

MEMORANDUM
Comfort Lake-Forest Lake Watershed District

To: Board of Managers
From: Mike Kinney
Subject: Banta Parcel

Date: February 6, 2020

Background/Discussion

At the November 21, 2019 regular meeting the Board authorized Emmons & Olivier Resources (EOR) to perform a cost-benefit analysis on the Tax Forfeit and Banta Parcel Projects. Their findings and recommendations were brought to the January 23, 2020 meeting, identifying the potential for a high priority capital project if a portion of the former Banta parcel is acquired. In anticipation of potentially acquiring a portion of the Banta parcel, staff has prepared the following cost estimates and general outline of steps for the acquisition process. As a reminder, EOR provided a cost estimate for a phase I Environmental Site Assessment (ESA) at the October 11, 2018 board meeting, and it is enclosed in this board packet as well. The cost for Task 3 Phase I ESA has since been adjusted to \$3,780.

Cost Estimates

Appraisal*	\$4,000
Phase 1 Environmental Site Assessment**	\$3,780
Transfer Legal Fees***	~\$3,000
Title Commitment***	~\$1,500
Closing Fee***	~\$750
TOTAL	~\$13,030

*Cost estimate provided by Smith Partners

**Cost estimate from EOR

***Cost estimates based on 2018 Houle parcels acquisition

Outline of Next Steps

Staff recommends the following next steps in working toward a potential acquisition:

1. Obtain an appraisal of the portion of the parcel in question. Concurrently, staff will work on confirming the process for subdividing the parcel to separate out the District's 20 acres.
2. Board discusses, in closed session, an offer and give staff negotiating direction.
3. Staff negotiates with the landowner, and if there appears to be concurrence on price and conditions;
4. Board authorizes retention of transactional legal counsel (e.g. Dorsey & Whitney, who we worked with on the Houle parcels), drafting/execution of a purchase agreement, and performance of due diligence.
5. As part of the due diligence, EOR completes the Phase I Environmental Site Assessment.
6. If no major issues are identified in the ESA, proceed with closing.

Recommended Action

Proposed Action: Staff requests Board direction for the Administrator to obtain an appraisal of the site.

Attached: EOR Scope of Work – Phase I Environmental Site Assessment (last distributed at October 11, 2018 regular board meeting)

Project Name	Land Acquisition & Management Technical Support Banta Property Review	Date	10-4-18
To / Contact info	CLFLWD Board of Managers		
Cc / Contact info	Mike Kinney, District Administrator		
From / Contact info	Jason Naber		
Regarding	Proposed Scope of Work		

Scope of Work

This is a scope of work for providing technical assistance supporting the District's Land Acquisition and Management Program (District-Wide 5920). Due to interest from a willing landowner, there is one property adjacent to an existing District-owned property (Tax-Forfeit) that should be evaluated against the criteria identified in the 2018 Watershed Management Plan. In general the property identified is described as:

- Banta Parcel- Parcel located east of existing District-owned Tax-Forfeit property, adjacent to the Sunrise River, in Chisago County.

Task 1. Screening for Consistency with District WMP

The parcel will be evaluated against the detailed criteria found in the CLFLWD Watershed Management Plan, Section 4.6.9 Land Acquisition and Management (5900 Series). This section of the plan provides criteria the District shall consider prior to acquiring property. In addition to the individual site evaluation this task will include coordination with district staff and legal counsel. No official Board action is assumed following Task 1 findings. Authorization to proceed to Task 2 will be granted upon review of findings by district staff and legal counsel.

Deliverables

- Coordination and meetings with district staff and legal counsel
- Preliminary ranking of parcel based on acquisition evaluation criteria

Schedule

- October-November 2018

Estimated Hours and Cost

- 10 hours & expenses- \$1,600

Task 2. Initial Project Scoping

A project scoping exercise will be conducted for the Banta parcel. This will include an evaluation of options to enhance the property to provide services benefitting the goals of the District. More specifically these services could include water quality, natural resources, educational and/or recreational enhancement. A range of options will be considered. This analysis will include a resource assessment, watershed assessment and permitting evaluation. Also included in this task is

coordination with potential partners having interest in parcel for purposes aligned with that of the District. It is expected the Board will evaluate findings from this task to determine the site's suitability for acquisition. EOR will attend one session with the Board to discuss findings.

Deliverables

- Coordination and meetings with district staff and legal counsel
- Final ranking analysis and written evaluation for Banta parcel
- Attendance at one Board workshop to discuss findings

Schedule

- November 2018

Estimated Hours and Cost

- 20 hours & expenses - \$3,200

Task 3. Phase I ESA

Prior to the District's consideration to acquire the property, it is recommend that a Phase 1 Environmental Site Assessment (ESA) be completed for the property. This assessment will provide a reasonable level of assurance that there are no significant environmental conditions on the parcel. EOR will conduct an environmental assessment for the Banta parcel according to ASTM E 2247-08, Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property. This practice is intended as an approach designed to identify recognized environmental conditions in connection with each property. The following activities are included:

1. Review of Federal, State, Local and Tribal Records out to distances specified by ASTM E 2247-08
2. Conduct file searches with public agencies having oversight relative to water quality and soil contamination issues
3. Interview the site owner, the user of the Phase I ESA, and other persons knowledgeable of the property history, if any. (List of persons and contact information to be provided by client)
4. Examine historic aerial photography and current topography of the vicinity
5. Evaluation of risks of neighboring properties
6. Examine chain-of-title for Environmental Liens and/or Activity and Land Use Limitations (AULs)
7. Complete on-site field visit to view present conditions and evaluate any identified historical concerns

Assumptions:

1. No building located on property (if any) will be entered or evaluated
2. CLFLWD will provide:
 - a. Title documents to be reviewed (if any)

- b. Contact information for property owners and others to be interviewed as part of the report
- c. Names of parties to include in the “Reliance” section of the report

Deliverables

- Final PHIESA Report
- Coordination and meetings with district staff and legal counsel
- Attendance at one Board workshop to discuss findings

Schedule

- November 2018

Estimated Hours and Cost

- 22 hours & expenses - ~~\$3,600~~ **\$3,780**

Summary

The total cost is \$8,400 to conduct the initial site screening, PHIESA and complete the project scoping evaluation.