

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 2760

(SENATE AUTHORS: HAWJ)

DATE	D-PG	OFFICIAL STATUS
03/14/2016	5044	Introduction and first reading Referred to Environment and Energy
04/11/2016		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to state lands; providing for valuation of bond-financed property;

1.3 designating state waysides and forests; adding to and deleting from state forests

1.4 and parks; authorizing sales and exchange of certain state lands; amending

1.5 Minnesota Statutes 2014, sections 85.013, by adding a subdivision; 89.021,

1.6 by adding a subdivision; proposing coding for new law in Minnesota Statutes,

1.7 chapter 94.

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

1.9 Section 1. Minnesota Statutes 2014, section 85.013, is amended by adding a

1.10 subdivision to read:

1.11 Subd. 21c. Saint Croix Boom Site Wayside, Washington County.

1.12 Sec. 2. Minnesota Statutes 2014, section 89.021, is amended by adding a subdivision

1.13 to read:

1.14 Subd. 11a. Centennial State Forest.

1.15 Sec. 3. [94.101] VALUATION OF BOND-FINANCED PROPERTY.

1.16 Notwithstanding the valuation provisions of sections 16A.695, subdivision 3,

1.17 and 94.10, subdivision 1, paragraph (a), for the sale of state bond-financed property

1.18 administered by the commissioner of natural resources, the commissioner may determine

1.19 the value of such property based on the data specified in section 84.0272, subdivision 3,

1.20 provided that the value of the property is \$50,000 or less.

1.21 Sec. 4. SAINT CROIX BOOM SITE WAYSIDE.

The following area is designated as the Saint Croix Boom Site Wayside: that part of Government Lots 2 and 3, Section 15, Township 30 North, Range 20 West, excepting therefrom the westerly 75 feet of Governmental Lot 3, which lies southeasterly of Line 1 described below:

Line 1: Commencing at Government Meander Corner No. 5 on the east line of said Section 15; thence northerly on an azimuth of 01 degree 01 minute 36 seconds along said east line for 50.80 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 222 degrees 13 minutes 44 seconds for 466.01 feet; thence southwesterly for 642.53 feet on a nontangential curve, concave to the northwest, having a radius of 3,769.72 feet, a delta angle of 09 degrees 45 minutes 57 seconds and a chord azimuth of 226 degrees 59 minutes 07 seconds; thence on an azimuth of 231 degrees 44 minutes 30 seconds for 389.72 feet; thence deflect to the left on a tangential curve, having a radius of 904.93 feet and a delta angle of 16 degrees 44 minutes 05 seconds, for 264.31 feet; thence on an azimuth of 215 degrees 00 minutes 25 seconds for 657.38 feet; thence on an azimuth of 305 degrees 00 minutes 25 seconds for 10.00 feet; thence on an azimuth of 215 degrees 00 minutes 25 seconds for 175.86 feet; thence deflect to the right on a tangential curve, having a radius of 612.96 feet and a delta angle of 17 degrees 24 minutes 49 seconds for 186.29 feet; thence on an azimuth of 142 degrees 25 minutes 14 seconds for 10.00 feet; thence westerly for 602.56 feet on a nontangential curve, concave to the north, having a radius of 622.96 feet, a delta angle of 55 degrees 25 minutes 11 seconds and a chord azimuth of 260 degrees 07 minutes 50 seconds; thence on an azimuth of 287 degrees 50 minutes 26 seconds for 15.80 feet; thence on an azimuth of 197 degrees 50 minutes 26 seconds for 90.00 feet; thence on an azimuth of 287 degrees 50 minutes 26 seconds for 180.02 feet and there terminating.

No access is permitted to Trunk Highway 95 from the lands described above, except that access is permitted between:

(1) points distant 502.82 feet and 562.82 feet easterly of the point of termination of Line 1 described above;

(2) points distant 892.54 feet and 952.54 feet southwesterly of the point of beginning of Line 1 described above;

(3) points distant 1,314.26 feet and 1,374.26 feet southwesterly of the point of beginning of Line 1 described above; and

(4) points distant 1,759.57 and 1,819.57 feet southwesterly of the point of beginning of Line 1 described above.

#### **Sec. 5. CENTENNIAL STATE FOREST.**

The following areas are designated as the Centennial State Forest:

3.1 (1) the Northwest Quarter of the Northwest Quarter, Section 4, Township 139 North,  
3.2 Range 27 West;

3.3 (2) the North Half of the Northeast Quarter, the Southeast Quarter of the Northwest  
3.4 Quarter, and the Northeast Quarter of the Southwest Quarter, Section 5, Township 139  
3.5 North, Range 27 West;

3.6 (3) the Southwest Quarter of the Northeast Quarter and the Southeast Quarter,  
3.7 Section 19, Township 140 North, Range 27 West;

3.8 (4) the Northwest Quarter of the Northeast Quarter, the South Half of the Northeast  
3.9 Quarter, the Southeast Quarter of the Northwest Quarter, the East Half of the Southwest  
3.10 Quarter, and the Southeast Quarter, Section 20, Township 140 North, Range 27 West;

3.11 (5) the North Half of the Southwest Quarter and the Northwest Quarter of the  
3.12 Southeast Quarter, Section 27, Township 140 North, Range 27 West;

3.13 (6) the South Half of the Northeast Quarter, the Northwest Quarter, the Northeast  
3.14 Quarter of the Southwest Quarter, and the North Half of the Southeast Quarter, Section  
3.15 28, Township 140 North, Range 27 West;

3.16 (7) Section 29, Township 140 North, Range 27 West;

3.17 (8) the Northeast Quarter, the Northeast Quarter of the Northwest Quarter, the North  
3.18 Half of the Southeast Quarter, and the Southeast Quarter of the Southeast Quarter, Section  
3.19 30, Township 140 North, Range 27 West;

3.20 (9) the North Half of the Northeast Quarter, Section 31, Township 140 North, Range  
3.21 27 West;

3.22 (10) the Northeast Quarter, the North Half of the Southeast Quarter, and the Southeast  
3.23 Quarter of the Southeast Quarter, Section 32, Township 140 North, Range 27 West;

3.24 (11) the Southwest Quarter, Section 33, Township 140 North, Range 27 West; and

3.25 (12) Section 36, Township 140 North, Range 28 West.

3.26 **Sec. 6. DELETION FROM STATE PARK.**

3.27 **[85.012] [Subd. 42.] Mille Lacs Kathio State Park, Mille Lacs County.**

3.28 The following area is deleted from Mille Lacs Kathio State Park: the North 165 feet  
3.29 of that part of Government Lot 3 lying East of Utopia Road (formally State Highway 169),  
3.30 except the East 75 feet of the West 393.75 feet thereof, Section 33, Township 43 North,  
3.31 Range 27 West, containing 1.22 acres, more or less.

3.32 **Sec. 7. ADDITIONS TO STATE FORESTS.**

3.33 Subdivision 1. [89.021] [Subd. 4.] Bear Island State Forest. The following area is  
3.34 added to the Bear Island State Forest: all of Township 62 North, Range 12 West.

4.1 Subd. 2. [89.021] [Subd. 13.] Cloquet Valley State Forest. The following areas  
4.2 are added to the Cloquet Valley State Forest:

4.3 (1) Sections 17 to 20 and 29 to 32, Township 54 North, Range 16 West;

4.4 (2) Sections 2 to 11, 15 to 23, and 26 to 35, Township 53 North, Range 17 West;

4.5 (3) Sections 13 to 35, Township 54 North, Range 17 West;

4.6 (4) Section 36, Township 53 North, Range 18 West; and

4.7 (5) Section 36, Township 54 North, Range 18 West.

4.8 Subd. 3. [89.021] [Subd. 27.] Kabetogama State Forest. The following areas  
4.9 are added to the Kabetogama State Forest:

4.10 (1) Sections 2 and 3, Township 62 North, Range 19 West; and

4.11 (2) Sections 6 and 7, Township 63 North, Range 21 West.

4.12 Subd. 4. [89.021] [Subd. 50.] Sturgeon River State Forest. The following area is  
4.13 added to the Sturgeon River State Forest: all of Township 60 North, Range 20 West.

4.14 Subd. 5. [89.021] [Subd. 55.] Whiteface River State Forest. The following area is  
4.15 added to the Whiteface River State Forest: the Southeast Quarter of the Southeast Quarter,  
4.16 Section 11, Township 56 North, Range 19 West.

4.17 **Sec. 8. PRIVATE SALE OF SURPLUS STATE LAND; CASS COUNTY.**

4.18 (a) Notwithstanding Minnesota Statutes, sections 94.09 and 94.10, the commissioner  
4.19 of natural resources may sell by private sale the surplus land that is described in paragraph  
4.20 (c). Before proceeding with the sale, the commissioner must acquire easement or fee  
4.21 interests for the alternative Tower Hill alignment of the Heartland State Trail.

4.22 (b) The commissioner may sell the land to a local homeowners association at the  
4.23 value offered in 1988, as adjusted for inflation by the implicit price deflator for government  
4.24 consumption expenditures and gross investment for state and local governments prepared  
4.25 by the Bureau of Economic Analysis of the United States Department of Commerce,  
4.26 plus sale costs. The commissioner may make changes to the land description to correct  
4.27 errors and ensure accuracy.

4.28 (c) The lands to be sold are located in Cass County and are described as:

4.29 (1) that part of the former Burlington Northern Railroad located in Government Lot  
4.30 5, Section 9, Township 143 North, Range 31 West of the Fifth Principal Meridian, Cass  
4.31 County, Minnesota, which lies northerly of the south line of said Government Lot 5 and  
4.32 southerly of the centerline of Cove Drive Northwest as it existed in 2013;

4.33 (2) a strip of land 100.00 feet in width extending over and across Government Lots 1,  
4.34 2, 3, 4, and 5 and the Southwest Quarter of the Southwest Quarter, Section 16, Township  
4.35 143 North, Range 31 West of the Fifth Principal Meridian, Cass County, Minnesota,

said strip of land being 50.00 feet on each side of the centerline of the main track (now removed) of the former Burlington Northern Railroad as originally located and established;

(3) that part of Government Lot 1, Section 21, Township 143 North, Range 31 West of the Fifth Principal Meridian, Cass County, Minnesota, which lies within the former Burlington Northern Railroad right-of-way;

(4) a strip of land 100.00 feet in width that lies across Government Lot 1, Section 20, Township 143 North, Range 31 West of the Fifth Principal Meridian, Cass County, Minnesota, said strip of land being 50.00 feet in width on each side of the centerline of the main track (now removed) of the former Burlington Northern Railroad, and which lies northeasterly of the following described line:

Commencing at the northeast corner of said Government Lot 1; thence North 89 degrees 14 minutes 06 seconds West, assumed bearing along the north line thereof 924.84 feet to the easterly right-of-way line of the Heartland Trail; thence southwesterly 350.93 feet along said right-of-way line, along a nontangential curve concave to the southeast having a radius of 5,529.58 feet, a central angle of 3 degrees 38 minutes 10 seconds and chord bears South 32 degrees 20 minutes 19 seconds West for a chord distance of 350.87 feet; thence South 89 degrees 14 minutes 06 seconds East not tangent to said curve 608.55 feet to the northwesterly right-of-way of the former Burlington Northern Railroad; thence southwesterly 131.12 feet along last said right-of-way, along a nontangential curve concave to the southeast, having a radius of 3,869.83 feet, a central angle of 1 degree 56 minutes 29 seconds and a chord bearing of South 53 degrees 10 minutes 19 seconds West for a chord distance of 131.11 feet and to the point of beginning of the line to be described; thence South 50 degrees 47 minutes 19 seconds East, a distance of 102.74 feet to the intersection of the southeasterly right-of-way of said former Burlington Northern Railroad and there terminating; and

(5) that part of Government Lot 1, Section 20, Township 143 North, Range 31 West, Cass County, Minnesota, described as follows:

Commencing at the northeast corner of said Government Lot 1; thence North 89 degrees 14 minutes 06 seconds West assumed bearing along the north line thereof 924.84 feet to the easterly right-of-way of the Heartland Trail; thence southwesterly 350.93 feet along said right-of-way line, along a nontangential curve concave to the southeast having a radius of 5,529.58 feet, a central angle of 3 degrees 38 minutes 10 seconds and the chord bears South 32 degrees 20 minutes 19 seconds West for a chord distance of 350.87 feet to the point of beginning of the tract to be herein described; thence South 89 degrees 14 minutes 06 seconds East not tangent to said curve 608.55 feet to the northwesterly right-of-way of the former Burlington Northern Railroad; thence southwesterly 131.12

feet along last said right-of-way, along a nontangential curve concave to the southeast, having a radius of 3,869.83 feet, a central angle of 1 degree 56 minutes 29 seconds and a chord bearing of South 53 degrees 10 minutes 19 seconds West for a chord distance of 131.11 feet; thence North 89 degrees 14 minutes 06 seconds West not tangent to last said curve 549.52 feet to said right-of-way of Heartland Trail; thence northeasterly 91.72 feet along last said right-of-way along a nontangential curve concave to the southeast, having a radius of 5,529.58 feet, a central angle of 0 degrees 57 minutes 01 second and the chord bears North 30 degrees 02 minutes 43 seconds East for a chord distance of 91.72 feet to the point of beginning.

(d) The Department of Natural Resources has determined that the Steamboat Loop of the Heartland State Trail is not needed for natural resource purposes after control of the alternative Tower Hill alignment and that the state's land management interests would best be served if the lands were then conveyed to a local homeowners association.

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

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

(b) The commissioner may sell the portion of the land that consists of a road right-of-way 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 portion of the land described in paragraph (c) that is a road right-of-way 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 commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Clearwater County and is described as: that part of Government Lot 2, Section 27, Township 149 North, Range 38 West, described as follows:

Commencing at a point on the east shore of Pine Lake where the same intersects the road running east and west; thence, easterly along the south shoulder of said road for about 465 feet to the center of State-Aid Road No. 7; thence north along said State-Aid Road No. 7, for a distance of 100 feet; thence westerly for about 465 feet to the shore of Pine Lake; thence, southerly along the shore of said lake for 100 feet to the point of beginning, and being a part of Lot 22 of Spruce Grove Park plat.

7.1 Containing 1.19 acres, more or less, and subject to 33-foot-wide platted road  
7.2 dedicated to public use.

7.3 (d) The land borders Pine Lake. The Department of Natural Resources has  
7.4 determined that the land is not needed for natural resource purposes and that the state's  
7.5 land management interests would best be served if the land was returned to private or  
7.6 public ownership.

7.7 Sec. 10. **PRIVATE SALE OF CONSOLIDATED CONSERVATION LAND;**  
7.8 **LAKE OF THE WOODS COUNTY.**

7.9 (a) Notwithstanding the classification and public sale provisions of Minnesota  
7.10 Statutes, sections 84A.27 and 282.14 to 282.22, the commissioner of natural resources may  
7.11 sell by private sale the consolidated conservation land that is described in paragraph (c).

7.12 (b) The commissioner may make necessary changes to the legal description to  
7.13 correct errors and ensure accuracy.

7.14 (c) The land that may be sold is located in Lake of the Woods County and is  
7.15 described as: the South Half of the Southeast Quarter, Section 14, Township 160 North,  
7.16 Range 31 West, containing 80 acres, more or less.

7.17 (d) The Department of Natural Resources has determined that the land is not needed  
7.18 for natural resource purposes and that the state's land management interests would best be  
7.19 served if the land were returned to local government or private ownership.

7.20 Sec. 11. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC**  
7.21 **WATER; LAKE OF THE WOODS COUNTY.**

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

7.25 (b) The commissioner may sell the land to a local unit of government for less than  
7.26 the value of the land as determined by the commissioner, but the conveyance must provide  
7.27 that the land described in paragraph (c) be used for the public and reverts to the state if the  
7.28 local unit of government fails to provide for public use or abandons the public use of the  
7.29 land. The conveyance is subject to existing rights of a county road easement, water and  
7.30 land crossing utility licenses, a grant-in-aid trail permit, and a lease to the county for an  
7.31 immigration videophone site. The commissioner may make necessary changes to the legal  
7.32 description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Lake of the Woods County and is described as: the Southwest Quarter, Section 28, Township 168 North, Range 34 West, containing 160 acres, more or less.

(d) The land is adjacent to the Northwest Angle Inlet of Lake of the Woods. 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 a public park and other public use.

Sec. 12. **PRIVATE SALE OF SURPLUS LAND; MILLE LACS 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 that is described in paragraph (c).

(b) The land must not be sold for less than the appraised value. The buyer must reimburse the commissioner for all costs and expenses, including staff costs, incurred by the commissioner in making the property saleable and in selling the property. The commissioner may make necessary changes to the legal description to correct errors and ensure accuracy.

(c) The land that may be sold is located in Mille Lacs County and is described as: the North 165 feet of that part of Government Lot 3 lying East of Utopia Road (formally State Highway 169), except the East 75 feet of the West 393.75 feet thereof, Section 33, Township 43 North, Range 27 West, containing 1.22 acres, more or less.

(d) The land to be sold is part of a parcel that, as purchased by the state, borders on Mille Lacs Lake. The shoreline and at least 75 feet west of the shoreline will be retained by the state for natural resource purposes. The Department of Natural Resources has determined that the state's land management interests would best be served if the land to be sold were conveyed for use in the expansion of an existing cemetery.

Sec. 13. **PRIVATE SALE OF SURPLUS STATE LAND BORDERING PUBLIC WATER; OLMSTED 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 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



9.1 of the land. The commissioner may make necessary changes to the legal description to  
9.2 correct errors and ensure accuracy.

9.3 (c) The land that may be sold is located in Olmsted County and is described as: that  
9.4 part of Lot 9 of State Subdivision of Section 16, Township 105 North, Range 13 West,  
9.5 lying north of the North Branch of the Root River. Containing 1.56 acres, more or less.

9.6 (d) The land borders the North Branch of the Root River and the Root River County  
9.7 Park. The Department of Natural Resources has determined that the land is not needed  
9.8 for natural resource purposes and that the state's land management interests would best  
9.9 be served if the land was conveyed to a local unit of government and used for public  
9.10 park purposes.

9.11 Sec. 14. **EXCHANGE OF STATE LAND; ST. LOUIS COUNTY.**

9.12 (a) Notwithstanding the riparian restrictions in Minnesota Statutes, section 94.342,  
9.13 subdivision 3, the commissioner of natural resources may, with the approval of the Land  
9.14 Exchange Board as required under the Minnesota Constitution, article XI, section 10, and  
9.15 according to the remaining provisions of Minnesota Statutes, sections 94.342 to 94.347,  
9.16 exchange the riparian land described in paragraph (b).

9.17 (b) The state land that may be exchanged is located in St. Louis County and is  
9.18 described as: Government Lot 5, Section 35, Township 64 North, Range 12 West.

9.19 (c) The state land administered by the commissioner of natural resources borders  
9.20 Low Lake. The land to be exchanged is forest land that includes areas bordering the  
9.21 Whiteface River. While the land does not provide at least equal opportunity for access to  
9.22 waters by the public, the land to be acquired by the commissioner in the exchange will  
9.23 improve access to adjacent state forest lands.

9.24 Sec. 15. **EFFECTIVE DATE.**

9.25 Sections 1 to 14 are effective the day following final enactment.