

Lessard-Sams Outdoor Heritage Council

MEMO: Agenda Item #5
DATE: May 1, 2024
SUBJECT: Prairie Recovery Program Phase III Minor Conveyance
ML 2012, Ch. 264, Art. 1, Sec. 2, Subd. 2(b) Prairie Recovery Program
PRESENTER: Staff

Suggested Process:

Executive Director, per LSOHC procedures, to approve the conveyance as presented and direct the deposit of the proceeds into the Outdoor Heritage Fund.

Background:

The Nature Conservancy has received notice from a neighbor that owns a 9-acre inholding at Lake Johanna Esker Preserve in Pope County. The owner of the inholding has asked TNC to provide an access easement from the town road, across TNC property, to the western half of her 9 acres. The TNC property the proposed easement crosses over was purchased with Outdoor Heritage Funds, parcels named Pope County #1 (closed 7/09/2014) and Pope County #2 (closed 12/16/2014).

Details of the easement, square footage and parcels affected, and the estimated payment back to the OHF is described in the attachments. No compensatory lands have been offered.

Council procedures allowing Executive Director to approve minor conversions/conveyances:

7. Land Acquisition Restrictions

In accordance with [Minnesota Statutes, section 97A.056, subd. 15.](#)

a. Duties of Land Holders

Holders of an interest in real property must submit a written application to alter land at least 60 days prior to a proposed change occurring. The application will describe the land being altered, the parties involved and any replacement plans.

b. Council Process

- i. Minor conversions or conveyances.** The executive director of the LSOHC is granted the discretion to approve applications for minor conversions or conveyances and report minor approvals to the COUNCIL and the proposed replacement plans. COUNCIL members and the chairs and ranking minority members of the committees with jurisdiction over the Outdoor Heritage Fund must be notified at least 15 business days before issuing such approval.
- ii. Condemnations.** The executive director will notify COUNCIL members and the chairs and ranking minority members of the committees with jurisdiction over the Outdoor

Heritage Fund upon learning of condemnation of Outdoor Heritage Fund property. In the case of condemnation, the condemnation process will proceed without COUNCIL consideration. Following the completion of the condemnation proceedings, the condemned party will notify the COUNCIL of the settlement terms and replacement plans. The COUNCIL may:

- 1) accept the replacement plans; or
- 2) instruct the condemned party to deposit the state's share of the proceeds of condemnation in the Outdoor Heritage Fund.

- iii. **All Other Conversions or Alterations.** In the case of major conversions or conveyances, the executive director will forward the application to the COUNCIL for review and approval and notify the chairs and ranking minority members of the committees with jurisdiction over the Outdoor Heritage Fund that the COUNCIL will consider the alteration and any replacement plans at the next meeting of the COUNCIL at least 15 business days from the date of notification.

Attachments:

- Proposed Easement Maps
- Restricted Appraisal Report
- Easement Description