



Lessard-Sams Outdoor Heritage Council
The State of Minnesota

State Office Building, Room G95 100 Dr. Rev. Martin Luther King Jr. Blvd. Saint Paul, Minnesota 55155

June 9, 2017

Jon Schneider
Manager of Conservation Programs
311 East Lake Geneva Road
Alexandria, MN 56308

Dear Jon:

Please note that on May 18, 2017, in accordance with the operating procedures of the Lessard-Sams Outdoor Heritage Council, I approved the Ducks Unlimited request for the conveyance of .14 acres of a 58.83 acres land parcel acquired in Blue Earth County with Outdoor Heritage Funds under ML2016, Ch. 172, Art. 1, Sec. 2, Subd. 4(b), Shallow Lake and Wetland Protection Program – Phase V. The lands affected were acquired with Outdoor Heritage Funds and are to be transferred by Ducks Unlimited to the Minnesota Department of Natural Resources to be held by the state as an addition to Stokman Wildlife Management Area.

Please see the attached MS 97A.056, Subd. 15 which governs land purchases with Outdoor Heritage Fund monies. The letter sent to the ranking committee chairs, as required in statute, gave them a notice of 15 business days of the action. In that letter we stated we will withhold final notification until June 9, 2017. As we have not received adverse comment from the ranking chairs as of June 9, this letter serves as formal approval of the action.

Sincerely,

Mark Wm. Johnson
Executive Director
Lessard-Sams Outdoor Heritage Council

Encl. 5/18/2017 letter to Legislative Leadership, MS97A.056 Subd.15

MS 97A.056, Subd. 15. Land acquisition restrictions.

(a) An interest in real property, including, but not limited to, an easement or fee title, that is acquired with money appropriated from the outdoor heritage fund must be used in perpetuity or for the specific term of an easement interest for the purpose for which the appropriation was made. The ownership of the interest in real property transfers to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation.

(b) A recipient of funding that acquires an interest in real property subject to this subdivision may not alter the intended use of the interest in real property or convey any interest in the real property acquired with the appropriation without the prior review and approval of the Lessard-Sams Outdoor Heritage Council or its successor. **The council shall notify the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over the outdoor heritage fund at least 15 business days before approval under this paragraph.** The council shall establish procedures to review requests from recipients to alter the use of or convey an interest in real property. These procedures shall allow for the replacement of the interest in real property with another interest in real property meeting the following criteria:

(1) the interest must be at least equal in fair market value, as certified by the commissioner of natural resources, to the interest being replaced; and

(2) the interest must be in a reasonably equivalent location and have a reasonably equivalent useful conservation purpose compared to the interest being replaced, taking into consideration all effects from fragmentation of the whole habitat.

(c) A recipient of funding who acquires an interest in real property under paragraph (a) must separately record a notice of funding restrictions in the appropriate local government office where the conveyance of the interest in real property is filed. The notice of funding agreement must contain:

(1) a legal description of the interest in real property covered by the funding agreement;

(2) a reference to the underlying funding agreement;

(3) a reference to this section; and

(4) the following statement: "This interest in real property shall be administered in accordance with the terms, conditions, and purposes of the grant agreement controlling the acquisition of the property. The interest in real property, or any portion of the interest in real property, shall not be sold, transferred, pledged, or otherwise disposed of or further encumbered without obtaining the prior written approval of the Lessard-Sams Outdoor Heritage Council or its successor. The ownership of the interest in real property transfers to the state if: (1) the holder of the interest in real property fails to comply with the terms and conditions of the grant agreement or accomplishment plan; or (2) restrictions are placed on the land that preclude its use for the intended purpose as specified in the appropriation."



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May 18, 2017

Sen. Bill Ingebrigtsen
Minnesota Senate
Minnesota Senate Bldg., Room 3207
95 University Avenue W.
St. Paul, MN 55155

Rep. Dan Fabian
Minnesota House of Representatives
359 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Sen. Carrie Rudd
Minnesota Senate
Minnesota Senate Bldg., Room 3233
95 University Avenue W.
St. Paul, MN 55155

Rep. Bob Gunther
Minnesota House of Representatives
563 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Pursuant to M.S. 97A.056, Subdivision 15, this letter notifies you that the Lessard-Sams Outdoor Heritage Council has received notice from Ducks Unlimited (DU) concerning the requested conveyance of .14 acres of a 58.83 acres land parcel in Blue Earth County. The state interest in the land was purchased by DU with Outdoor Heritage Funds (MN Laws 2016, Ch. 1724 Art. 1, Sec. 2, Subd. 5(b)).

The attached email correspondence from DU's MN Manager of Conservation Programs, Jon Schneider, describes the action. Pursuant to statute and the council's approved operating procedures, and in the absence of disapproval by leadership or the council by June 9, 2017, I will approve the conveyance and forward notification to Mr. Schneider of DU so the conveyance can take place and the remaining 58.69 acres can be transferred to DNR as part of the Stokman Wildlife Management Area.

Please contact me if you have questions regarding this matter. I will withhold final notification until June 9, 2017 to hear from you, if you have concerns.

Sincerely,

Mark Wm. Johnson
Executive Director
Lessard-Sams Outdoor Heritage Council

cc: Sen. Chris Eaton, Sen. David Tomassoni, Rep. Rick Hansen, Rep. Leon Lille
Mr. Jon Schneider, Members of the LSOHC

Attachment: Email from Jon Schneider dated April 27, 2017, Stokman Restoration jpg., Stokman WMA map, Nycklemoe land surver letter, B&M Survey Clarification letter, Stokeman WMA Survey Revised letter, RJohnson Appraisal Survey Response.

Nycklemoe & Ellig, P.A.

Attorneys and Counselors at Law

April 25, 2017

VIA EMAIL

Mr. Jon Schneider
Minnesota Conservation Programs
311 East Lake Geneva Road
Alexandria, Minnesota 56308

Dear Mr. Schneider:

Re: Stokman WMA-Yonkey

This letter is to give you an explanation of the conversations I have had with the surveyor in regards to the cemetery property.

As you know, a representative of the Peace United Church of Christ spoke with Michael Eichers and indicated the cemetery had a boundary survey prepared for their parcel in 1978. The boundary survey was not recorded in the recorder's office and therefore would not have been a public record. A full size copy of the survey was provided to Mr. Eichers and he then proceeded to search for the four corners identified in the survey which he has found. Mr. Eichers believes that the four corners were not precisioned correctly as delineated on the 1978 survey and he notes there appears to be a history of incorrect section corners being used in the past as evidenced by a DNR report for a survey prepared in the area dated in 1985.

In discussing matters with Robert Smith, the survey project manager with Bolton & Menk, Inc., it was determined that it would make the most sense to adjust the boundary line to accommodate the 1978 survey and in doing so, it would not require an exchange of deeds between Wetlands America Trust and the cemetery. Adjusting the boundary accordingly results in a reduction in the total amount of acreage by .14 acres. We feel this makes the most practical sense in that we do not want to create any potential title issues to the cemetery in exchanging deeds with them and further, we feel that since the property was going to be set aside for conservation purposes, there would be little chance of any issues presenting themselves with utilizing the common boundary line with the cemetery even though they may have a potential issue with their legal description. We feel it is better to simply move the legal description opposed to taking corrective actions with their parcel.

This is further supported by the fact that it is a cemetery that has been operating for decades. We do not anticipate the cemetery ever changing hands or any further development occurring on the cemetery which is further supported by the fact that immediately to the east of the cemetery is another cemetery. From a title perspective, we feel there is little chance of any issues presenting themselves by adjusting the boundary line accordingly and, in fact, removes any potential issue that the Wetlands America Trust tract could have in regards to the cemetery property. I do not ever envision the cemetery taking actions to correct its title. Cemetery boards tend to spend money on other things such as maintenance of the cemetery rather than title corrective work. They will never sell the property and therefore there really isn't a need to do any further corrective work.

I firmly believe that adjusting the boundary accordingly is the best option and most likely has a negligible value on the appraisal and arguably could increase the value of the subject property by simply removing the potential of a title issue that presents itself with the recently discovered 1978 survey.

If you should have any questions, please let me know.

Very truly yours,

NYCKLEMOE & ELLIG, P.A.
BY



Rolf Nycklemoe

RHN:bjl

barb/ducks unlimited/2016 projects/yonkey-stokman



Real People. Real Solutions.

1960 Premier Drive
Mankato, MN 56001-5900

Ph: (507) 625-4171
Fax: (507) 625-4177
Bolton-Menk.com

4-25-2017

Ducks Unlimited, Inc.
One Waterfowl Way
Memphis, TN 38120
Attn.: Jon Schneider

RE: Property located in Sections 33 & 34, T105N-R25W, Blue Earth County

Jon:

This letter is to give you an explanation of the monumented occupation line issue that was discovered while on site to place survey monuments at your parcel corners on April 11, 2017.

While on site, a representative of the Evangelical Church of Peace (Cemetery) spoke to me and indicated a boundary survey had been prepared for their parcel in 1978. This survey was prepared by Rieke-Carroll-Muller Associates, Inc. (RCM) and was dated 8/15/1978. A copy of the survey was shown to the surveyor and survey indicated the four corners were set during 1978 survey. A full size copy of the survey drawing was provided to our office the following week. I then searched for these four corners and were all found in place within 0.5 feet between themselves of the distances shown on the deed for this parcel. These four corners are not positioned correctly into the current section corner monumentation, there appears to be a history of incorrect section corners being used in the past, as evidenced by a DNR report for a survey prepared in the area dated 1985. This 1985 report shows an incorrect section corner was used for 1954 & 1955 DNR surveys.

During an office meeting with a representative from the Cemetery, Rich Volelsang and our office staff, Rich indicated he would like the Ducks Unlimited parcel description to make reference to the 1978 RCM survey monumentation as the boundary line. With this, there would be no reason to exchange deeds with the Cemetery.

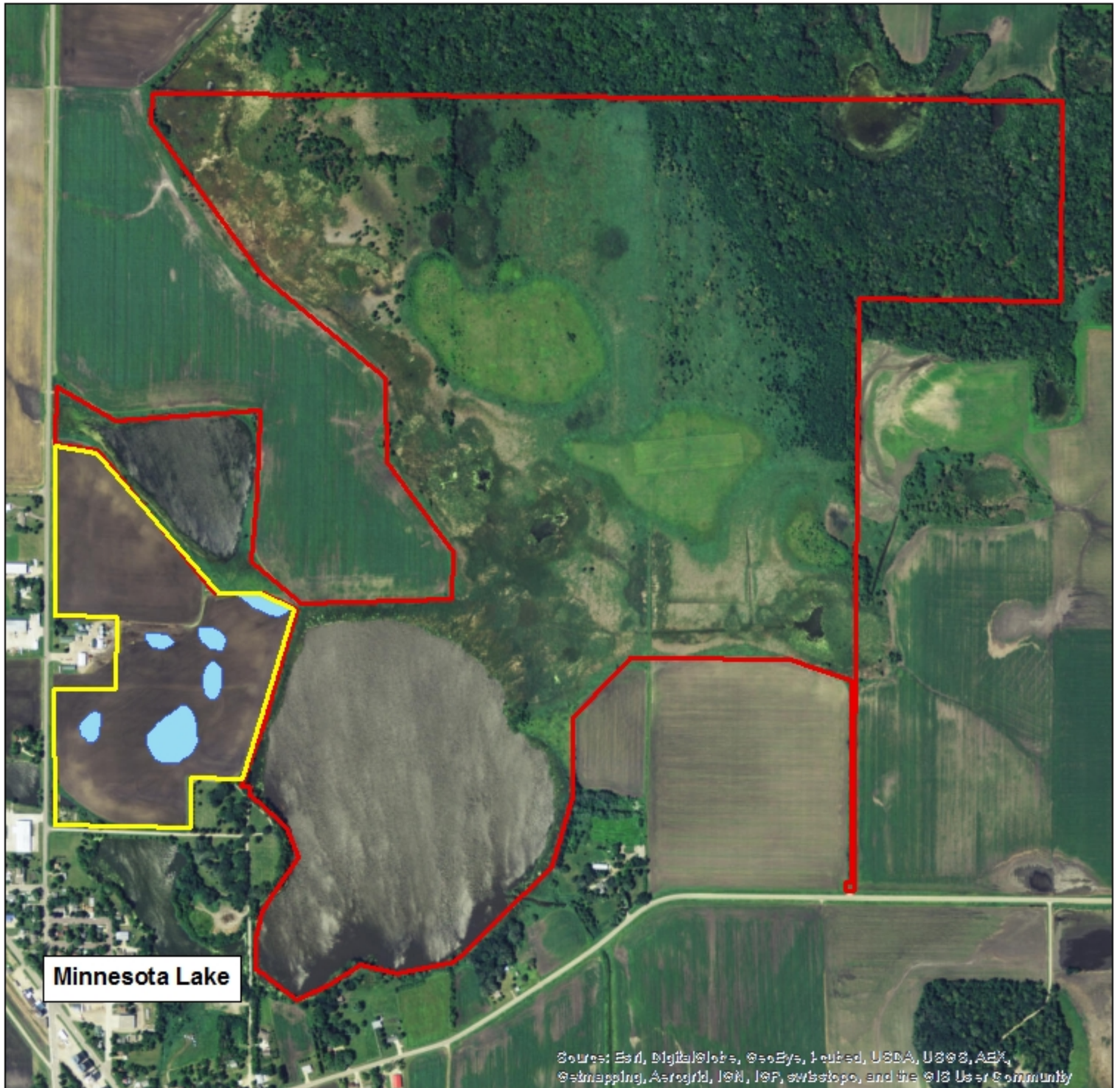
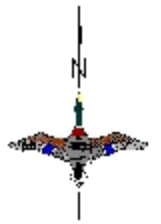
Sincerely,

Michael Eichers L.S.
Project Surveyor
Bolton & Menk, Inc.
1960 Premier Drive
Mankato, MN 56001-5900
507-625-4171 Ext. 3308
Mobile: 507-508-4082
Bolton-Menk.com



Stokman WMA

Blue Earth County, MN
T105N, R25W, Sec. 33






Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community



**LIVING
LAKES**



-  Yonkey Tract 10
-  Restorable Wetlands
-  Stokman WMA

