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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 740

02/20/2013 Authored by Erickson, R., and Radinovich

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to state lands; modifying landowners' bill of rights; modifying land
1.3 acquisition account; adding to and deleting from state parks and forests;
1.4 authorizing certain exchanges and sales of state lands; amending Minnesota
1.5 Statutes 2012, sections 84.0274, subdivision 6; 94.165.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2012, section 84.0274, subdivision 6, is amended to read:

1.8 Subd. 6. **State's responsibilities.** When the state proposes to purchase land for
1.9 natural resources purposes, the commissioner of natural resources and, where applicable,
1.10 the commissioner of administration shall have the following responsibilities:

1.11 (a) The responsibility to deal fairly and openly with the landowner in the purchase of
1.12 property;

1.13 (b) The responsibility to refrain from discussing price with the landowner before
1.14 an appraisal has been made. In addition, the same person shall not both appraise and
1.15 negotiate for purchase of a tract of land. This paragraph does not apply to the state when
1.16 discussing with a landowner the trout stream easement payment determined under section
1.17 84.0272, subdivision 2, the native prairie bank easement payment determined under
1.18 section 84.96, subdivision 5, or the Camp Ripley's Army compatible use buffer easement
1.19 payment determined under section 84.0277, subdivision 2;

1.20 (c) The responsibility to use private fee appraisers to lower the state's acquisition
1.21 costs to the greatest extent practicable; and

1.22 (d) The responsibility to acquire land in as expeditious a manner as possible. No
1.23 option shall be made for a period of greater than two months if no survey is required or for
1.24 nine months if a survey is required, unless the landowner, in writing, expressly requests
1.25 a longer period of time. Provided that, if county board approval of the transaction is

2.1 required pursuant to section 97A.145, no time limits shall apply. If the state elects not
 2.2 to purchase property upon which it has an option, it shall pay the landowner \$500 after
 2.3 the expiration of the option period. If the state elects to purchase the property, unless the
 2.4 landowner elects otherwise, payment to the landowner shall be made no later than 90 days
 2.5 following the state's election to purchase the property provided that the title is marketable
 2.6 and the owner acts expeditiously to complete the transaction.

2.7 Sec. 2. Minnesota Statutes 2012, section 94.165, is amended to read:

2.8 **94.165 LAND ACQUISITION ACCOUNT.**

2.9 Subdivision 1. **Creation of account.** There is created in the state treasury a land
 2.10 acquisition account.

2.11 Subd. 2. **Appropriation.** Money in the account is appropriated to the commissioner
 2.12 of natural resources for:

2.13 (1) the acquisition of natural resource lands or interests in lands within the outdoor
 2.14 recreation system established in chapter 86A;

2.15 (2) payment of expenses incurred by the commissioner in rendering saleable any
 2.16 state-owned property administered by the commissioner; and

2.17 (3) payment of expenses incurred by the commissioner in exchanging any
 2.18 state-owned property administered by the commissioner.

2.19 Subd. 3. **Report.** The commissioner must file a report to the house of representatives
 2.20 Ways and Means and the senate Finance committees and the Environment and Natural
 2.21 Resources committees of the senate and house of representatives by October 1 of each
 2.22 year indicating all purchases and sales from this account.

2.23 **Sec. 3. ADDITIONS TO STATE PARKS.**

2.24 Subdivision 1. **[85.012][Subd. 16.] Flandrau State Park, Brown County.** The
 2.25 following area is added to Flandrau State Park: West 130 feet by 272.25 feet of Lot B
 2.26 of Outlot 304, City of New Ulm.

2.27 Subd. 2. **[85.012][Subd. 38a.] Lake Vermilion State Park, St. Louis County.**
 2.28 The following areas are added to Lake Vermilion State Park:

2.29 (1) that part of the Northwest Quarter of the Northeast Quarter of Section 29,
 2.30 Township 62, Range 15, that lies southeasterly of Miettunen Plat Road and northeasterly
 2.31 of McKinley Park Road;

2.32 (2) that part of the Northwest Quarter of the Southwest Quarter of Section 28,
 2.33 Township 62, Range 15, that lies easterly of McKinley Park Road;

2.34 (3) Government Lot 7, Section 14, Township 62, Range 15;

3.1 (4) Government Lot 5, Section 23, Township 62, Range 15;

3.2 (5) those islands in Lake Vermilion located south of the westerly extension of
 3.3 the south line of Government Lot 6, west of the northerly extension of the east line of
 3.4 Government Lot 8, and east of the northerly extension of the west line of Government Lot
 3.5 8, all in Section 13, Township 62, Range 15;

3.6 (6) that part of the Southeast Quarter of the Southwest Quarter of Section 26,
 3.7 Township 62, Range 15, that lies south of the south right-of-way line of State Highway
 3.8 169; and

3.9 (7) the East 845 feet of the Southwest Quarter of the Southwest Quarter of Section 26,
 3.10 Township 62, Range 15, lying south of the south right-of-way line of State Highway 169.

3.11 Subd. 3. [85.012][Subd. 53.] Sibley State Park, Kandiyohi County. The following
 3.12 area is added to Sibley State Park: the Southeast Quarter of Section 12, Township 121,
 3.13 Range 35, except a square area of land containing two acres located in the southeast corner
 3.14 of the Northeast Quarter of the Southeast Quarter of Section 12, Township 121, Range 35.

3.15 **Sec. 4. DELETIONS FROM STATE PARKS.**

3.16 Subdivision 1. [85.012][Subd. 38a.] Lake Vermilion State Park, St. Louis
 3.17 County. The following areas are deleted from Lake Vermilion State Park:

3.18 (1) that part of the Northeast Quarter of the Northeast Quarter of Section 29,
 3.19 Township 62, Range 15, that lies southwesterly of McKinley Park Road; and

3.20 (2) that part of the Northeast Quarter of the Northeast Quarter of Section 29,
 3.21 Township 62, Range 15, that lies northwesterly of Miettunen Plat Road.

3.22 Subd. 2. [85.012][Subd. 59.] Whitewater State Park, Winona County. The
 3.23 following area is deleted from Whitewater State Park: that part of the Southeast Quarter of
 3.24 the Northwest Quarter of Section 21, Township 107, Range 10, described as follows:

3.25 Commencing at the southeast corner of said Southeast Quarter of the Northwest
 3.26 Quarter; thence on an assumed bearing of North 00 degrees 29 minutes 31 seconds
 3.27 West, along the east line of said Southeast Quarter of the Northwest Quarter, 1,146.55
 3.28 feet to the point of beginning of the parcel to be described; thence continuing North 00
 3.29 degrees 29 minutes 31 seconds West, along said east line, 254.93 feet to the northeast
 3.30 corner of said Southeast Quarter of the Northwest Quarter; thence South 88 degrees
 3.31 26 minutes 03 seconds West, along the north line of said Southeast Quarter of the
 3.32 Northwest Quarter, 643.06 feet; thence South 18 degrees 36 minutes 33 seconds East,
 3.33 31.00 feet; thence South 84 degrees 32 minutes 47 seconds East, 229.91 feet; thence
 3.34 South 65 degrees 23 minutes 08 seconds East, 446.86 feet, to the point of beginning.

4.1 Sec. 5. **ADDITION TO STATE FOREST.**

4.2 **[89.021][Subd. 48a.] Snake River State Forest.** The following area is added to the
4.3 Snake River State Forest: Section 23, Township 42 North, Range 23 West.

4.4 Sec. 6. **PUBLIC OR PRIVATE SALE OF SURPLUS STATE LAND BORDERING**
4.5 **PUBLIC WATER; CROW WING COUNTY.**

4.6 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
4.7 commissioner of natural resources may sell by public or private sale the surplus land
4.8 bordering public water that is described in paragraph (c).

4.9 (b) The conveyance must be in a form approved by the attorney general. The
4.10 attorney general may make necessary changes to the legal description to correct errors
4.11 and ensure accuracy.

4.12 (c) The land that may be sold is located in Crow Wing County and is described as:

4.13 (1) that part of Government Lot 1 of Section 12, Township 44 North, Range 28
4.14 West, lying and being south of that certain stream or creek running from Borden Lake into
4.15 Mille Lacs Lake; subject to the right-of-way of existing highway, excepting therefrom that
4.16 part of said parcel lying easterly of said existing highway;

4.17 (2) that portion of Government Lots 2 and 3 of Section 12, Township 44 North,
4.18 Range 28 West, which lies between a line parallel to and 700 feet distant northwesterly
4.19 from the following described line:

4.20 From a point on the east line of said Section 12, distant 1,385.9 feet South of the
4.21 northeast corner thereof, run southwesterly at an angle of 36 degrees 10 minutes
4.22 with said east section line for a distance of 244 feet; thence deflect to the left at an
4.23 angle of 2 degrees 27 minutes for a distance of 1,522.8 feet; thence deflect to the
4.24 left at an angle of 16 degrees 19 minutes for a distance of 550 feet to the point
4.25 of beginning of line to be described; thence continue southwesterly along the last
4.26 above-described course for a distance of 35.7 feet; thence deflect to the right on
4.27 a 3 degree 00 minute curve, delta angle 17 degrees 10 minutes for a distance of
4.28 572.2 feet; thence on tangent to said curve for a distance of 907.1 feet and there
4.29 terminating. Subject to the easement on that portion taken by the Department of
4.30 Highways, State of Minnesota, for highway purposes; and

4.31 (3) that portion of Government Lots 2 and 3 of Section 12, Township 44 North,
4.32 Range 28 West, which lies between two lines parallel with and distant 700 feet and 775
4.33 feet northwesterly of the following described line:

4.34 From a point on the east line of said Section 12, distant 1,385.9 feet South of the
4.35 northeast corner thereof, run southwesterly at an angle of 36 degrees 10 minutes with

5.1 said east section line for a distance of 244 feet; thence deflect to the left at an angle
 5.2 of 2 degrees 27 minutes for a distance of 1,522.8 feet; thence deflect to the left at an
 5.3 angle of 16 degrees 19 minutes for a distance of 550 feet to the point of beginning of
 5.4 line to be described; thence continue southwesterly along the last above-described
 5.5 course for a distance of 35.7 feet; thence deflect to the right on a 3 degree 00 minute
 5.6 curve, delta angle 17 degrees 10 minutes for a distance of 572.2 feet; thence on
 5.7 tangent to said curve for a distance of 907.1 feet and there terminating.

5.8 Containing 24.7 acres, more or less.

5.9 (d) The land borders the Garrison Creek diversion channel that drains into Mille
 5.10 Lacs Lake. The Department of Natural Resources has determined that the land is no
 5.11 longer needed for fisheries production and that the state's land management interests
 5.12 would best be served if the land were sold. The strip of land east of Highway 169 and
 5.13 bordering Mille Lacs Lake will be retained for natural resources purposes.

5.14 **Sec. 7. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
 5.15 **WATER; DAKOTA COUNTY.**

5.16 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
 5.17 commissioner of natural resources may sell by private sale the surplus land bordering
 5.18 public water that is described in paragraph (c).

5.19 (b) The conveyance must be in a form approved by the attorney general. The attorney
 5.20 general may make necessary changes to the legal description to correct errors and ensure
 5.21 accuracy. The commissioner may sell the land to a local unit of government for less than the
 5.22 value of the land as determined by the commissioner, but the conveyance must provide that
 5.23 the land described in paragraph (c) be used for the public and reverts to the state if the local
 5.24 unit of government fails to provide for public use or abandons the public use of the land.

5.25 (c) The land that may be sold is located in Dakota County and is described as: all
 5.26 that part of Government Lot One, Section 25, Township 114 North, Range 21 West of the
 5.27 5th Principal Meridian and Sullivan's First Addition to Marion Heights as surveyed and
 5.28 platted by J. E. Hill, September 23, 1910, and on file with the Register of Deeds Office,
 5.29 Dakota County, Minnesota, bounded by the following described lines: beginning on the
 5.30 north quarter line of said section, 433.0 feet South of the north quarter corner thereof;
 5.31 thence North 57 degrees 00 minutes East, 291.2 feet; thence North 63 degrees 05 minutes
 5.32 East, 404.9 feet; thence South 78 degrees 30 minutes East, 329.9 feet; thence South 73
 5.33 degrees 50 minutes East, 227.3 feet; thence South 24 degrees 54 minutes West, 193.3 feet;
 5.34 thence South 08 degrees 57 minutes West, 134.0 feet; thence South 09 degrees 25 minutes
 5.35 East, 161.1 feet; thence North 89 degrees 30 minutes West, 292.9 feet; thence North 50

6.1 degrees 13 minutes West, 209.8 feet; thence North 87 degrees 31 minutes West, 87.5 feet;
 6.2 thence South 45 degrees 35 minutes West, 189.6 feet; thence South 83 degrees 11 minutes
 6.3 West, 261.7 feet; thence North 68 degrees 06 minutes West, 146.8 feet to the north quarter
 6.4 line of said Section 25; thence North 00 degrees 32 minutes East, 222.3 feet along the
 6.5 north quarter line of said section to the point of beginning. Including all riparian rights to
 6.6 the contained 11.21 acres more or less and subject to existing road easements.

6.7 (d) The land borders Marion Lake, with a portion of the land flooded due to control
 6.8 of lake elevation. The Department of Natural Resources has determined that the land is
 6.9 not needed for natural resource purposes and that the state's land management interests
 6.10 would best be served if the land were conveyed to a local unit of government for inclusion
 6.11 in a city park.

6.12 **Sec. 8. PRIVATE SALE OF SURPLUS STATE LAND; DAKOTA COUNTY.**

6.13 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner
 6.14 of natural resources may sell by private sale the surplus land that is described in paragraph
 6.15 (c).

6.16 (b) The conveyance must be in a form approved by the attorney general. The attorney
 6.17 general may make necessary changes to the legal description to correct errors and ensure
 6.18 accuracy. The commissioner may sell the land to a local unit of government for less than the
 6.19 value of the land as determined by the commissioner, but the conveyance must provide that
 6.20 the land described in paragraph (c) be used for the public and reverts to the state if the local
 6.21 unit of government fails to provide for public use or abandons the public use of the land.

6.22 (c) The land that may be sold is located in Dakota County and is described as: Block
 6.23 9, Lots 6, 7, and 8; Block 10, Lots 4, 5, 6, 7, and 8; Block 11, Lots 5, 6, 7, 8, 9, 14, 15, 16,
 6.24 17, 18, 19, and 27; Block 12, Lots 1, 2, and 3; Block 13, Lots 1, 2, 3, 4, 10, 11, 12, and 14;
 6.25 Block 15, Lots 14, 15, 16, and 17; Block 18, Lots 1, 2, 3, 4, 5, 6, and 7; Block 7, Lots
 6.26 5 and 10, all lying in Lyndale Lakes Club Second Addition, Section 11, Township 114,
 6.27 Range 21, containing approximately 4.4 acres, more or less.

6.28 (d) The Department of Natural Resources has determined that the land is not needed
 6.29 for natural resources purposes and that the state's land management interests would best be
 6.30 served if the land were conveyed to a local unit of government for public use.

6.31 **Sec. 9. EXCHANGE OF STATE LAND WITHIN RICHARD J. DORER**
 6.32 **MEMORIAL HARDWOOD STATE FOREST; FILLMORE COUNTY.**

6.33 (a) Notwithstanding the riparian restrictions in Minnesota Statutes, section 94.342,
 6.34 subdivision 3, the commissioner of natural resources may, with the approval of the Land

7.1 Exchange Board as required under the Minnesota Constitution, article XI, section 10, and
 7.2 according to the remaining provisions of Minnesota Statutes, sections 94.342 to 94.347,
 7.3 exchange the land described in paragraph (b).

7.4 (b) The state land that may be exchanged is located in Fillmore County and is
 7.5 described as:

7.6 (1) that part of the Southeast Quarter of the Southeast Quarter of Section 12,
 7.7 Township 104 North, Range 11 West, lying southerly of the Root River; and

7.8 (2) that part of the Southwest Quarter of the Southwest Quarter of Section 7,
 7.9 Township 104 North, Range 10 West, lying southerly of the Root River. Containing a
 7.10 total of 21.3 acres, more or less.

7.11 (c) The state land borders the Root River, but there is no land access to the state land.
 7.12 The land to be acquired in the exchange will improve access to adjacent state forest lands.

7.13 Sec. 10. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC
 7.14 WATER; LAC QUI PARLE COUNTY.

7.15 (a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the
 7.16 commissioner of natural resources may sell by private sale the surplus land bordering
 7.17 public water that is described in paragraph (c).

7.18 (b) The conveyance must be in a form approved by the attorney general. The attorney
 7.19 general may make necessary changes to the legal description to correct errors and ensure
 7.20 accuracy. The commissioner may sell the land to a local unit of government for less than the
 7.21 value of the land as determined by the commissioner, but the conveyance must provide that
 7.22 the land described in paragraph (c) be used for the public and reverts to the state if the local
 7.23 unit of government fails to provide for public use or abandons the public use of the land.

7.24 (c) The land that may be sold is located in Lac Qui Parle County and is described
 7.25 as: that part of the Southwest Quarter of the Northeast Quarter of Section 30, Township
 7.26 118, Range 42, described as follows: commencing at the southeast corner of the Northeast
 7.27 Quarter of said Section 30; thence on an assumed bearing of South 89 degrees 52 minutes
 7.28 06 seconds West, along the south line of said Northeast Quarter, a distance of 1,323.46 feet
 7.29 to the point of beginning of the land to be described; thence continue South 89 degrees 52
 7.30 minutes 06 seconds West, along said south line, a distance of 627.00 feet (38 rods); thence
 7.31 North 35 degrees 12 minutes 45 seconds West, a distance of 346.50 feet; thence North 05
 7.32 degrees 00 minutes 14 seconds East, a distance of 239.25 feet; thence North 14 degrees 01
 7.33 minutes 33 seconds East, a distance of 198.00 feet; thence North 88 degrees 11 minutes 39
 7.34 seconds East, a distance of 34 feet, to the centerline of the Lac Qui Parle River; thence
 7.35 northeasterly and southeasterly, along the centerline of said river to intersect a line that

8.1 bears North 00 degrees 48 minutes 00 seconds West from the point of beginning; thence
8.2 South 00 degrees 48 minutes 00 seconds East, a distance of 762 feet, to the point of
8.3 beginning. Containing a total of 15.66 acres, more or less.

8.4 (d) The land borders the Lac Qui Parle River. The Department of Natural Resources
8.5 has determined that the land is not needed for natural resource purposes and that the state's
8.6 land management interests would best be served if the land were conveyed to a local unit
8.7 of government for inclusion in a county park.