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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3352

02/17/2020 Authored by Becker-Finn; Lueck; Nelson, N., and Lee
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 provisions for conveying state land interests;
1.3 adding to and deleting from state parks and recreation areas; authorizing sales of
1.4 certain surplus state lands; amending Minnesota Statutes 2018, sections 84.63;
1.5 92.502.

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

1.7 Section 1. Minnesota Statutes 2018, section 84.63, is amended to read:

1.8 84.63 CONVEYANCE OF INTERESTS IN LANDS TO STATE AND, FEDERAL,
1.9 AND TRIBAL GOVERNMENTS.

1.10 (a) Notwithstanding any existing law to the contrary, the commissioner of natural
1.11 resources is hereby authorized on behalf of the state to convey to the United States, to a
1.12 federally recognized Indian tribe, or to the state of Minnesota or any of its subdivisions,
1.13 upon state-owned lands under the administration of the commissioner of natural resources,
1.14 permanent or temporary easements for specified periods or otherwise for trails, highways,
1.15 roads including limitation of right of access from the lands to adjacent highways and roads,
1.16 flowage for development of fish and game resources, stream protection, flood control, and
1.17 necessary appurtenances thereto, such conveyances to be made upon such terms and
1.18 conditions including provision for reversion in the event of non-user as the commissioner
1.19 of natural resources may determine.

1.20 (b) In addition to the fee for the market value of the easement, the commissioner of
1.21 natural resources shall assess the applicant the following fees:

1.22 (1) an application fee of \$2,000 to cover reasonable costs for reviewing the application
1.23 and preparing the easement; and

2.1 (2) a monitoring fee to cover the projected reasonable costs for monitoring the
 2.2 construction of the improvement for which the easement was conveyed and preparing special
 2.3 terms and conditions for the easement. The commissioner must give the applicant an estimate
 2.4 of the monitoring fee before the applicant submits the fee.

2.5 (c) The applicant shall pay these fees to the commissioner of natural resources. The
 2.6 commissioner shall not issue the easement until the applicant has paid in full the application
 2.7 fee, the monitoring fee, and the market value payment for the easement.

2.8 (d) Upon completion of construction of the improvement for which the easement was
 2.9 conveyed, the commissioner shall refund the unobligated balance from the monitoring fee
 2.10 revenue. The commissioner shall not return the application fee, even if the application is
 2.11 withdrawn or denied.

2.12 (e) Money received under paragraph (b) must be deposited in the land management
 2.13 account in the natural resources fund and is appropriated to the commissioner of natural
 2.14 resources to cover the reasonable costs incurred for issuing and monitoring easements.

2.15 (f) A county or joint county regional railroad authority is exempt from all fees specified
 2.16 under this section for trail easements on state-owned land.

2.17 Sec. 2. Minnesota Statutes 2018, section 92.502, is amended to read:

2.18 **92.502 LEASE OF TAX-FORFEITED AND STATE LANDS.**

2.19 (a) Notwithstanding section 282.04 or other law to the contrary, St. Louis County may
 2.20 enter a 30-year lease of tax-forfeited land for a wind energy project.

2.21 (b) The commissioner of natural resources may enter a 30-year lease of land administered
 2.22 by the commissioner for a wind energy project.

2.23 (c) The commissioner of natural resources may enter a 30-year lease of land administered
 2.24 by the commissioner for recreational trails and facilities. The commissioner may assess the
 2.25 lease applicant a monitoring fee to cover the projected reasonable costs of monitoring
 2.26 construction of the recreational trail or facility and preparing special terms and conditions
 2.27 of the license to ensure proper construction. The commissioner must give the applicant an
 2.28 estimate of the monitoring fee before the applicant is required to submit the fee.

2.29 (d) Notwithstanding section 282.04 or other law to the contrary, Lake and St. Louis
 2.30 Counties may enter into 30-year leases of tax-forfeited land for recreational trails and
 2.31 facilities.

3.1 Sec. 3. ADDITION TO STATE PARK.

3.2 [85.012] [Subd. 18.] Fort Snelling State Park, Dakota County. The following areas
3.3 are added to Fort Snelling State Park, Dakota County:

3.4 (1) that part of Section 28, Township 28 North, Range 23 West, Dakota County,
3.5 Minnesota, bounded by the Dakota County line along the Minnesota River and the following
3.6 described lines:

3.7 Beginning at the intersection of the south line of Lot 18 of Auditor's Subdivision Number
3.8 29 of Mendota, according to the plat on file in the Office of the Dakota County Recorder,
3.9 with the westerly right-of-way line of the existing Sibley Memorial Highway; thence
3.10 northerly along said westerly right-of-way line to the north line of said Lot 18; thence
3.11 westerly along the north line of said Lot 18 to the easterly right-of-way line of the
3.12 Chicago and Northwestern Railroad; thence northerly and northeasterly along said
3.13 easterly right-of-way to the east line of said Section 28;

3.14 (2) that part of Section 33, Township 28 North, Range 23 West, Dakota County,
3.15 Minnesota, lying westerly of the easterly right-of-way of the Chicago and Northwestern
3.16 Railroad;

3.17 (3) that part of Government Lot 6 of Section 33, Township 28 North, Range 23 West,
3.18 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
3.19 Northwestern Railroad and West of the westerly right-of-way of Sibley Memorial Highway
3.20 and North of the South 752 feet of said Government Lot 6;

3.21 (4) the North 152 feet of the South 752 feet of that part of Government Lot 6 of Section
3.22 33, Township 28 North, Range 23 West, Dakota County, Minnesota, lying East of the
3.23 easterly right-of-way of the Chicago and Northwestern Railroad and West of the westerly
3.24 right-of-way of Sibley Memorial Highway;

3.25 (5) the North 270 feet of the South 600 feet of that part of Government Lot 6 lying
3.26 between the westerly right-of-way of Sibley Memorial Highway and the easterly right-of-way
3.27 of the Chicago and Northwestern Railroad in Section 33, Township 28 North, Range 23
3.28 West, Dakota County, Minnesota;

3.29 (6) that part of the South 20 rods of Government Lot 6 of Section 33, Township 28
3.30 North, Range 23 West, Dakota County, Minnesota, lying East of the easterly right-of-way
3.31 of the Chicago and Northwestern Railroad and West of the westerly right-of-way of Sibley
3.32 Memorial Highway, excepting therefrom that part described as follows:

4.1 Commencing at the southeast corner of said Government Lot 6; thence North 89 degrees
4.2 56 minutes 54 seconds West assumed bearing along the south line of said Government
4.3 Lot 6 a distance of 260.31 feet to the point of beginning of the property to be described;
4.4 thence continue North 89 degrees 56 minutes 54 seconds West a distance of 71.17 feet;
4.5 thence northwesterly a distance of 37.25 feet along a nontangential curve concave to
4.6 the East having a radius of 4,098.00 feet and a central angle of 00 degrees 31 minutes
4.7 15 seconds the chord of said curve bears North 23 degrees 31 minutes 27 seconds West;
4.8 thence northerly a distance of 127.39 feet along a compound curve concave to the East
4.9 having a radius of 2,005.98 feet and a central angle of 03 degrees 38 minutes 19 seconds;
4.10 thence North 70 degrees 22 minutes 29 seconds East not tangent to said curve a distance
4.11 of 65.00 feet; thence southerly a distance of 123.26 feet along a nontangential curve
4.12 concave to the East having a radius of 1,940.98 feet and a central angle of 03 degrees
4.13 38 minutes 19 seconds the chord of said curve bears South 21 degrees 26 minutes 40
4.14 seconds East; thence southerly a distance of 65.42 feet to the point of beginning along
4.15 a compound curve concave to the East having a radius of 4,033.00 feet and a central
4.16 angle of 00 degrees 55 minutes 46 seconds;

4.17 (7) that part of Government Lot 5 of Section 33, Township 28 North, Range 23 West,
4.18 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
4.19 Northwestern Railroad and West of the westerly right-of-way of Sibley Memorial Highway,
4.20 excepting therefrom that part described as follows:

4.21 Commencing at the southeast corner of said Government Lot 5; thence North 89 degrees
4.22 56 minutes 18 seconds West assumed bearing along the south line of said Government
4.23 Lot 5 a distance of 70.48 feet to the point of beginning of the property to be described;
4.24 thence continue North 89 degrees 56 minutes 18 seconds West along said south line of
4.25 Government Lot 5 a distance of 40.01 feet; thence North 01 degree 30 minutes 25 seconds
4.26 East a distance of 6.08 feet; thence northerly a distance of 185.58 feet along a tangential
4.27 curve concave to the West having a radius of 4,427.00 feet and a central angle of 02
4.28 degrees 24 minutes 07 seconds; thence South 89 degrees 06 minutes 18 seconds West
4.29 not tangent to said curve a distance of 25.00 feet; thence North 00 degrees 53 minutes
4.30 42 seconds West a distance of 539.13 feet; thence northerly a distance of 103.77 feet
4.31 along a tangential curve concave to the West having a radius of 1,524.65 feet and a
4.32 central angle of 03 degrees 53 minutes 59 seconds; thence northerly a distance of 159.33
4.33 feet along a compound curve concave to the West having a radius of 522.45 feet and a
4.34 central angle of 17 degrees 28 minutes 23 seconds; thence northwesterly a distance of
4.35 86.78 feet along a tangential curve concave to the West having a radius of 1,240.87 feet

5.1 and a central angle of 04 degrees 00 minutes 25 seconds; thence North 26 degrees 16
5.2 minutes 30 seconds West tangent to said curve a distance of 92.39 feet; thence
5.3 northwesterly a distance of 178.12 feet along a tangential curve concave to the East
5.4 having a radius of 4,098.00 feet and a central angle of 02 degrees 29 minutes 25 seconds
5.5 to a point on the north line of said Government Lot 5 which is 331.48 feet from the
5.6 northeast corner thereof as measured along said north line; thence South 89 degrees 56
5.7 minutes 54 seconds East along said north line of Government Lot 5 a distance of 71.17
5.8 feet; thence southeasterly a distance of 146.53 feet along a nontangential curve concave
5.9 to the East having a radius of 4,033.00 feet and a central angle of 02 degrees 04 minutes
5.10 54 seconds the chord of said curve bears South 25 degrees 14 minutes 03 seconds East;
5.11 thence South 26 degrees 16 minutes 30 seconds East tangent to said curve a distance of
5.12 92.39 feet; thence southerly a distance of 91.33 feet along a tangential curve concave
5.13 to the West having a radius of 1,305.87 feet and a central angle of 04 degrees 00 minutes
5.14 25 seconds; thence southerly a distance of 179.15 feet along a tangential curve concave
5.15 to the West having a radius of 587.45 feet and a central angle of 17 degrees 28 minutes
5.16 23 seconds; thence southerly a distance of 108.20 feet along a compound curve concave
5.17 to the West having a radius of 1,589.65 feet and a central angle of 03 degrees 53 minutes
5.18 59 seconds; thence South 00 degrees 53 minutes 42 seconds East tangent to said curve
5.19 a distance of 539.13 feet; thence southerly a distance of 187.26 feet along a tangential
5.20 curve concave to the West having a radius of 4,467.00 feet and a central angle of 02
5.21 degrees 24 minutes 07 seconds; thence South 01 degree 30 minutes 25 seconds West
5.22 tangent to said curve a distance of 5.07 feet to the point of beginning; and

5.23 (8) that part of Government Lot 4 of Section 33, Township 28 North, Range 23 West,
5.24 Dakota County, Minnesota, lying East of the easterly right-of-way of the Chicago and
5.25 Northwestern Railroad and northerly of the following described line:

5.26 Commencing at the southeast corner of said Government Lot 4; thence North 89 degrees
5.27 55 minutes 42 seconds West assumed bearing along the south line of said Government
5.28 Lot 4 a distance of 312.44 feet to corner B205, MNDOT Right-of-Way Plat No. 19-93,
5.29 according to the recorded map thereof; thence continue North 89 degrees 55 minutes 42
5.30 seconds West along said south line of Government Lot 4 a distance of 318.00 feet to the
5.31 easterly right-of-way of Chicago and Northwestern Railroad; thence northerly along
5.32 said railroad right-of-way a distance of 387.97 feet along a nontangential curve concave
5.33 to the West having a radius of 2,963.54 feet and a central angle of 07 degrees 30 minutes
5.34 03 seconds, the chord of said curve bears North 00 degrees 42 minutes 41 seconds East;
5.35 thence North 03 degrees 02 minutes 21 seconds West tangent to said curve along said

6.1 railroad right-of-way a distance of 619.45 feet to the point of beginning of the line to
 6.2 be described; thence North 89 degrees 35 minutes 27 seconds East a distance of 417.92
 6.3 feet; thence North 18 degrees 18 minutes 58 seconds East a distance of 317.52 feet to a
 6.4 point on the north line of said Government Lot 4 which is 135.00 feet from the northeast
 6.5 corner thereof as measured along said north line and there terminating.

6.6 Sec. 4. **ADDITION TO STATE RECREATION AREA.**

6.7 **[85.013] [Subd. 12a.] Iron Range Off-Highway Vehicle Recreation Area, St. Louis**
 6.8 **County.** The following area is added to Iron Range Off-Highway Vehicle Recreation Area,
 6.9 St. Louis County: that part of the South Half of the Northwest Quarter of Section 15,
 6.10 Township 58 North, Range 17 West, St. Louis County, Minnesota, lying northerly of the
 6.11 following described line:

6.12 Commencing at the West quarter corner of said Section 15; thence North 01 degree 24
 6.13 minutes 27 seconds West, bearing assumed, along the west line of said South Half of
 6.14 the Northwest Quarter a distance of 1,034.09 feet to a 3/4-inch rebar with plastic cap
 6.15 stamped "MN DNR LS 44974" (DM) and the point of beginning; thence South 62 degrees
 6.16 44 minutes 07 seconds East 405.24 feet to a DM; thence South 82 degrees 05 minutes
 6.17 24 seconds East 314.95 feet to a DM; thence South 86 degrees 18 minutes 01 second
 6.18 East 269.23 feet to a DM; thence North 81 degrees 41 minutes 24 seconds East 243.61
 6.19 feet to a DM; thence North 71 degrees 48 minutes 05 seconds East 478.17 feet to a DM;
 6.20 thence North 60 degrees 53 minutes 38 seconds East 257.32 feet to a DM; thence South
 6.21 09 degrees 16 minutes 07 seconds East 179.09 feet to a DM; thence South 49 degrees
 6.22 16 minutes 00 seconds East 127.27 feet to a DM; thence South 50 degrees 16 minutes
 6.23 11 seconds East 187.13 feet to a DM; thence South 67 degrees 11 minutes 35 seconds
 6.24 East 189.33 feet to a DM; thence South 67 degrees 13 minutes 16 seconds East 209.43
 6.25 feet to a DM; thence South 80 degrees 39 minutes 19 seconds East 167.59 feet to a DM
 6.26 on the east line of said South Half of the Northwest Quarter, and there terminating.

6.27 Sec. 5. **DELETIONS FROM STATE PARKS.**

6.28 Subdivision 1. [85.012] [Subd. 18.] Fort Snelling State Park, Dakota County. The
 6.29 following areas are deleted from Fort Snelling State Park, Dakota County:

6.30 (1) all of Section 33, Township 28 North, Range 23 West of the 4th Principal Meridian
 6.31 lying westerly of the westerly right-of-way line of the existing Minnesota Trunk Highway
 6.32 No. 13, excepting the right-of-way owned by the Chicago and Northwestern railway
 6.33 company; and

7.1 (2) all of Section 28, Township 28 North, Range 23 West of the 4th Principal Meridian
 7.2 bounded by the Dakota County line along the Minnesota River and the following described
 7.3 lines: Beginning at the south line of said Section 28 at its intersection with the westerly
 7.4 right-of-way line of the existing Minnesota Trunk Highway No. 13; thence northerly along
 7.5 the said westerly right-of-way line of existing Minnesota Trunk Highway No. 13 to the
 7.6 southerly right-of-way line of existing Minnesota Trunk Highway Nos. 55 and 100; thence
 7.7 along the existing southerly right-of-way line of Minnesota Trunk Highway Nos. 55 and
 7.8 100 to the westerly right-of-way line owned by the Chicago and Northwestern railway
 7.9 company; thence northeasterly along the said westerly right-of-way line of the Chicago and
 7.10 Northwestern railway to the east line of said Section 28, excepting therefrom the right-of-way
 7.11 owned by the Chicago and Northwestern railway company.

7.12 Subd. 2. [85.012] [Subd. 60.] William O'Brien State Park, Washington County. The
 7.13 following areas are deleted from William O'Brien State Park, Washington County:

7.14 (1) those parts of Section 25, Township 32 North, Range 20 West, Washington County,
 7.15 Minnesota, described as follows:

7.16 The West two rods of the Southwest Quarter of the Northeast Quarter, the West two
 7.17 rods of the North two rods of the Northwest Quarter of the Southeast Quarter, and the
 7.18 East two rods of the Southeast Quarter of the Northwest Quarter; and

7.19 (2) the East two rods over and across the Northeast Quarter of the Northwest Quarter,
 7.20 excepting therefrom the North 200 feet of said Northeast Quarter of the Northwest Quarter.
 7.21 Also, the West 2 rods of the Northwest Quarter of the Northeast Quarter, excepting therefrom
 7.22 the North 266 feet of said Northwest Quarter of the Northeast Quarter. Also, the South 66
 7.23 feet of the North 266 feet of that part of said Northwest Quarter of the Northeast Quarter
 7.24 lying southwesterly of the existing public road known as 199th Street North.

7.25 Sec. 6. PRIVATE SALE OF SURPLUS STATE LAND; CASS COUNTY.

7.26 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
 7.27 natural resources may sell by private sale the surplus land that is described in paragraph (c).

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

7.30 (c) The land to be conveyed is located in Cass County and is described as: the westerly
 7.31 20.00 feet of the West Half of the Northeast Quarter, Section 16, Township 139 North,
 7.32 Range 30 West, Cass County, Minnesota. The Grantor, its employees and agents only,

8.1 reserves a perpetual easement for ingress and egress over and across the above described
8.2 land.

8.3 (d) The Department of Natural Resources has determined that the land is not needed for
8.4 natural resource purposes and that the state's land management interests would best be
8.5 served if the land was returned to private ownership.

8.6 **Sec. 7. PRIVATE SALE OF SURPLUS STATE LAND; LAKE OF THE WOODS**
8.7 **COUNTY.**

8.8 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
8.9 natural resources may sell by private sale the surplus land that is described in paragraph (c).

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

8.12 (c) The land to be conveyed is located in Lake of the Woods County and is described
8.13 as: a strip of land lying in Government Lot 3, Section 5, Township 163 North, Range 34
8.14 West of the Fifth Principal Meridian, Lake of the Woods County, Minnesota; said strip of
8.15 land being 33.00 feet in width lying 16.50 feet on each side of the following described
8.16 centerline:

8.17 Commencing at the southeast corner of said Government Lot 3; thence North 00 degrees
8.18 09 minutes 28 seconds West, assumed bearing, along the east line of said Government
8.19 Lot 3, a distance of 690 feet, more or less, to the south line of that particular tract of land
8.20 deeded to the State of Minnesota according to Document No. 75286, on file and of record
8.21 in the Office of the Recorder, Lake of the Woods County, Minnesota; thence South 89
8.22 degrees 50 minutes 32 seconds West, along said south line of that particular tract of
8.23 land, a distance of 200.00 feet; thence South 00 degrees 09 minutes 28 seconds East,
8.24 parallel with the east line of said Government Lot 3, a distance of 40.00 feet; thence
8.25 South 89 degrees 50 minutes 32 seconds West, a distance of 16.50 feet to the point of
8.26 beginning of the centerline to be herein described; thence South 00 degrees 09 minutes
8.27 28 seconds East, parallel with the east line of said Government Lot 3, a distance of 650.5
8.28 feet, more or less, to the south line of said Government Lot 3 and said centerline there
8.29 terminating.

8.30 (d) The Department of Natural Resources has determined that the land is not needed for
8.31 natural resource purposes and that the state's land management interests would best be
8.32 served if the land was returned to private ownership.

9.1 **Sec. 8. PRIVATE SALE OF SURPLUS STATE LAND; ST. LOUIS COUNTY.**

9.2 (a) Notwithstanding Minnesota Statutes, sections 94.09 to 94.16, the commissioner of
9.3 natural resources may convey the surplus land that is described in paragraph (c) to
9.4 Independence Township for no consideration.

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

9.7 (c) The land to be conveyed is located in St. Louis County and is described as: that part
9.8 of the Southwest Quarter of the Northwest Quarter of Section 27, Township 52 North, Range
9.9 17 West, St. Louis County, Minnesota, described as follows:

9.10 Commencing at the quarter corner between Sections 27 and 28 of said Township 52
9.11 North, Range 17 West; thence running East 624 feet; thence North 629 feet to the point
9.12 of beginning; thence North 418 feet; thence East 208 feet; thence South 418 feet; thence
9.13 West 208 feet to the point of beginning.

9.14 (d) The Department of Natural Resources has determined that the land is not needed for
9.15 natural resource purposes and that the state's land management interests would best be
9.16 served if the land were conveyed to the township.

9.17 **Sec. 9. PUBLIC SALE OF SURPLUS STATE LAND BORDERING PUBLIC**
9.18 **WATER; WADENA COUNTY.**

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

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

9.24 (c) The land that may be sold is located in Wadena County and is described as: the
9.25 Northeast Quarter of the Southwest Quarter of Section 26, Township 136 North, Range 34
9.26 West, Wadena County, Minnesota, except that part described as follows:

9.27 Beginning at the northeast corner of said Northeast Quarter of the Southwest Quarter;
9.28 thence West 10 rods; thence South 8 rods; thence East 10 rods; thence North 8 rods to
9.29 the point of beginning and there terminating.

9.30 (d) The land borders the Redeye River. The Department of Natural Resources has
9.31 determined that the land is not needed for natural resource purposes and that the state's land
9.32 management interests would best be served if the land were returned to private ownership.