

A bill for an act

relating to state lands; modifying valuation methods of acquired lands; adding to and deleting from state parks, state recreation areas, state forests, and state wildlife management areas; authorizing public and private sales of certain surplus state lands; amending Minnesota Statutes 2010, sections 84.0272, subdivision 3; 85.052, subdivision 4; 89.021, subdivision 48.

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

Section 1. Minnesota Statutes 2010, section 84.0272, subdivision 3, is amended to read:

Subd. 3. **Minimal value acquisition.** (a) Notwithstanding subdivision 1, if the commissioner determines that lands or interests in land have a value less than \$100,000, the commissioner may acquire the lands for the value determined by the commissioner without an appraisal. The commissioner shall make the determination based upon:

(1) ~~up to~~ the most recent assessed market value of the land or interests in land as determined by the county assessor of the county in which the land or interests in land is located, plus ten percent; or

~~(2) a sale price of the land or interests in land, provided the sale occurred within the past year;~~

~~(3) (2) the sale prices of comparable Department of Natural Resources land sales or acquisitions of interests in land located in the vicinity and sold within the past year; or~~

~~(4) an appraisal of the land or interests in land conducted within the past year.~~

(b) In the event the value is less than \$1,000, the commissioner may add a transaction incentive, provided that the sum of the incentive plus the value of the land does not exceed \$1,000.

Sec. 2. Minnesota Statutes 2010, section 85.052, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** (a) Fees paid for providing contracted products and services within a state park, state recreation area, or wayside, and for special state park uses under this section shall be deposited in the natural resources fund and credited to a state parks account.

(b) Gross receipts derived from sales, rentals, or leases of natural resources within state parks, recreation areas, and waysides, other than those on trust fund lands, must be deposited in the state treasury and credited to the state parks working capital account. The appropriation under section 85.22 for revenue deposited in this section is limited to \$25,000 per fiscal year.

(c) Notwithstanding paragraph (b), the gross receipts from the sale of stockpile materials, aggregate, or other earth materials from the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund from which the purchase of the stockpile material was made. Notwithstanding paragraph (b), the payments made under section 93.22, subdivision 1, paragraph (c), pursuant to a state mineral lease on lands and mineral rights purchased for and within the Iron Range Off-Highway Vehicle Recreation Area shall be deposited in the dedicated accounts in the natural resources fund from which the purchase of the lands was made.

Sec. 3. Minnesota Statutes 2010, section 89.021, subdivision 48, is amended to read:

Subd. 48. ~~Smoky~~ Smoky Hills State Forest.

Sec. 4. **ADDITIONS TO STATE PARKS.**

Subdivision 1. [85.012] [Subd. 52.] Scenic State Park, Itasca County. The following areas are added to Scenic State Park, Itasca County:

(1) the Southwest Quarter of the Southeast Quarter, Section 1, Township 60 North, Range 26 West; and

(2) Government Lot 18, Section 1, Township 60 North, Range 26 West, LESS the following:

(a) the East 100 feet north of Scenic Highway; and

(b) beginning at a point on the east section line of Section 1, Township 60 North, Range 26, 492.6 feet North of a meander corner on the north bank of Isaac Lake, said meander corner being the first corner north of a point in lake for corner to Sections 1-6-7 and 12; thence an angle from south to west to north of 101 degrees, 42 minutes, a distance of 106.15 feet; thence an angle from east to north to west of 105 degrees, 13 minutes, a distance of 164.8 feet; thence an angle from south to west of 88 degrees, 25 minutes, a distance of 36.7 feet; thence an angle from east to north of 98 degrees,

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50 minutes, a distance of 142.9 feet; thence an angle from south to east to north of 103 degrees, 19 minutes, a distance of 208.25 feet to section line; thence an angle west to south of 62 degrees, 45 minutes, along section line a distance of 406.8 feet to point of beginning. A tract of land containing as near as possible 1.34 acres, and lying wholly within Government Lot 18, Section 1, above township and range, all according to the government survey thereof on file and of record in the Office of the Register of Deeds, Itasca County, Minnesota.

Subd. 2. [85.012] [Subd. 60.] William O'Brien State Park, Washington County.

The following area is added to William O'Brien State Park, Washington County: that part of the Southwest Quarter of the Southwest Quarter, Section 36, Township 32 North, Range 20 West, lying South of the so-called Marine Mills and Chisago City Road, which runs over and across said tract, containing 13 acres, more or less, SUBJECT to right-of-way of County Highway No. 4.

Sec. 5. ADDITIONS TO STATE RECREATION AREAS.

Subdivision 1. [85.013] [Subd. 11b.] Greenleaf Lake State Recreation Area, Meeker County. The following area is added to the Greenleaf Lake State Recreation Area, Meeker County: part of Government Lot 4, Section 20, Township 118 North, Range 30 West, Meeker County, Minnesota, described as follows, to wit: Beginning at a point 109 feet South of a point on the section line, which is 4,301.5 feet East of the northwest corner of Section 20, said township and range, thence in a southwesterly direction South 14 degrees, 36 minutes West, 403.0 feet; thence in a southeasterly direction South 75 degrees, 24 minutes East, 403 feet to a point on the meandered line of Sioux Lake; thence in a northeasterly direction along the meandered line North 14 degrees, 36 minutes East, 553 feet; thence in a southwesterly direction along the meandered line South 84 degrees, 00 minutes West, 431 feet to the point of beginning, said tract containing 4.4 acres more or less.

Subd. 2. [85.013] [Subd. 12a.] Iron Range Off-Highway Vehicle Recreation Area, St. Louis County. The following area is added to the Iron Range Off-Highway Vehicle Recreation Area: the Southeast Quarter of the Southeast Quarter, Section 10, Township 58 North, Range 17 West.

Sec. 6. ADDITION TO STATE FOREST.

[89.021] [Subd. 48.] Smoky Hills State Forest. The following areas are added to the Smoky Hills State Forest: the Southwest Quarter of the Southeast Quarter, Section

7, Township 139 North, Range 36 West, and the South Half of the Southwest Quarter of Section 14, Township 140 North, Range 37 West.

Sec. 7. **DELETION FROM STATE FOREST.**

[89.021] [Subd. 31a.] Lost River State Forest. The following area is deleted from the Lost River State Forest, Roseau County: the Southeast Quarter, Section 5, Township 163 North, Range 40 West.

Sec. 8. **ADDITION TO STATE WILDLIFE MANAGEMENT AREA.**

[97A.133] [Subd. 47.] Roseau Lake Wildlife Management Area, Roseau County. The following area is added to the Roseau Lake Wildlife Management Area, Roseau County: the Southeast Quarter, Section 5, Township 163 North, Range 40 West.

Sec. 9. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; BECKER COUNTY.**

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

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to a local unit of government for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the local unit of government fails to provide for public use or abandons the public use of the land. The conveyance must include the reservation of an easement for ingress and egress through the property to the Frazee Dam.

(c) The land that may be sold is located in Becker County and is described as: That part of Government Lot 2, Section 35, Township 138, Range 40, Becker County, Minnesota, described as follows: Beginning at the northwest corner of said Government Lot 2; thence on an assumed bearing of North 89 degrees 59 minutes 38 seconds East, along the north line of said Government Lot 2, a distance of 475.74 feet; thence South 0 degrees 34 minutes 44 seconds East, a distance of 488.24 feet; thence South 89 degrees 59 minutes 38 seconds West, a distance of 220.66 feet; thence South 0 degrees 34 minutes 44 seconds East, a distance of 139.70 feet; thence South 89 degrees 59 minutes 38 seconds West, a distance of 255.08 feet, to the west line of said Government Lot 2; thence North 0

degrees 34 minutes 44 seconds West, along said west line, a distance of 627.94 feet, to the point of beginning, containing 6.15 acres, more or less.

(d) The land borders Town Lake and the Otter Tail River. The Department of Natural Resources has determined that the land is not needed for natural resource purposes, provided that an easement right is retained. The land is being used as a picnic and playground area.

Sec. 10. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; CASS COUNTY.

(a) Notwithstanding Minnesota Statutes, section 92.45, the commissioner of natural resources may sell by public sale the surplus land bordering public water that is described in paragraph (c).

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

(c) The land that may be sold is located in Cass County and is described as: That part of Government Lot 4, Section 8, Township 140 North, Range 31 West, Cass County, Minnesota, lying southerly and westerly of the following described lines: Commencing at the southeast corner of said Government Lot 4; thence North 01 degree 39 minutes 59 seconds West on an assumed bearing along the east line of said Government Lot 4 a distance of 420.54 feet to the POINT OF BEGINNING; thence North 87 degrees 57 minutes 14 seconds West, a distance of 481.15 feet; thence southwesterly along a tangential curve concave to the southeast having a radius of 145.00 feet, a central angle of 69 degrees 00 minutes 00 seconds, for a distance of 174.61 feet; thence South 23 degrees 02 minutes 46 seconds West, tangent to said curve, a distance of 255 feet, more or less, to the centerline of the old County Road; thence northwesterly, westerly, and southwesterly a distance of 520 feet along said centerline to the point of intersection with the centerline of County State-Aid Highway 6; thence northwesterly a distance of 414.53 feet along the centerline of said County State-Aid Highway 6 to the point of intersection with the west line of said Government Lot 4 and there terminating. Containing 11.16 acres, more or less.

(d) The land borders Ten Mile Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes.

Sec. 11. PRIVATE SALE OF SURPLUS STATE LAND; DOUGLAS COUNTY.

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

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

6.7 (c) The land that may be sold is located in Douglas County and is described as:
6.8 That part of the North Half of the Southeast Quarter, Section 32, Township 130 North,
6.9 Range 37 West, Douglas County, Minnesota, lying westerly of the following described
6.10 centerline: Beginning at the South Quarter corner of said Section 32; thence North 00
6.11 degrees 35 minutes 06 seconds West, along the centerline of Chicago Club Lane, a
6.12 distance of 2,576.19 feet (the south line of the Southwest Quarter of said Section 32 has an
6.13 assumed bearing of South 89 degrees 52 minutes 29 seconds West); thence northwesterly
6.14 110.40 feet, along said centerline on a tangential curve concave to the southwest, having a
6.15 radius of 105.00 feet and a central angle of 60 degrees 14 minutes 31 seconds to the north
6.16 line of said North Half of the Southeast Quarter and said centerline there terminating.
6.17 Containing 1.77 acres, more or less.

6.18 (d) The Department of Natural Resources has determined that the land is not needed
6.19 for natural resource purposes and that the state's land management interests would best
6.20 be served if the land were conveyed to the adjacent landowner to improve access to the
6.21 landowner's property.

6.22 Sec. 12. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
6.23 **WATER; DOUGLAS COUNTY.**

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

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

6.30 (c) The land that may be sold is located in Douglas County and is described as: That
6.31 part of Government Lot 3 of Section 21, Township 130, Range 37, Douglas County,
6.32 Minnesota, described as follows: Beginning at the northeast corner of Lot 12, Block
6.33 1, SECOND ADDITION TO TAMARACK SHORES, according to the recorded plat
6.34 thereof; thence northeasterly along nontangential 223.07 foot radius curve, which center
6.35 of circle bears South 51 degrees 57 minutes 52 seconds East from said point, (assuming

the north line of said Lot 12 bears South 84 degrees 25 minutes 56 seconds West) central angle 25 degrees 45 minutes 18 seconds, 100.27 feet; thence South 82 degrees 58 minutes 34 seconds West 401 feet more or less to the shoreline of Lake Miltona; thence southerly along said lake, 50 feet more or less to the northerly most line of said Lot 12; thence North 84 degrees 25 minutes 56 seconds East, along said north line, 315 feet more or less to the point of beginning. Containing 0.40 acres, more or less.

(d) The land borders Lake Miltona. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were conveyed to the holders of the existing easement across the property for access and egress to Lake Miltona.

Sec. 13. **PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND;
MARSHALL COUNTY.**

(a) Notwithstanding the classification and public sale provisions of Minnesota Statutes, chapters 84A and 282, the commissioner of natural resources may sell by private sale the consolidated conservation lands that are described in paragraph (c).

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The commissioner may sell the land to a local unit of government for less than the value of the land as determined by the commissioner, but the conveyance must provide that the land described in paragraph (c) be used for the public and reverts to the state if the local unit of government fails to provide for public use or abandons the public use of the land. Proceeds shall be disposed of according to Minnesota Statutes, chapter 84A.

(c) The land that may be sold is located in Marshall County and is described as: That part of the Southwest Quarter of the Southeast Quarter of Section 33, Township 155 North, Range 39 West, Marshall County, Minnesota, described as follows: Commencing at the southwest corner of said Southwest Quarter of the Southeast Quarter being marked by a 3/4" by 24" rebar with plastic cap stamped "MN DNR LS 17005" (DNR monument); thence on a bearing based on the 1983 Marshall County Coordinate System of North 89 degrees 27 minutes 31 seconds East along the south line of said Southwest Quarter of the Southeast Quarter 400.00 feet to a DNR monument and the point of beginning of the parcel to be described; thence at a right angle to the said south line of the Southwest Quarter of the Southeast Quarter North 00 degrees 32 minutes 29 seconds West 208.71 feet to a DNR monument; thence North 89 degrees 27 minutes 31 seconds East parallel with said south line of the Southwest Quarter of the Southeast Quarter 208.71 feet to a DNR monument; thence at a right angle South 00 degrees 32 minutes 29 seconds East

208.71 feet to the south line of said Southwest Quarter of the Southeast Quarter and a DNR monument; thence South 89 degrees 27 minutes 31 seconds West along the south line of said Southwest Quarter of the Southeast Quarter 208.71 feet to the point of beginning, containing 1.0 acre, more or less.

(d) The Department of Natural Resources has determined that the land is not needed for natural resource purposes. A township cemetery is located on the land.

Sec. 14. PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; OTTER TAIL COUNTY.

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

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

(c) The land that may be sold is located in Otter Tail County and is described as: That part of Government Lot 3, Section 15, Township 131 North, Range 40 West, Otter Tail County, Minnesota, bounded by the following described lines: Commencing at the southeast corner of said Government Lot 3; thence North 00 degrees 00 minutes 00 seconds East 979.6 feet on and along the east line of said Government Lot 3 to the point of beginning of that particular tract of land conveyed to the State of Minnesota and filed for record on October 21, 1964, in Book 388 of Deeds page 23; thence continuing North 00 degrees 00 minutes 00 seconds East 79.5 feet on and along the east line of said Government Lot 3; thence South 84 degrees 44 minutes 00 seconds West 279.1 feet to a spike set at an angle point of said tract of land and the POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; thence North 13 degrees 01 minute 00 seconds West 92 feet, more or less, along the east line of said tract of land, hereinafter described as "Line A," to the water's edge of Eagle Lake and there terminating. And again from the point of beginning; thence South 84 degrees 44 minutes 00 seconds West 7.07 feet; thence North 13 degrees 01 minutes 00 seconds West 94 feet, more or less, along a line parallel with and 7 feet westerly of, measured at right angles to said "Line A" to the water's edge of Eagle Lake and there terminating. Containing 0.02 acre, more or less.

(d) The land borders Eagle Lake. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were conveyed to an adjacent landowner to resolve an inadvertent trespass.

Sec. 15. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; WATONWAN COUNTY.**

(a) Notwithstanding Minnesota Statutes, sections 92.45, 94.09, and 94.10, the commissioner of natural resources may sell by private sale the surplus land bordering public water that is described in paragraph (c). Notwithstanding Minnesota Statutes, section 97A.135, subdivision 2a, the surplus land described in paragraph (c) is vacated from the Watline Wildlife Management Area upon sale.

(b) The conveyance must be in a form approved by the attorney general. The attorney general may make necessary changes to the legal description to correct errors and ensure accuracy. The conveyance may include reservation of an easement for prairie management and seed harvest.

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

(1) in Township 105 North, Range 32 West:

A strip of land 100 feet in width extending over and across the East Half of the Northwest Quarter of Section 3, said strip of land being 50 feet in width on each side of the centerline of the main track (now removed) of the Minneapolis and St. Louis Railway Company (now Chicago and North Western Railway Company), as said main track centerline was originally located and established over and across said Section 3.

ALSO: A strip of land 100 feet in width extending over and across the Southwest Quarter of said Section 3, said strip of land being 50 feet in width on each side of said original main track centerline. EXCEPTING THEREFROM:

That part lying between the easterly extension of the north line of Main Street in Echols and a line drawn at right angles to the southeasterly line of Railroad Avenue at a point thereon distant 575 feet southwesterly from its intersection with said easterly extension of the north line of Main Street.

ALSO: A strip of land 100 feet in width extending over and across the Southeast Quarter of the Southeast Quarter of Section 9; the West Half of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, and Government Lot 4 of Section 10; the East Half of the East Half of Section 16; the Northeast Quarter and the West Half of the Southeast Quarter of Section 21; the West Half of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, and the East Half of the Southwest Quarter of Section 28; the Northwest Quarter and the North Half of the Southwest Quarter of Section 33, said strip of land being 50 feet in width on each side of said original main track centerline.

ALSO: A strip of land 50 feet in width lying northwesterly of and adjoining said above described 100 foot wide strip of land and in the Northeast Quarter of said Section 21, and

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lying between lines drawn at right angles to said original main track centerline at points thereon distant 21 feet and 1,321 feet, respectively, northeasterly, from its intersection with the south line of said Northeast Quarter of Section 21.

Containing a total of 67.52 acres, more or less; and

(2) in Township 106 North, Range 32 West:

A strip of land 100 feet in width extending over and across the Southeast Quarter of the Northeast Quarter and the East Half of the Southeast Quarter of Section 22; Lot E and Lots 1 and 2 of Lot B of Melvill's Subdivision and Government Lot 2 of Section 23; said strip of land being 50 feet in width on each side of said original main track centerline.

ALSO: A strip of land 100 feet in width extending over and across that part of Lot C and Lot 3 of Lot B of Melvill's Subdivision of said Section 23 lying southerly of the southerly right-of-way line of the Chicago, St. Paul, Minneapolis and Omaha Railway Company, said strip of land being 50 feet in width on each side of said original main track centerline.

ALSO: A strip of land 100 feet in width extending over and across the Northeast Quarter and the West Half of the Southeast Quarter of Section 27; the West Half of the Northeast Quarter, the Southeast Quarter of the Northwest Quarter, and the East Half of the Southwest Quarter of Section 34, said strip of land being 50 feet in width on each side of said original main tract centerline.

AND EXCEPTING: Parcel 232A transferred to MN DOT described as:

That part of the Southeast Quarter of the Southeast Quarter of Section 22, the Northeast Quarter and the Northwest Quarter of the Southeast Quarter, both in Section 27, all in Township 106 North, Range 32 West, shown as Parcel 232A on the plat designated as State Highway Right of Way Plat No. 83-2 on file and of record in the Office of the Register of Deeds in and for Watonwan County, Minnesota; containing 7.25 acres, more or less.

Containing a total of 32.23 acres, more or less.

(d) The land is part of the former right-of-way of the Minneapolis and St. Louis Railway Company. The land borders Long Lake and St. James Lake and crosses St. James Creek and the South Fork of the Watonwan River. The Department of Natural Resources has determined that the land is not needed for natural resource purposes and that the state's land management interests would best be served if the land were conveyed to a local unit of government for trail use.

Sec. 16. EFFECTIVE DATE.

Sections 9 to 15 are effective the day following final enactment.