

6105.1270 LAND ACQUISITION.

Subpart 1. **Acquisition funds.** The lands or interests in land recommended to be acquired in this plan will be acquired when funds are available for such purchases from willing sellers, as provided for in Minnesota Statutes 1974, section 104.37.

A. Fee title acquisition is recommended in those areas where recreational sites are needed. These areas are identified in the fee title descriptions.

B. Scenic easement acquisition is recommended in those areas having outstanding scenic or natural characteristics as identified in the scenic easement descriptions.

C. Because fee title acquisition or scenic easement acquisition is from willing sellers at the appraised market value, some lands recommended for scenic easement acquisition may be purchased in fee title. Some lands recommended for fee title acquisition may be purchased in scenic easement. This change from the recommended acquisition would be based on the mutual agreement by and between the state of Minnesota and the landowner(s).

Subp. 2. **Other forms of acquisition.** Other forms of acquisition, such as use easements or leases, may be used to acquire interests in lands within the land use districts.

Subp. 3. **Land exchange.** Land will be exchanged, whenever feasible, to acquire lands within the land use districts. These exchanges will be done in the manner prescribed by state law. However, land exchanges will not be recommended if such exchanges would adversely affect this or any other Department of Natural Resources management program.

Subp. 4. **Additional lands or interests.** Additional lands or interests in land may be purchased within the land use districts from willing sellers to further the policies established in Minnesota Statutes, section 103F.305, and this management plan.

Subp. 5. **Eminent domain authority.** Land acquisition authority contained in this subpart is promulgated under Minnesota Statutes 1974, section 104.37, which does not give the commissioner of the Department of Natural Resources eminent domain authority within the river land use districts. If in the future, eminent domain authority is granted as a method of land acquisition under Minnesota Statutes, section 103F.331, it shall not be utilized in the river land use districts without explicit repromulgation or amendment of this rule. This provision does not apply when the commissioner of the Department of Natural Resources is ordered by the legislature to use eminent domain authority within the river land use districts.

Statutory Authority: *MS s 104.35; 103F.325*

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