December 14, 2011. The rules allow a grant or grants totaling \$1.7 million per year (July 1 to June 30) from each account to a park agency to finance up to 75% of the purchase price of the property plus related costs.

The 2.5 acre parcel proposed for acquisition is consistent with the Trout Brook Regional Trail Master Plan, which the Metropolitan Council approved on February 4, 2010 (Agenda Item 2010-34). The parcel is currently a used car lot. The property is proposed to be developed as a trailhead and access to the adjacent Trillium Nature Sanctuary. **Figure 1** is an excerpt from the trail master plan that depicts the proposed acquisition (titled “Acquisition Parcel 2”)

Figure 1: Trout Brook Regional Trail, Trillium Nature Sanctuary and Proposed Acquisition 2



Following is an excerpt from the master plan which provides more information about the proposed acquisition and a map depicting it in relation to the trail and nature sanctuary.

## Trillium Nature Sanctuary

Trillium Nature Sanctuary is bounded on the north by Norpac Road and an existing Auto Salvage lot, on the east by BNSF railroad tracks, on the west by residential property and on the south by light industrial and Cayuga Street. Currently, Trillium sits in a low valley with no visible entrance or easy access point. Acquisition of the used car dealership on the corner of Maryland Avenue and Jackson Street will allow a visible entrance, parking, and a trailhead facility for Trillium and the Trout Brook Trail Corridor.

This parcel is used by a viable used car business. Acquisition is scheduled for 2012.

Estimated acquisition cost is \$2,350,000



Figure D: Acquisition Parcel 2, Trillium Nature Sanctuary Site

**Figure 2** is an aerial photo of the proposed acquisition titled “1200/1202 Jackson Street”. There are three distinct parcels proposed to be acquired. The land that separates them is a vacated street and is already in public ownership.

**Figure 2: Aerial Photo of Proposed Acquisition “1200/1202 Jackson Street”:**



## ANALYSIS

### Acquisition cost analysis

The total costs to acquire fee title for the 2.5 acre property that is grant eligible is estimated to be \$2,035,631 as shown in Table 1:

**Table 1: Estimated costs for fee title acquisition of 2.5 acre (Jackson Auto) parcels for Trout Brook Regional Trail, City of St. Paul**

Parcel	Cost
Purchase price	\$1,500,000
City's appraisal fee	\$ 6,500
Seller's appraisal fee	\$ 5,000
City Real Estate Dept. costs @ 1% of acquisition cost	\$ 15,000
Payment in Lieu of Property Taxes (180% of City Property Tax due in 2012)	\$ 6,970
Estimated pro-rated taxes and assessments (pro-rated to 4/1/2012 bases on 2012 proposed taxes)	\$ 24,661
Closing Cost (estimate)	\$ 2,500
Relocation Advisor (estimate)	\$ 5,000
Relocation Costs (estimate)	\$ 100,000
Demolition of buildings, shutoffs of utilities and related work (estimate)	\$ 125,000
Site stabilization including clean up of site beyond demolition costs shown above plus adding topsoil, grading and planting grass (estimate)	\$ 200,000
Fencing (estimate)	\$ 40,000
Survey, miscellaneous costs including filing/recording regional park restrictive covenant on property (estimate)	\$ 5,000
<b>Total</b>	<b>\$2,035,631</b>

The City of St. Paul requests that the acquisition be financed with the following revenue sources as shown in Table 2:

**Table 2: Revenue Sources for fee title acquisition of 2.5 acre (Jackson Auto) parcels for Trout Brook Regional Trail, City of St. Paul**

Metropolitan Council Park Acquisition Opportunity Fund (75%)	\$ 1,526,723
City of St. Paul (25%)	\$ 508,908
<b>Total:</b>	<b>\$ 2,035,631</b>

This property qualifies for funding from the Parks and Trails Legacy Fund Acquisition Account because the property includes a structure and has low natural resource quality.

The Park Acquisition Opportunity Fund grant would be financed as shown in Table 3.

**Table 3: Park Acquisition Opportunity Grant Revenue Sources for fee title acquisition of 2.5 acre (Jackson Auto) parcels for Trout Brook Regional Trail, City of St. Paul**

<b>Revenue Sources</b>	<b>Amount</b>
FY 2012 Parks and Trails Legacy Fund appropriation	\$ 916,034
Metropolitan Council bonds	\$ 610,689
<b>Total Grant</b>	<b>\$ 1,526,723</b>

**Rules for distributing grants from Park Acquisition Opportunity Fund**

On June 24, 2009 the Metropolitan Council adopted rules that govern the distribution of grants from the Fund on a state fiscal year basis--July 1 to June 30. The rules were amended on December 14, 2011. Those rules are indicated below in italic font. The following findings indicate that these rules have been met for the City of St. Paul's grant request.

*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 City of St. Paul's request is consistent with this rule because the parcel is within the Metropolitan Council-approved master plan for Trout Brook Regional Trail. Plus, the park agency 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.*

The grant proposed here would be the only transaction for the parcel. The purchase price for the fee title acquisition is the negotiated price 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 City of St. Paul's request is 75% of the costs to acquire fee title to this parcel. The City of St. Paul will provide 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. Since there are estimated costs for a number of components of this acquisition, the grant will finance 75% of the actual grant eligible costs. Payments from the grant are authorized upon review of actual grant eligible expenses initially paid by the City and then reimbursed with grant proceeds. Documentation of the actual costs for each component will be provided by the City in order to determine the 75% of that cost that is grant eligible.

*The maximum grant(s) available to a park agency is \$1.7 million from the Environment and Natural Resources Trust Fund Acquisition Account and \$1.7 million from the Parks and Trails Legacy Fund Acquisition Account during the July 1 to June 30 time period.*

The grant is within the \$1.7 million limit from the Parks and Trails Legacy Fund Acquisition Account during this time period. If it is awarded, the Metropolitan Council could award the City of St. Paul other acquisition grants totaling \$173,277 from the Parks and Trails Legacy Fund prior to June 30, 2012 under this rule. The City could also request up to \$1.7 million from the Parks and Trails Legacy Fund Acquisition Account for parcels that meet that account's requirements.

**CONCLUSION:**

The Parks and Trails Legacy Fund Acquisition Account in the Park Acquisition Opportunity Fund should be used to finance this grant because it is consistent with the utilization of this account.

**RECOMMENDATION:**

That the Metropolitan Council authorize a grant of up to \$1,526,723 from the FY 2012 Parks and Trails Legacy Fund Acquisition Account in the Park Acquisition Opportunity Fund to the City of St. Paul to partially finance the acquisition of 2.5 acres (Jackson Auto parcel) as depicted in Figure 2 for Trout Brook Regional Trail. The grant should be financed with:

- \$916,034 from the FY 2012 Parks and Trails Legacy Fund appropriation
- \$610,689 from Metropolitan Council bonds



**CITY OF SAINT PAUL**  
Mayor Christopher B. Coleman

400 City Hall Annex  
25 West Fourth Street  
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December 7, 2011

Mr. Arne Stefferud  
Planning Analyst  
Metropolitan Park and Open Space Commission  
Metropolitan Council  
390 North Robert Street  
Saint Paul, Minnesota 55101

Re: Trout Brook Regional Trail/Trillium Nature Sanctuary  
1200 Jackson Acquisition  
**Park Acquisition Opportunity Fund Grant Request**

Dear Mr. Stefferud and Commissioners:

The owners of the above referenced property have expressed an interest to sell their property to the City of Saint Paul. The property is included in the Trout Brook Regional Trail Master Plan, which includes the Trillium Nature Sanctuary. It is located at the north end of Trillium, with the Master Plan for Trout Brook Regional Trail calling for park entrance type amenities in this area, including entry drive and parking, signage, trail head building, landscaping, trail section, and related items. Please see attached master plan for the Trout Brook Regional Trail.

The Saint Paul Parks and Recreation Department is currently processing a resolution for City Council approval for this acquisition and we anticipate approval at the Dec. 21, 2012 City Council meeting. Once City Council approval is granted, we plan to request funds to purchase the property through the Metro Parks Land Acquisition Opportunity Grant program. Detailed below are the estimated eligible acquisition costs that comprise the City's request:

No.	Description	Amount
1	<b>Purchase Price</b>	<b>\$1,500,000</b>
<b>Other Costs</b>		
2	City's appraisal fee	\$6,500
3	Seller's appraisal fee	\$5,000
4	Real estate dept costs @ 1% of acq. cost	\$15,000
5	City Taxes (X 180%) (based on 2012 proposed)	\$6,970
6	Est. Taxes/Asmts (pro-rated to 4/1/12) (based on 2012 proposed)	\$24,661
7	Closing Costs (estimate)	\$2,500
8	Relocation advisor (estimate)	\$5,000
9	Relocation Costs (estimate)	\$100,000



AA-ADA-EEO Employer



10	Demolition (estimate - bldgs, shutoffs, etc.)	\$125,000
11	Site stabilization (estimate - demo, removals, fill, topsoil, grading, plant grass)	\$200,000
12	Fencing (estimate)	\$40,000
13	Survey, misc. (estimate)	\$5,000
<b>Total estimate</b>		<b>\$2,035,631</b>

**The City is requesting reimbursement of 75% of these costs, or \$1,526,723.** We understand that we will not be able to request reimbursement for the remaining 25% at a later date.

Both the City of Saint Paul, and the sellers of the properties, have had appraisals completed. The City's appraisal by Michael Bownik Appraisals, Inc., dated July 27, 2010, resulted in a combined value for the properties of \$1,280,000. The sellers appraisal by Shenhon Company, dated October 31, 2010 resulted in a value of \$2, 000,000. The City and the sellers arrived at a negotiated sales price of \$1,500,000 based on those appraisals. Condemnation proceedings are not a part of these purchases.

Thank you for the opportunity to apply for this grant. We are very excited to further complete our master plan for the Trout Brook Regional Trail – Trillium Nature Sanctuary section. We would like to have this item on the January, 2012 MPOSC agenda, if possible. Please let me know if you have any questions.

Sincerely,



Jody Martinez, Manager  
Design and Construction Division

C: Kathleen Anglo  
Tom Russell  
Bruce Engelbrekt  
Mike Kimble

**Attachments**

- Trout Brook Regional Trail Master Plan Excerpts
- Copy of Trillium Nature Sanctuary Master Plan illustration
- Copy of City Council Resolution – to be submitted following approval
- Copy of Purchase Agreement – to be submitted following approval of resolution by City Council
- Parcel map from Ramsey County Geographic Information Systems Online Mapping

Attachment 2: Park Acquisition Opportunity Fund Grants approved and executed as of December 21, 2011

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.

<b>Amount Granted</b>	<b>Park Agency</b>	<b>Project Description</b>
\$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.
\$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 Weinkauff 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

<b>Amount Granted</b>	<b>Park Agency</b>	<b>Project Description</b>
\$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.
\$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
\$316,135	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% (\$105,378) 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. Actual amount expended is shown, which was less than grant award.
\$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
\$337,124	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 (\$112,656) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 25, 2008. Actual amount expended is shown, which was less than grant award.
\$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

<b>Amount Granted</b>	<b>Park Agency</b>	<b>Project Description</b>
\$299,887	Three Rivers Park District	Partially finance acquisition of 1.5 acres for Lake Rebecca Park Reserve (Bauduin parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Three Rivers Park District (\$101,575) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved November 12, 2008. Actual amount expended is shown, which was less than grant award.
\$487,994	Three Rivers Park District	Partially finance acquisition of 9.5 acres for Lake Rebecca Park Reserve (Westerlund parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Three Rivers Park District (\$164,250) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved November 12, 2008. Actual amount expended is shown, which was less than grant award.
\$135,654	Mpls. Park & Rec. Bd.	Partially finance acquisition of 0.5 acres for Above the Falls Regional Park (Galka parcels). Grant financed 75% of acquisition cost. The remaining 25% financed by Mpls. Park & Rec. Bd. (\$45,216) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved December 10, 2008. Actual amount expended is shown, which was less than grant award.
\$411,422	Ramsey County	Partially finance acquisition of 1.83 acres for Bald Eagle-Otter Lakes Regional Park (1466 East Co. Rd. H-2). Grant financed 75% of acquisition cost. The remaining 25% financed by Ramsey County (\$137,141) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 24, 2009.
\$281,528	Ramsey County	Partially finance acquisition of 1.27 acres for Bald Eagle-Otter Lakes Regional Park (1700 North County Line Rd.). Grant financed 75% of acquisition cost. The remaining 25% financed by Ramsey County (\$93,843) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 24, 2009.
\$396,968	Three Rivers Park District	Partially finance acquisition of 9.44 acre parcel for Rush Creek Regional Trail (Ganzer parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Three Rivers Park District (\$132,233) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 24, 2009. Actual amount expended is shown, which was less than grant award.
\$719,400	Three Rivers Park District	Partially finance acquisition of 8.89 acre parcel for Carver Park Reserve (Hedtke parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Three Rivers Park District (\$135,800) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved October 14, 2009.
\$369,683	Scott County	Partially finance acquisition of 7.05 acre parcel for Cedar Lake Farm Regional Park (Novotny parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Scott County (\$123,228) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved October 28, 2009.
\$657,572	Carver County	Partially finance acquisition of 1.28 acre parcel for Lake Waconia Regional Park (Country Store parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Carver County (\$219,191) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved December 9, 2009.
\$1,470,253	Washington County	Partially finance acquisition of 43 acre parcel for Grey Cloud Island Regional Park (Appert parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Washington County (\$490,084) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved April 28, 2010.
\$1,699,992	Mpls. Park & Rec. Bd.	Partially finance acquisition of 3.57 acres for Above the Falls Regional Park (Scherer Lumber parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Mpls. Park & Rec. Bd. (\$566,664) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved April 28, 2010.

<b>Amount Granted</b>	<b>Park Agency</b>	<b>Project Description</b>
\$198,436	Washington County	Partially finance acquisition of 1.8 acres for St. Croix Valley Regional Trail (Pontius parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Washington County (\$66,145) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 23, 2010.
\$198,750	Three Rivers Park District	Partially finance acquisition of 1.4 acres for Elm Creek Park Reserve (Zopfi parcel). Grant financed 75% of acquisition cost. The remaining 25% financed by Three Rivers Park District (\$66,250) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 23, 2010.
\$282,450	Mpls. Park & Rec. Bd.	Partially finance acquisition of 0.4 acre for Above the Falls Regional Park (2220 Marshall St. NE). Grant financed 75% of acquisition cost. The remaining 25% financed by Three Rivers Park District (\$66,250) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved August 25, 2010.
\$579,268	Scott County	Partially finance acquisition of 1.76 miles (about 21.36 acres) of the abandoned Union Pacific Railroad Chaska Industrial Lead Corridor for the Minnesota River Bluffs Extension & Scott County Connection Regional Trail. Grant financed 75% of acquisition cost. The remaining 25% financed by Scott County (\$193,089) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved April 27, 2011.
\$506,185	Carver County	Partially finance acquisition of 1.54 miles (about 18.94 acres) of the abandoned Union Pacific Railroad Chaska Industrial Lead Corridor for the Minnesota River Bluffs Extension & Scott County Connection Regional Trail. Grant financed 75% of acquisition cost. The remaining 25% financed by Carver County (\$168,729) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved April 27, 2011.
\$442,763	Dakota County	Partially finance acquisition of 1 acre for Lebanon Hills Regional Park (Shaddock Trust parcel) Grant financed 75% of acquisition cost. The remaining 25% financed by Dakota County (\$147,587) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved May 25, 2011.
\$38,847	Dakota County	Partially finance acquisition of 3.23 acre Scott Cunningham parcel for Mississippi River Regional Trail. Grant financed 75% of acquisition cost. The remaining 25% financed by Dakota County (\$12,949) is not eligible for reimbursement consideration in a future regional park CIP. Grant approved June 22, 2011.
<b>\$21,853,409</b>	<b>Total funds granted and acquisitions completed as of December 21, 2011</b>	