

MEMORANDUM

To: MCWD Planning and Policy Committee
From: Tiffany Schaufler
CC: James Wisker
Date: November 16, 2015
Re: November 19, 2015 Planning and Policy Committee Meeting: Gray's Bay Dam Easement

Purpose:

At the November 19, 2015 Planning and Policy Committee (PPC) meeting, staff will be seeking a Committee recommendation on a request from the City of Minnetonka to have the District adjust its easements rights on a City parcel to accommodate the City's proposed land exchange agreement with a property owner to the east of the City parcel.

Background:

In 1979, Hennepin County and the District entered into a cooperative agreement in which Hennepin County transferred ownership and control of the dam structure to the District. Through this agreement Hennepin County also granted an easement to the District over two parcels of land on either end of the dam for construction, operation, inspection and access to the new control structure and dam. The purposes of the easement are for access to the dam to construct, reconstruct, maintain and restore; temporary placement and storage of materials; and to provide stability with respect to the termini of the dam or its accessories. In 2005, in conjunction with a District project improving the dam structure and associated property for public purposes, the easement was amended to clarify the District's right to maintain the broader range of public improvements.

Of these two parcels of land, one is a parcel of dimensions 150 feet by 150 feet north of the fixed weir that affords the District access to the dam/weir and staging area (see parcel in Attachment A). Hennepin County conveyed this parcel to the City of Minnetonka in 1996. In 1998 the City approached the District about narrowing the District easement over this City property. At the December 10, 1998 Board of Managers meeting the Board voted in favor to discuss executing a conveyance that would narrow the easement north of the dam to a "reasonable dimension" through a process of discussion with the City of Minnetonka.

In October 2015 the City approached the District again about narrowing the District's easement over the City parcel north of the dam as the City is working on a land exchange. The City of Minnetonka is currently coordinating a land exchange agreement with the property owners to the east of the City parcel. Under the proposed land exchange agreement, the City will convey a 35-foot wide strip of land ("Strip Parcel") from the City parcel and combine it with the property to the east (see Attachment B for a sketch of the land exchange). Since the entire City property is encumbered by the 1979 District easement, the land exchange agreement is contingent on the District vacating its easement over the Strip Parcel

District staff and the District engineer have determined that vacating the easement within the Strip Parcel should not affect the District's ability to maintain the dam. The remaining easement would continue to provide the District access over and use of the entire redescribed City parcel, which should provide the District enough land to be able to access the dam structure and temporarily store materials to maintain and restore it as needed. The City land exchange also will benefit the District by formally establishing City ownership of public ROW from Crosby Road to access the City parcel and District easement.

Next Steps:

At the November 19, 2015 PPC meeting staff will provide a detailed overview of the proposed easement amendment and new easement agreement with the City of Minnetonka. Following the PPC meeting, staff will be seeking action by the Board of Managers at the November 19, 2015 Board Meeting.

If there are questions in advance of the meeting, please contact Tiffany Schaufler at 952-641-4513 or tschaufler@minnehahacreek.org.

Attachments:

- Attachment A: Aerial Map of Property
- Attachment B: Sketch of the Land Exchange

ATTACHMENT A

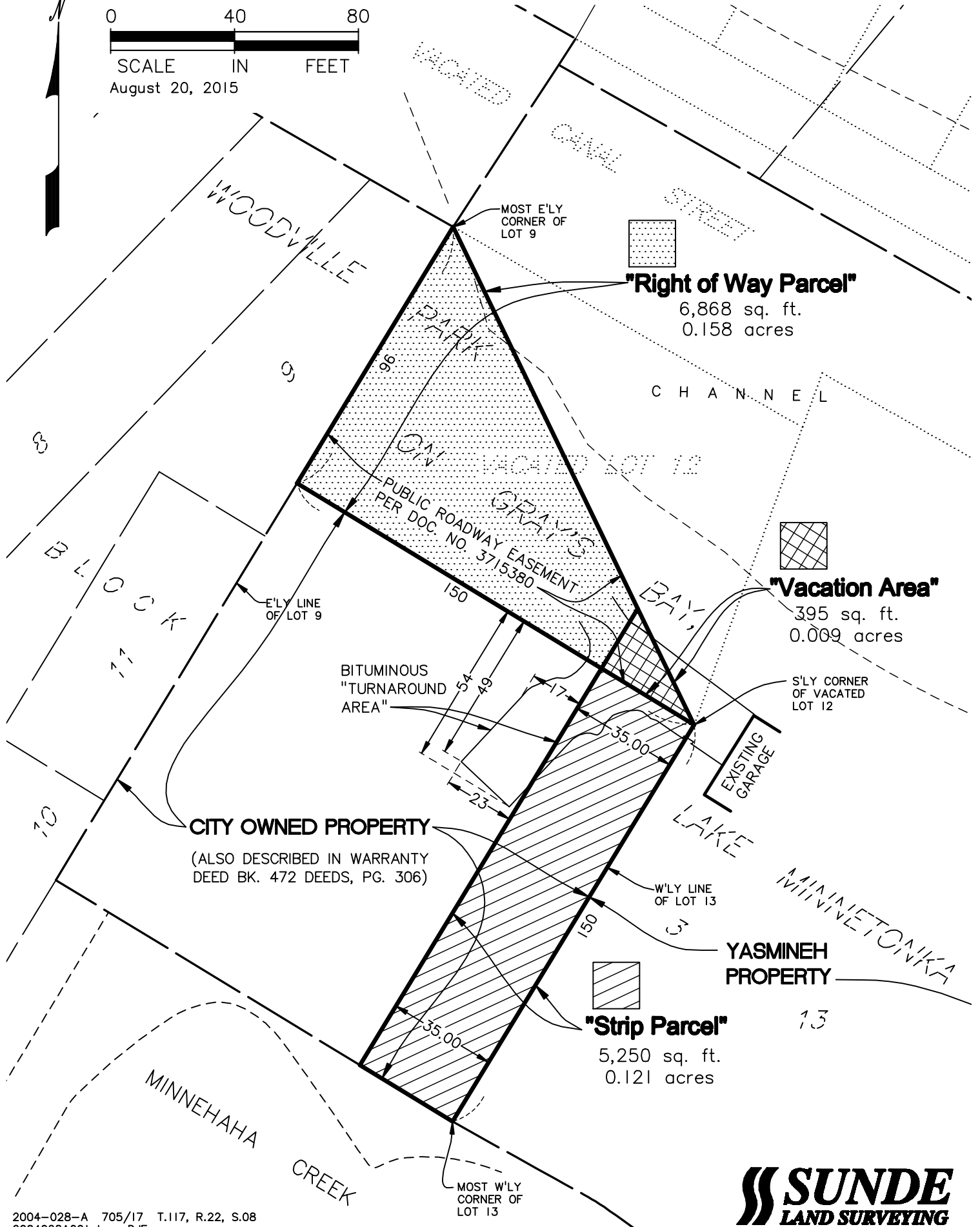
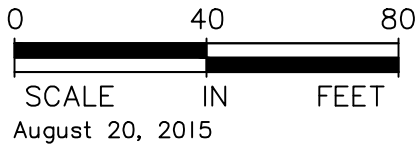
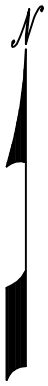
City Parcel highlighted in blue



City Parcel highlighted in blue



ATTACHMENT B



"Right of Way Parcel"
6,868 sq. ft.
0.158 acres

"Vacation Area"
395 sq. ft.
0.009 acres

"Strip Parcel"
5,250 sq. ft.
0.121 acres

CITY OWNED PROPERTY
(ALSO DESCRIBED IN WARRANTY DEED BK. 472 DEEDS, PG. 306)

YASMINEH PROPERTY

