



Carver County Board of Commissioners

July 16, 2024

Board Meeting

The County Board Room is open to the public

The Regular Session portion of the meeting will be webcast live at:

<https://youtube.com/@CarverCountyMN>

- 9:00 a.m. 1. a) **CONVENE AS CARVER COUNTY BOARD OF COMMISSIONERS**
 b) **Pledge of allegiance**
 c) **Public comments**

Public comments that relate to an item on the agenda may be heard when that agenda item is discussed. Please limit your comments to five minutes or less.

Individuals unable to attend in person can provide public comments by e-mail at admin-contact@carvercountymn.gov.

2. Agenda review and adoption
3. Approve minutes of July 9, 2024, Special Session..... 1-4
4. Community Announcements

- 9:20 a.m. 5. **Consent Agenda**

Communities: Create and maintain safe, healthy, and livable communities

- 5.1 Donation Acceptance Request - Waconia Rotary Club.....5
 5.1.1 Budget Amendment.....6
- 5.2 Approve grant agreement for CCHHS to receive funds from MN DEPT
 OF HEALTH.....7
 5.2.1 Budget Amendment.....8
- 5.3 Professional Services Agreement for 2024 Pavement Markings - Epoxy
 Hand Work with SIR LINES-A-LOT9

Connections: Develop strong public partnerships and connect people to services and information

- 5.4 Appointment to Mental Health Advisory Committee 10
- 5.5 Application for 1 day to 4 day Temporary On-Sale Liquor License for
 Justin Kukowski Foundation..... 11
- 5.6 Community Resource Center Professional Service Agreement with
 A Better Society 12-13

Growth: Manage the challenges and opportunities resulting from growth and development

- 5.7 Carver County Right of Way Plat No. 38 for the Highway 18 (82nd Street)
 Project in Chaska, Chanhassen, and Victoria. 14-25
- 5.8 Resolution Authorizing Petition for Eminent Domain For The
 Highway 18 Project - Arboretum Area26-38

Finances: Improve the County's financial health and economic profile

5.9 Review Health & Human Services and Commissioner

WarrantsNO ATT

- 9:35 a.m. **6. Growth: Manage the challenges and opportunities resulting from growth and development**
- 6.1 Ordinance No. 107-2024 Moratorium on cannabis business activity in the unincorporated area of Carver County (Zoning Standards) (20 Minutes)
- 10:50 a.m.39-45
- 9:55 a.m. **7. County Administrator Report**
- 10:00 a.m. **ADJOURN REGULAR SESSION**
- 10:05 a.m. **8. Closed Session**
- 8.1 Highway 18 Project - Arboretum Area Property Acquisitions (45 Minutes) ..46

David Hemze
County Administrator

UPCOMING MEETINGS

July 23, 2024	9:00 a.m.	Board Work Session
July 23, 2024	12:30 p.m.	Highway 212 Groundbreaking, St. John's United Church of Christ, 12984 Co Rd 51, NYA, MN 55368
July 30, 2024		No Meeting
August 6, 2024	9:00 a.m.	Board Meeting
August 13, 2024		No Meeting
August 20, 2024	9:00 a.m.	Board Meeting
August 22, 2024	3:00 p.m.	Paradise Beach Bash: Paradise Commons Community Grand Opening
August 27, 2024	9:00 a.m.	Board Work Session
September 3, 2024	9:15 a.m.	Board Meeting
September 10, 2024		No Meeting
September 17, 2024		No Meeting (*Trans Fly In Tentative Date)
September 19, 2024	7:00 p.m.	League of Women Voters Fall Candidate Forum, MN House 48 Candidate, County Board Room, lwvec@lwvmnorg
September 24, 2024	9:00 a.m.	Board Work Session
September 24, 2024	7:00 p.m.	League of Women Voters Fall Candidate Forum, Carver County Commissioners, County Board Room, lwvec@lwvmnorg

CARVER COUNTY COMMISSIONERS PROCEEDINGS

SPECIAL SESSION – July 9, 2024

A Special Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on July 9, 2024. Chair Gayle Degler convened the session at 9:00 a.m.

Members present: Gayle Degler, Chair, John P. Fahey, Vice Chair, Tim Lynch, Matt Udermann and Tom Workman.

Members absent: None.

No public comments.

Workman moved, Lynch seconded, to approve the agenda. Motion carried unanimously.

Fahey moved, Udermann seconded, to approve the minutes of the June 18, 2024, Regular Session, June 18, 2024, Board of Equalization and June 25, 2024, Special Session. Motion carried unanimously

Udermann moved, Lynch seconded, to approve the following consent agenda items below. Motion carried unanimously.

- 5.1 Approved Professional Service Agreement with Love INC for the car repair program with a not to exceed amount of \$200,000 for the period beginning July 1, 2024, through June 30, 2026.
- 5.2 Resolution #63-24, Agreement No. 1054987 between Carver County and the State of Minnesota for the Highway 212 Project in Benton Township pending finalization of the contract review process.
- 5.3 Approved Permanent Transportation Easement Agreement with CCRRA, upon completion of and subject to the contract review process,
- 5.4 Approved contract with BOLTON AND MENK INC to update Carver County Public Works ADA Transition Plan, pending finalization of the contract review process.
- 5.5 Approved Joint Powers Agreement between Hennepin County and Carver County, effective July 1, 2024, to administer Employment and training Services under Workforce Innovation and Opportunity Act.
- 5.6 Approved the contract with Superior Consulting, LLC pending finalization of the contract review process.
- 5.7 Accepted Sauer Family Foundation grant funding for SFF 2024 of \$190,000 and SFF 2025 of \$200,000 and approve Carver County Health and Human Services continuing Community Resource Center implementation work.
 - 5.7.1 Budget Amendment
- 5.8 Approved an amendment to the Scott/Carver Transit SmartLink Mobility Management Agreement and authorize use of the Transportation Advancement Account to fund expanded and mid-day circulator services.
 - 5.8.1 Budget Amendment

CARVER COUNTY COMMISSIONERS PROCEEDINGS

SPECIAL SESSION – July 9, 2024

- 5.9 Approved hiring two STOC Financial Assistance Specialist positions with Child Care Assistance Program specialty for Carver County Health and Human Services utilizing State of MN Department of Human Services Unwinding Grant funds, effective July 2024.
- 5.10 Approved utilization of public safety aid funds received from the State of MN to purchase and implement a WRAP Reality Virtual Training system in the amount of \$75,405.00 for the Carver County Sheriff's Office.
 - 5.10.1 Budget Amendment
- 5.11 Approved updates and additions to the IT section of the Administrative Policy Manual.
- 5.12 Approved creating a 1.0 FTE Senior Environmentalist position and eliminate a 1.0 FTE Environmental Services Government Center Supervisor position. The cost savings to be used to offset operational expense at the Environmental Center.
 - 5.12.1 Budget Amendment
- 5.13 Approved the elimination of 1.0 FTE Records Technician and creation of 1.0 FTE Data Practices Specialist.
 - 5.13.1 Budget Amendment
- 5.14 Approved the first amendment to PCS Site Agreement and authorize the County Board Chair to sign pending review by the County Attorney's Office and Risk Management.
- 5.15 Approved motion to adopt the Findings of Fact and issue Order #PZ20240021 for the issuance of an Interim Use Permit (IUP) for Minger Construction - Request for Borrow Pit (Fill Material) for Co Rd 40 Project (IUP).
- 5.16 Approved motion to authorize the county board chair and county administrator to execute a Release of Permanent Public Trail Easement for Document No. A750091; Release of Permanent Drainage and Utility Easement for Document No. A750092; Record of Extinguishment of Drainage Easement for Document No. A652226; and a Permanent Public Trail Easement and Permanent Drainage and Utility Easement.
- 5.17 Resolution 64-24, to approve a Stipulation of Settlement Agreement with Independent School District #112 for acquisitions of the real property interests required the Highway 10/41 Project for the properties located at PID #30.0330700 for the Highway 10/41 Project.
- 5.18 Review on June 24, 2024, of Commissioner and Health & Human Services Warrants for June 28, 2024, in the amount of \$360,742.07 and Review on July 1, 2024, of Commissioner and Health & Human Services Warrants for July 5, 2024, in the amount of \$200,795.04.
- 6.1 Mia Johnson, Employee Relations Business Partner spoke on Health and Dental Insurance Recommendation and Request for approval to contract with Health Partners. Mia handed over presentation to Gallagher representative, Jessica Nikunen. Nikunen stated for medical we received 6 fully insured offers and 3 self-funded offers and 3 declined to quote. Fully insured medical offers are better than the self-funded at this time. Health Partners had the most competitive offer with a decrease of 5% to 7.7%. Dental Insurance possibly moving to self-funded with health partners. Self-funded dental plans are very common and offer less risk than medical plan self-funding. One-time funding of \$150,000 would be needed to establish dental reserves for immediate costs.

CARVER COUNTY COMMISSIONERS PROCEEDINGS

SPECIAL SESSION – July 9, 2024

Motion to approve multiyear agreements with Health Partners covering 2025-2026 for provision of fully insured group health insurance and covering 2025-2027 for provision of self-funded group dental insurance. Motion to approve restricting \$150,000 of the auto liability self-insurance fund balance to establish an initial cashflow reserve for dental claims.

Udermann moved, Workman seconded, to approve the motions. Motions carried unanimously.

- 7.1 Commissioner Degler nominated Greg Kummer to serve on the Community Development Agency Board. Also acknowledged by a few Commissioners there are issues with attracting candidates due to the time involved in certain committees.

Degler moved, Fahey seconded, to appoint Greg Kummer to the Community Development Agency to represent District #1. On vote taken, Degler, Fahey, Lynch, Workman voted aye. Udermann voted nay. Motion carried

- 8.1 Jennifer Tichey, Assistant County Attorney presented on the Approval of the Sporleder v. State, et. al. Settlement Agreement. In Carver County there were 27 parcels forfeited during the settlement period of 6-23-2016 to 12-31-2023 with 6 remaining in inventory. Crystal Campos, County Auditor spoke on 6 properties that have yet to be sold yet in Carver County. Legislator approved \$109 million from state general fund for statewide settlement negotiated in these cases. Counties who choose not to participate retain all risk of liability for claims related to properties forfeited before January 1, 2024.

Resolution 65-24, approving the settlement agreement, delegating the authority to the County Auditor to carry out the requirements of the settlement, as required by Chapter 113 of the 2024 Session Laws, and ratify the authority exercised by the County Attorney in executing the settlement agreement on behalf of Carver County.

Fahey moved, Lynch seconded to approve resolution 65-24. Motion carried unanimously.

Lynch moved, Udermann seconded, to recess as the County Board and convene as the Carver County Regional Rail Authority. Motion carried unanimously.

- 9.1 Martin Walsh, Parks Director spoke on the Permanent Transportation Agreement between Carver County and Carver County regional railroad authority. Under consent, approval was made by Carver County Board of Commissioners and under CCRRA board approved to enter the permanent transportation easement agreement with Carver County, upon completion of and subject to the contract review process.

Workman moved, Fahey seconded, to approve the motions. Motions carried unanimously.

- 9.2 Martin Walsh, Parks director spoke on Settlement Agreement in the amount of \$5,000 for Carver County Regional Rail Authority Acquisition of Temporary Easement for the Crake

CARVER COUNTY COMMISSIONERS PROCEEDINGS

SPECIAL SESSION – July 9, 2024

Creek Bridge Repair Project.

Resolution CCRRA 1-24, to enter into a Stipulation of Settlement Agreement with the impacted property owners for a temporary easement required to repair Bridge R0631 over Crane Creek on the Dakota Rail Regional Trail.

Moved by Lynch, seconded by Fahey. Motion carried unanimously.

Workman moved, Udermann seconded, to adjourn as Carver County Regional Rail and convene as the Carver County Board. Motion carried unanimously.

ADMINISTRATOR REPORT – Review upcoming meetings calendar; groundbreakings, township association meeting tonight talking about cannabis partnerships.

Workman moved, Fahey seconded, to adjourn the Special Session at 10:32 a.m., retreating into work a session regarding:

1. Liability Insurance Requirements: Vendors Involved with Park Facility Reservations.
2. CDA Housing Study

David Hemze
County Administrator

ATTEST: _____
County Administrator

Chair

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Donation Acceptance Request - Waconia Rotary Club

Primary Originating Division/Dept:

Meeting Date: 7/16/2024

Contact: Sam Pertz

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

The Parks Department was approached by the Waconia Rotary Club late in 2023 with an interest in donating funds to the County. The Rotary Club wants to invest in park amenities that would enhance the user experience as well as be an opportunity to brand the Rotary Club's service within the local community.

The Rotary Club has offered a \$10,000 donation to the County to be utilized at Lake Waconia Regional Park.

Staff have coordinated the prospective donation to include site planning and costing for outdoor furniture that would be implemented at Paradise Commons and further support the reservation of the Sun Room. Specifically, seating would be purchased to allow Sun Room reservations to enjoy outdoor gathering on the trap rock area facing the lake adjacent to the room.

The Rotary Club is refining their preferred branding information, but generally the intent is to communicate the investment made by the Club to the user through brief text that would be engraved on each furniture item.

The cost of the investment is fully covered by the donation amount.

ACTION REQUESTED:

Authorization to accept the \$10,000 donation from the Waconia Rotary Club to be utilized at Lake Waconia Regional Park.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars = \$0.00

Waconia Rotary Club \$10,000.00

Total \$10,000.00

☒ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9947

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Donation Acceptance Request - Waconia Rotary Club

Department:

Meeting Date: 7/16/2024

Fund:

- ☒ 01 - General
- ☐ 02 - Reserve
- ☐ 03 - Public Works
- ☐ 11 - CSS
- ☐ 15 - CCRRA
- ☐ 30 - Building CIP
- ☐ 32 - Road/Bridge CIP
- ☐ 34 - Parks & Trails
- ☐ 35 - Debt Service

Requested By: FRANCIS KERBER

DEBIT			CREDIT		
Description of Accounts	Acct #	Amount	Description of Accounts	Acct #	Amount
WACONIA ROTARY DONATION	01-520-000-0000-5756	\$10,000.00	WACONIA ROTARY DONATION	01-520-000-0000-...	\$10,000.00
TOTAL		\$10,000.00	TOTAL		\$10,000.00

Reason for Request:

Budget amendment for donation from Waconia Rotary Club to Carver County Parks.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approve grant agreement for CCHHS to receive funds from MN DEPT OF HEALTH

Primary Originating Division/Dept: Health & Human Services - Public Health

Meeting Date: 7/16/2024

Contact: Richard Scott

Title: Deputy Division Director

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

Carver County Health and Human Services (CCHHS) - Public Health Department has been awarded a two year \$316,000 Public Health Infrastructure Fund grant through a competitive application process from the Minnesota Department of Health. These funds were made possible through Minn. Stat. §144.05, 144.0742, and Laws of 2021, 1st Special Session, Chapter 7, Article 7, Sec. 3, Subd. 2(d), Laws of 2021, 1st Special Session, Chapter 7, Article 3, Sec. 45, Public Health Infrastructure Funds.

Specific grantee responsibilities will be determined through a comprehensive project plan to be submitted by August 31, 2024 to the State's Authorized Representative in a format outlined by the State. This workplan will include but is not limited to: description of activities that build foundational capabilities and address the intent of the funding and authorizing legislation; key milestones and timelines for the project; and Staff and/or consultant roles and responsibilities to support the planning, implementation, and evaluation of the project.

No additional County levy will be required for the expenditure of these targeted funds.

ACTION REQUESTED:

Motion to approve the two year Public Health Infrastructure Fund grant agreement with MN DEPT OF HEALTH in the amount of \$316,000.

FISCAL IMPACT: Budget amendment request form

If "Other", specify:

FTE IMPACT: None

FUNDING

County Dollars = \$0.00

Public Health Infrastructure \$316,000.00

Total \$316,000.00

☐ Insert additional funding source

Related Financial/FTE Comments:

The total obligation of MDH for all compensation and reimbursements to Grantee under this grant project agreement will not exceed \$316,000. No additional County levy will be required to expend these funds.

Office use only:

RBA 2024 - 9965

Budget Amendment Request Form



To be filled out AFTER RBA submittal

Agenda Item: Approve grant agreement for CCHHS to receive funds from MN DEPT OF HEALTH

Department:

Meeting Date: 7/16/2024

Fund:

- ☐ 01 - General
- ☐ 02 - Reserve
- ☐ 03 - Public Works
- ☒ 11 - CSS
- ☐ 15 - CCRRA
- ☐ 30 - Building CIP
- ☐ 32 - Road/Bridge CIP
- ☐ 34 - Parks & Trails
- ☐ 35 - Debt Service

Requested By: Denise Heckmann

DEBIT

Description of Accounts	Acct #	Amount
YR 1 Professional & Tech	11-460-460-2318-6260	\$150,000.00
YR 1 Travel	11-460-460-2318-6332	\$1,500.00
YR 1 Supplies & Equipment	11-460-460-2318-6432	\$4,000.00
YR 1 Other MISC	11-460-460-2318-6379	\$2,500.00
YR 2 Professional & Tech	11-460-460-2318-6260	\$150,000.00
YR 2 Travel	11-460-460-2318-6332	\$1,500.00
YR 2 Supplies & Equipment	11-460-460-2318-6432	\$4,000.00
YR 2 Other MISC	11-460-460-2318-6379	\$2,500.00
TOTAL		\$316,000.00

CREDIT

Description of Accounts	Acct #	Amount
YR 1 PH INFRASTRUCTURE INNOVATION GRANT	11-460-460-2318-...	\$158,000.00
YR 2 PH INFRASTRUCTURE INNOVATION GRANT	11-460-460-2318-...	\$158,000.00
TOTAL		\$316,000.00

Reason for Request:

Approval of the Public Health Infrastructure Fund Grant Award

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Services Agreement for 2024 Pavement Markings - Epoxy Hand Work with SIR LINES-A-LOT

Primary Originating Division/Dept:

Meeting Date: 7/16/2024

Contact: Chad Braun

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

This project includes annual maintenance of pavement markings on highways under County jurisdiction, which is required to maintain and operate public highways to meet standards required by the Minnesota Manual on Uniform Traffic Control Devices (MnMUTCD). This epoxy hand work is for county-wide pavement marking arrows, symbols, and messages. This year's work is part of a dedicated pavement markings hand work program to ensure that the County is improving its system-wide overall condition index for this pavement marking asset. Each year a certain amount of such work is recommended based on budget, resources, and asset conditions. Public Works staff solicited quotes from 4 contractors and was only able to obtain one quote from Sir Lines A Lot. The quoted pricing is in line with past work by this same contractor and Public Works staff are recommending proceeding with this contract.

ACTION REQUESTED:

Motion to approve a Professional Services Agreement with SIR LINES-A-LOT for \$69,240.20 for the 2024 Pavement Markings - Epoxy Hand Work, pending finalization of the contract review process.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

\$69,240.20

FTE IMPACT:

Total

\$69,240.20

☐ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9963

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Appointment to Mental Health Advisory Committee

Primary Originating Division/Dept:

Meeting Date: 7/16/2024

Contact: Krista Willaert

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information

BACKGROUND/JUSTIFICATION:

Betty Allen has applied for the open Mental Health Advisory Committee (AKA The Carver County Mental Health Local Advisory Council) member position. Ms. Allen will qualify to fill one of the mandated roles as identified in the bylaws.

ACTION REQUESTED:

Motion to approve Betty Allen as an appointment to the Mental Health Advisory Committee.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$0.00

☐ Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9944

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Application for 1 day to 4 day Temporary On-Sale Liquor License for Justin Kukowski Foundation

Primary Originating Division/Dept: Property & Financial Services	Meeting Date: 7/16/2024
Contact: Heather Perkins Title: Elections & Licensing Specialist	Item Type: Consent
Amount of Time Requested: minutes	Attachments: ☐ Yes ☒ No
Presenter: Title:	
Strategic Initiative: Connections: Develop strong public partnerships and connect people to services and information	

BACKGROUND/JUSTIFICATION:

The Justin Kukowski Foundation, 1776 Stieger Lake Ln Victoria, has applied for a 1 Day to 4 Day Temporary On-Sale Liquor License. They are planning an event for Saturday, October 5, 2024. The event will be held at Solseng Farm, 16315 Jonathan Carver Pkwy Carver MN 55315. The officers are Robert Dale Rehbein (President); Kyle Kukowski (Vice President); Kathleen Mary Rehbein (Secretary); Donald August Kukowski (Treasurer). there are no delinquent taxes owing on this property.

ACTION REQUESTED:

Motion to approve the 1 Day to 4 Day Temporary On-Sale Liquor License application for the Justin Kukowski Foundation for Saturday October 5, 2024.

FISCAL IMPACT: None <i>If "Other", specify:</i>	FUNDING County Dollars =
FTE IMPACT: None	Total \$0.00
☐ Insert additional funding source	
Related Financial/FTE Comments:	

Office use only:

RBA 2024 - 9957

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Community Resource Center Professional Service Agreement with A Better Society

Primary Originating Division/Dept:

Meeting Date: 7/16/2024

Contact: Kate Probert Fagundes

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☐ Yes ☒ No

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information

BACKGROUND/JUSTIFICATION:

Following completion of the Community Resource Center Assessment in May, Carver County Health and Human Services (CCHHS) applied for a two-year Sauer Family Foundation Implementation Grant. The focus of the grant is to work collectively with specifically interested and invested community and county partners to implement the findings identified in the Community Resource Center Assessment. On June 25, 2024 (RBA 9914), CRC Community Assessment findings were shared with the County Board of Commissioners. On July 19, 2024 (RBA 9922), the Carver County Board of Commissioners accepted a multi-year grant award (SFF2024: \$190,000 and SFF 2025: \$200,000) and authorized CCHHS to partner with a Community Based Organization to implement Community Resource Center Assessment findings.

Carver County Health and Human Services plans to partner with A Better Society to support the implementation of a CRC in Carver County. A Better Society was written into the grant application as one of the partner organizations. Currently, CCHHS has a contract with A Better Society (RBA 8848) to support Project Lin-kij, a collaborative network that connects community organizations, schools, government agencies, businesses, and faith communities to address the needs of Carver County residents. The plan is to leverage Project Lin-kij and, work collaboratively with the County, and community partners to actualize findings from the Community Resource Center Assessment, develop a Community Resource Center in Carver County, and pilot services within the Community Resource Center.

Following the Sauer Family Foundation Grant application timeline, A Better Society will receive \$150,000 in year one (July 15, 2024 to June 30, 2025) to collaborate with CCHHS, residents, and community partners to develop a service model for the CRC. In year two, A Better Society will receive \$150,000 (July 1, 2025 to July 31, 2026) to oversee and support the actual operation of the CRC. The funding for year two is contingent on successful outcomes, as defined by the Sauer Family Foundation, in year one.

ACTION REQUESTED:

Motion to approve a Professional Service Agreement with A Better Society with a not to exceed amount of \$300,000 for the period beginning July 15, 2024, through July 31, 2026.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

\$0.00

FTE IMPACT:

Total

\$300,000.00

County Dollars =	\$0.00
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Sauer Family Foundation	\$150,000.00
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Sauer Family Foundation	\$150,000.00
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Total	\$300,000.00
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 Insert additional funding source

Related Financial/FTE Comments:

The funding for the project comes from the Sauer Family Foundation Implementation Grant. There is no levy impact. The funds for year one have been received and are in the department's approved budget.

Office use only:

RBA 2024 - 9962

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Carver County Right of Way Plat No. 38 for the Highway 18 (82nd Street) Project in Chaska, Chanhassen, and Victoria.

Primary Originating Division/Dept:

Meeting Date: 7/16/2024

Contact: Luke Kranz

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

The Highway 18 (82nd Street) Project is a project identified in the 2021 Arboretum Area Transportation Plan. It aims to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improved access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway and adding a multi-use trail enhancing community connectivity. This initiative is a joint effort involving Carver County, and the cities of Chaska, Chanhassen, and Victoria. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season.

In order to meet state and federal regulations, additional right-of-way acquisitions in some areas is necessary. The County Surveyor's Office has reviewed the CARVER COUNTY RIGHT OF WAY PLAT NO. 38 to simplify the writing of easement descriptions and to identify to the public the County's interest in the highway right of way.

ACTION REQUESTED:

Motion to adopt a resolution to approve CARVER COUNTY RIGHT OF WAY PLAT NO. 38 and authorize the Chair of the County Board to sign the plat.

FISCAL IMPACT:

If "Other", specify:

FUNDING

County Dollars =

FTE IMPACT:

Total

\$0.00

☒ Insert additional funding source

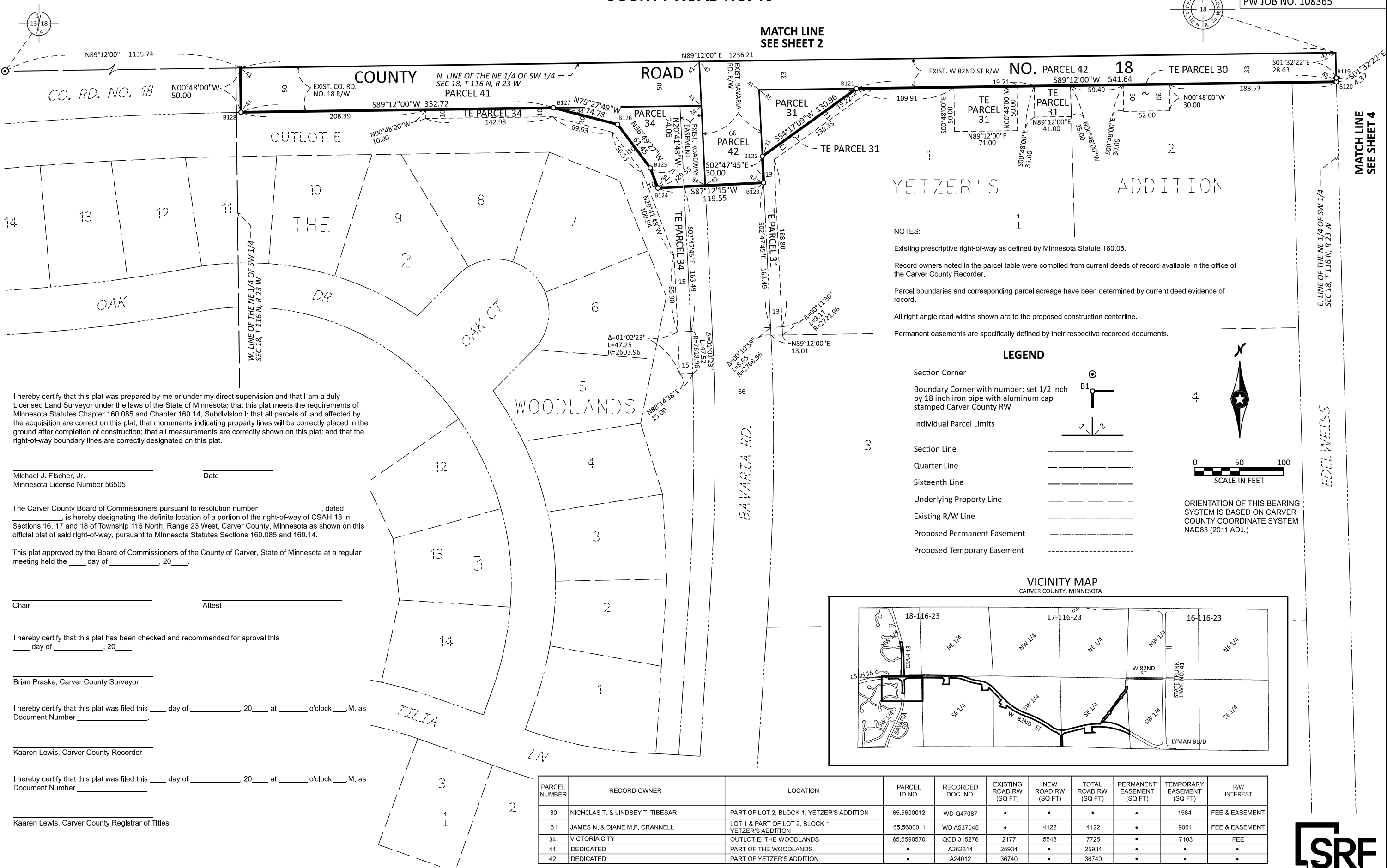
Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9919

CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365



I hereby certify that this plat was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota; that this plat meets the requirements of Minnesota Statutes Chapter 160.085 and Chapter 160.14, Subdivision I; that all parcels of land affected by the acquisition are correct on this plat; that monuments indicating property lines will be correctly placed in the ground after completion of construction; that all measurements are correctly shown on this plat; and that the right-of-way boundary lines are correctly designated on this plat.

Michael J. Fischer, Jr.
Minnesota License Number 56505

Date

The Carver County Board of Commissioners pursuant to resolution number _____ dated _____, is hereby designating the definite location of a portion of the right-of-way of CSAH 18 in Sections 16, 17 and 18 of Township 116 North, Range 23 West, Carver County, Minnesota as shown on this official plat of said right-of-way, pursuant to Minnesota Statutes Sections 160.085 and 160.14.

This plat approved by the Board of Commissioners of the County of Carver, State of Minnesota at a regular meeting held the ____ day of _____, 20____.

Chair

Attest

I hereby certify that this plat has been checked and recommended for approval this ____ day of _____, 20____.

Brian Praske, Carver County Surveyor

I hereby certify that this plat was filed this ____ day of _____, 20____ at ____ o'clock ____ M. as Document Number _____.

Kaaren Lewis, Carver County Recorder

I hereby certify that this plat was filed this ____ day of _____, 20____ at ____ o'clock ____ M. as Document Number _____.

Kaaren Lewis, Carver County Registrar of Titles

NOTES:

Existing prescriptive right-of-way as defined by Minnesota Statute 160.05.

Record owners noted in the parcel table were compiled from current deeds of record available in the office of the Carver County Recorder.

Parcel boundaries and corresponding parcel acreage have been determined by current deed evidence of record.

All right angle road widths shown are to the proposed construction centerline.

Permanent easements are specifically defined by their respective recorded documents.

LEGEND

Section Corner

Boundary Corner with number; set 1/2 inch by 18 inch iron pipe with aluminum cap stamped Carver County RW

Individual Parcel Limits

Section Line

Quarter Line

Sixteenth Line

Underlying Property Line

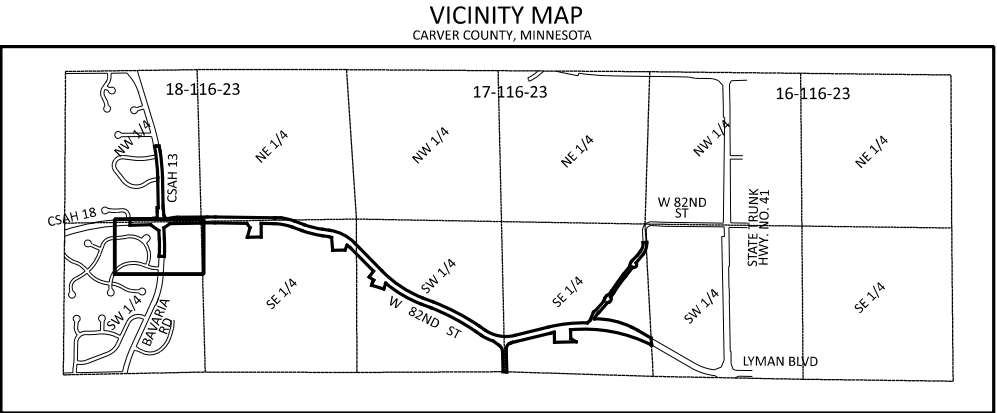
Existing R/W Line

Proposed Permanent Easement

Proposed Temporary Easement

0 50 100
SCALE IN FEET

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CARVER COUNTY COORDINATE SYSTEM NAD83 (2011 ADJ.)



PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
30	NICHOLAS T. & LINDSEY T. TIBESAR	PART OF LOT 2, BLOCK 1, YETZER'S ADDITION	65,5600012	WD Q47087	•	•	•	•	1564	FEE & EASEMENT
31	JAMES N. & DIANE M.F. CRANNELL	LOT 1 & PART OF LOT 2, BLOCK 1, YETZER'S ADDITION	65,5600011	WD A537045	•	4122	4122	•	9061	FEE & EASEMENT
34	VICTORIA CITY	OUTLOT E, THE WOODLANDS	65,5590570	QCD 315276	2177	5548	7725	•	7103	FEE
41	DEDICATED	PART OF THE WOODLANDS	•	A262314	25934	•	25934	•	•	•
42	DEDICATED	PART OF YETZER'S ADDITION	•	A24012	36740	•	36740	•	•	•

CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365

LEGEND

Section Corner

Boundary Corner with number; set 1/2 inch by 18 inch iron pipe with aluminum cap stamped Carver County RW

Individual Parcel Limits

Section Line

Quarter Line

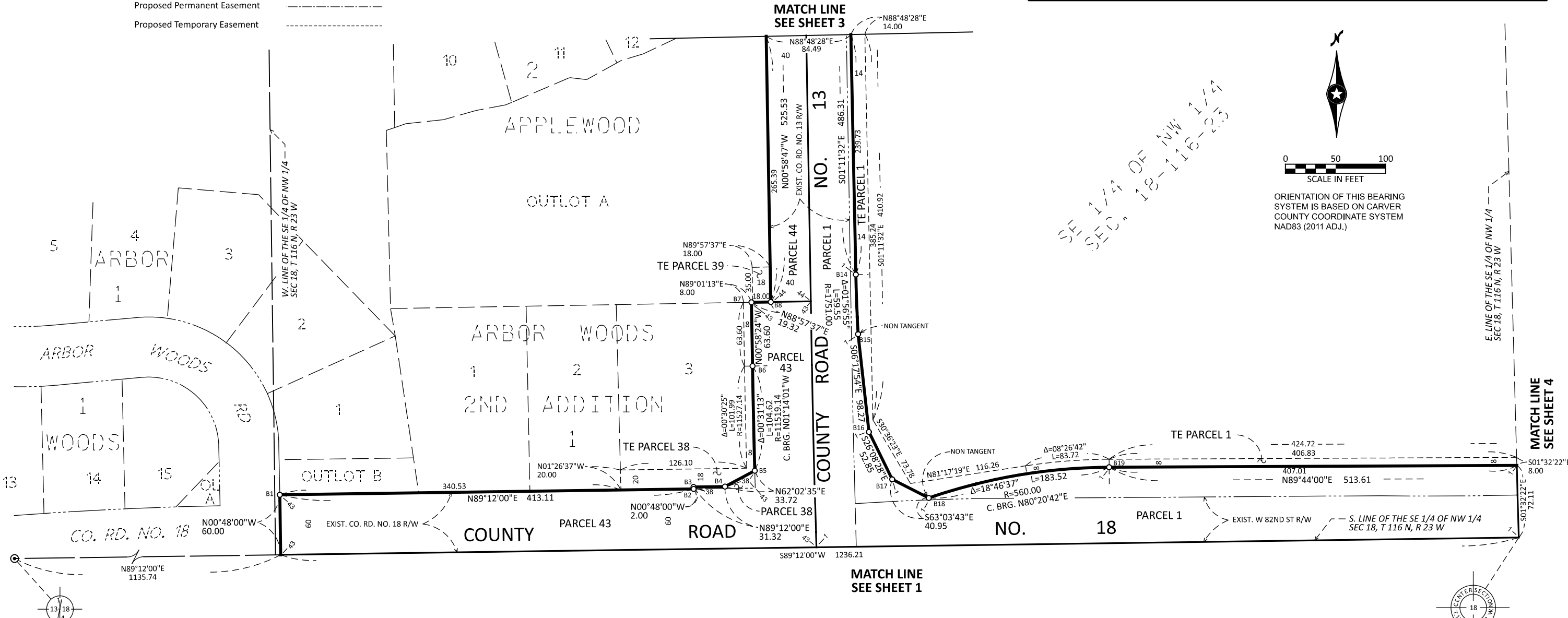
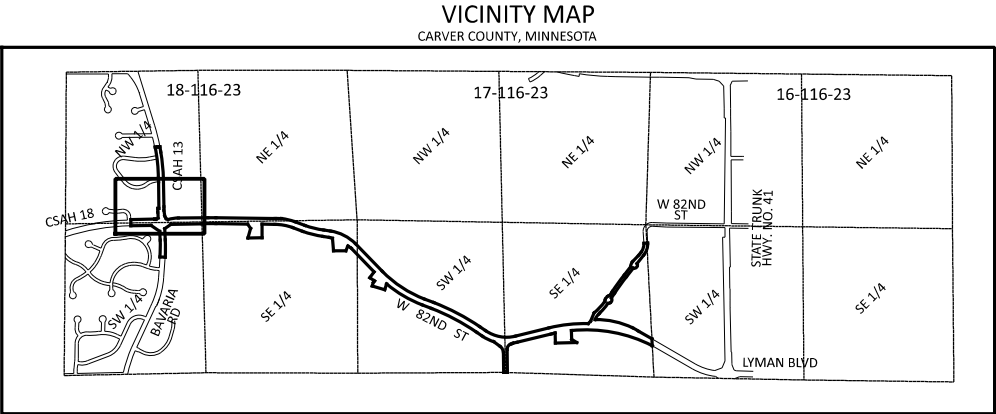
Sixteenth Line

Underlying Property Line

Existing R/W Line

Proposed Permanent Easement

Proposed Temporary Easement



PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
1	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE SE1/4 OF NW1/4 OF SEC. 18, T116N, R23W	65.0180420	A294892	82332	22993	105325	80	21913	FEE & EASEMENT
38	MARK & ANDREA STRAUSS	LOT 3, BLOCK 1, ARBOR WOODS 2ND ADDITION	65.0910030	QCD A693869	•	356	356	•	3648	FEE & EASEMENT
39	AUGUSTANAEMERALD CARE LLC	OUTLOT A, APPLEWOOD	65.1000360	WD 513238	•	•	•	•	630	FEE & EASEMENT
43	DEDICATED	PART OF ARBOR WOODS	•	A601065	43088	•	43088	•	•	•
44	DEDICATED	PART OF APPLEWOOD	•	A361891	42987	•	42987	•	•	•

CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365

PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
1	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE SE 1/4 OF NW 1/4 OF SEC. 18, T116N, R23W	65.0180420	A294892	82332	22993	105325	80	21913	FEE & EASEMENT
44	DEDICATED	PART OF APPLEWOOD	•	A361891	42987	•	42987	•	•	•

LEGEND

Section Corner

Boundary Corner with number; set 1/2 inch by 18 inch iron pipe with aluminum cap stamped Carver County RW

Individual Parcel Limits

Section Line

Quarter Line

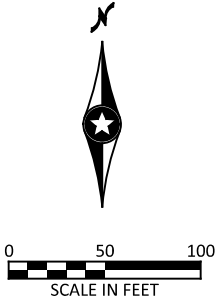
Sixteenth Line

Underlying Property Line

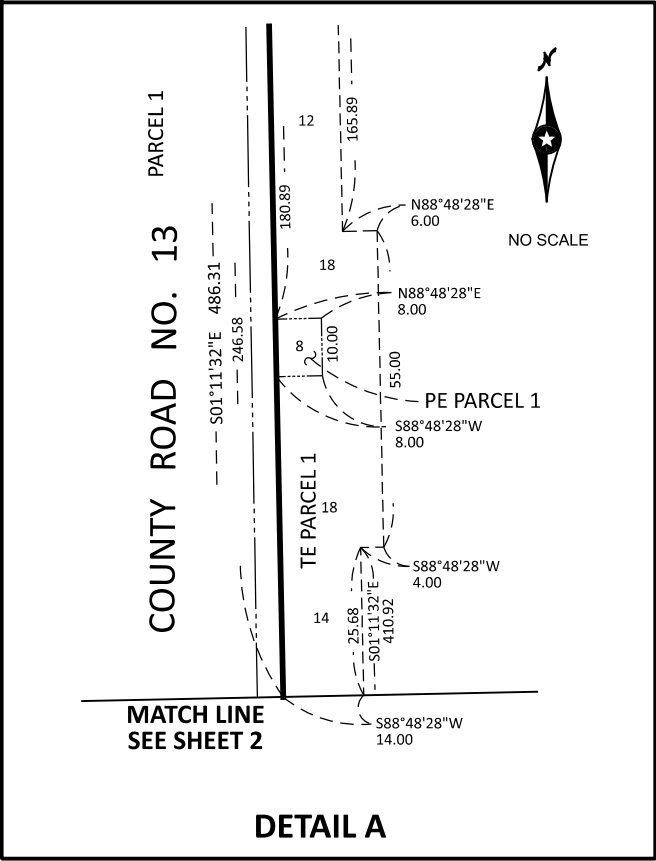
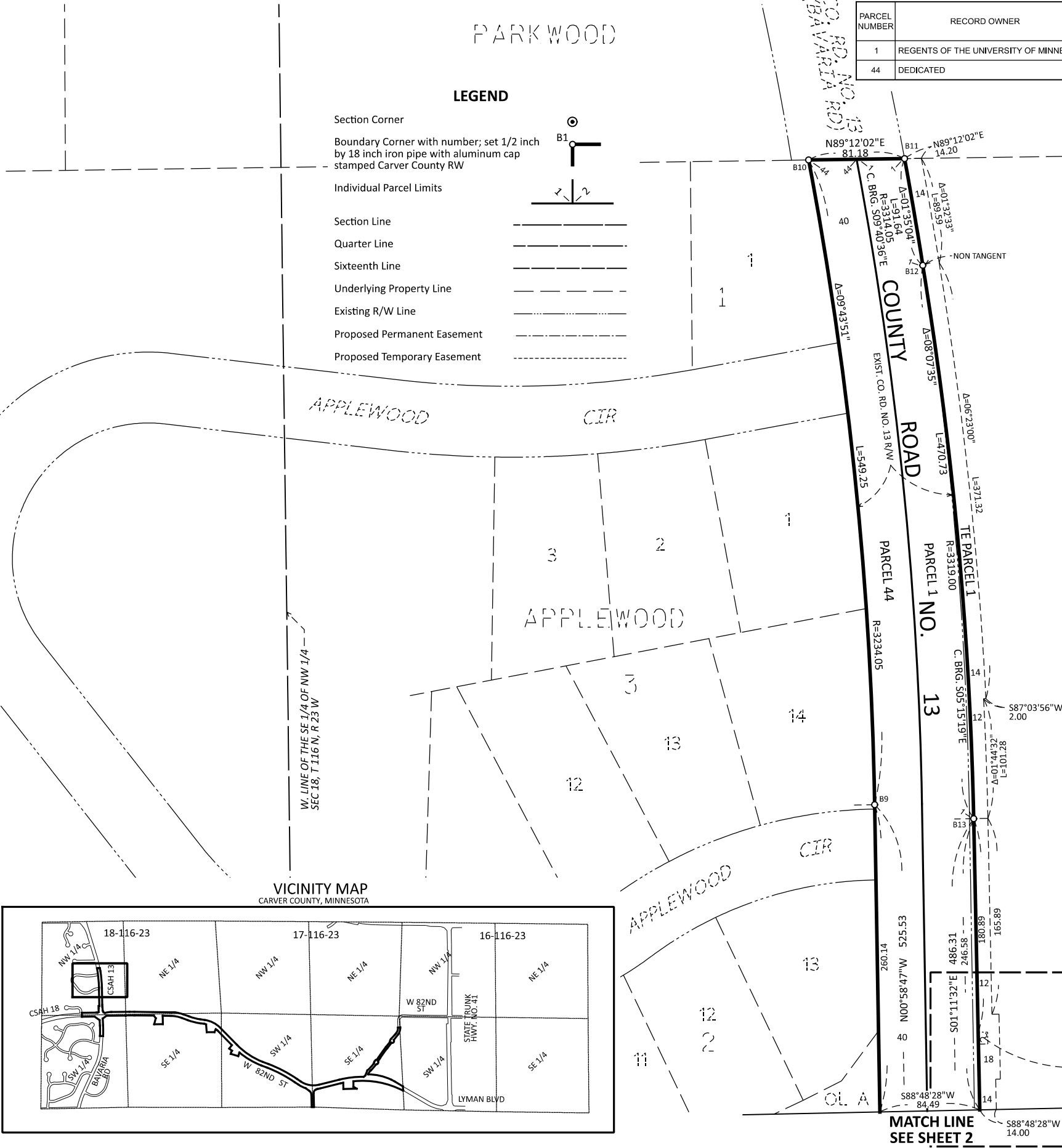
Existing R/W Line

Proposed Permanent Easement

Proposed Temporary Easement

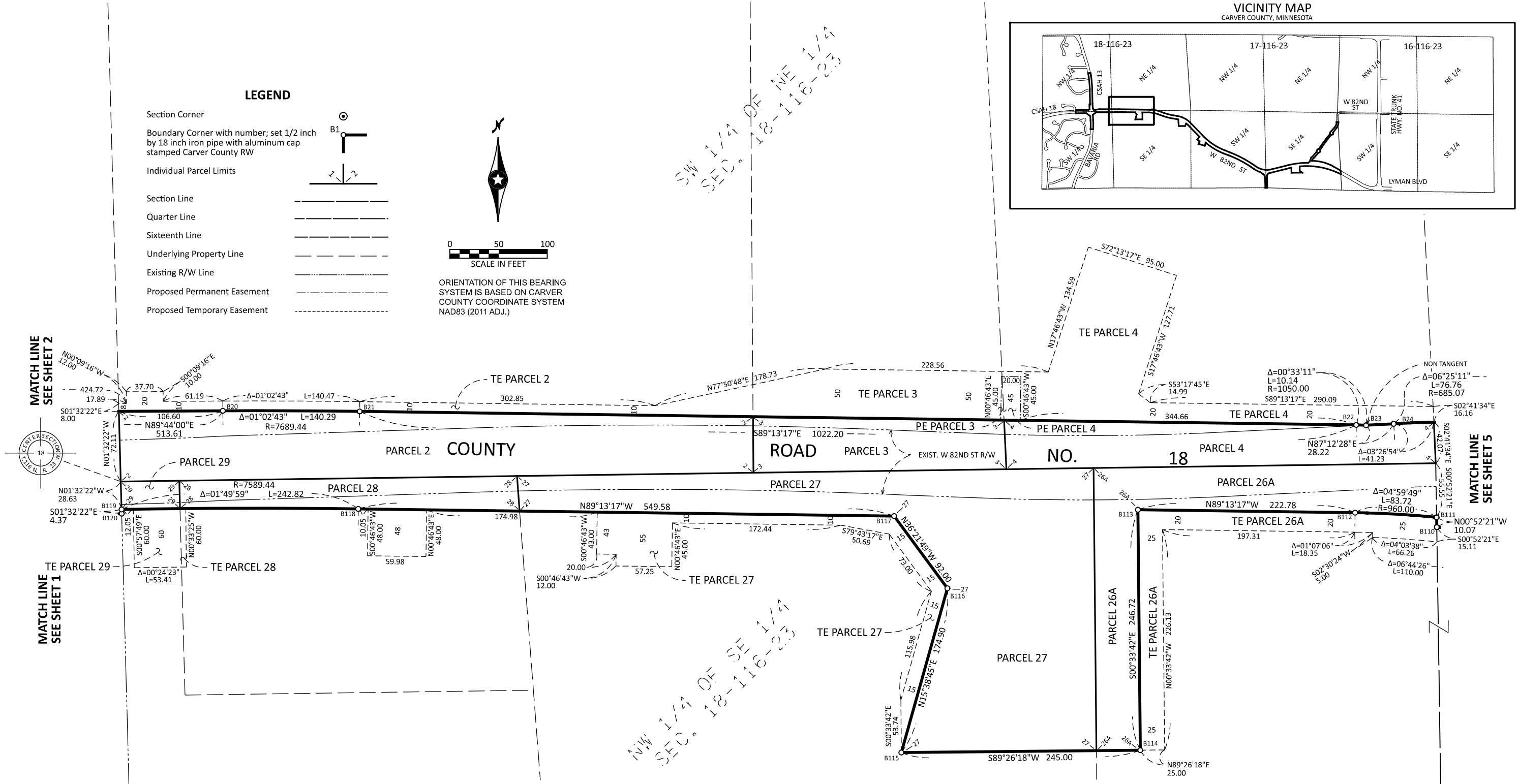


ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CARVER COUNTY COORDINATE SYSTEM NAD83 (2011 ADJ.)



CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365



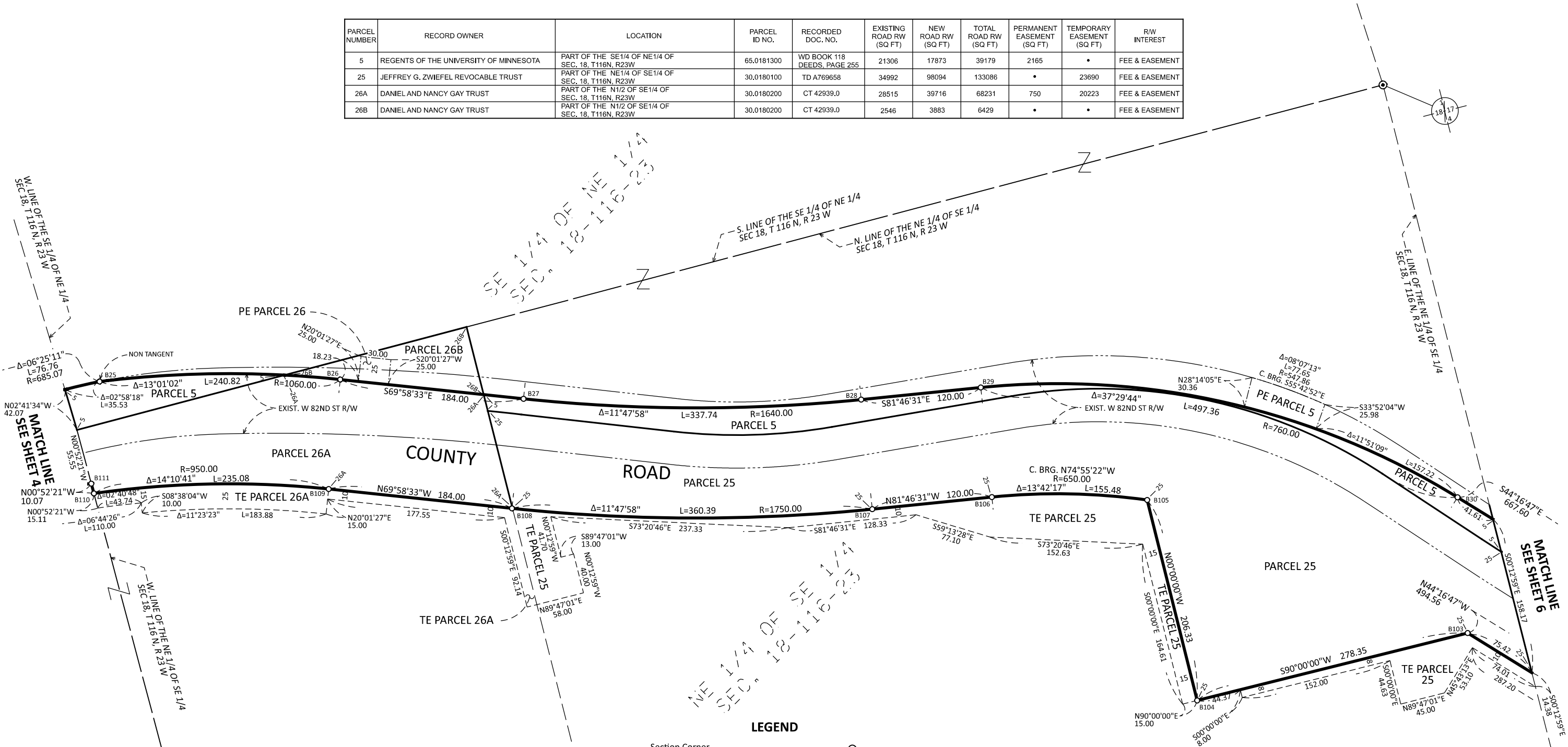
PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
2	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE SW1/4 OF NE1/4 OF SEC. 18, T116N, R23W	65.0181000	LWD A331799	31205	11601	42806	•	8018	FEE & EASEMENT
3	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE SW1/4 OF NE1/4 OF SEC. 18, T116N, R23W	65.0181100	LWD A294893	10934	2985	13919	95	12096	FEE & EASEMENT
4	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE SW1/4 OF NE1/4 OF SEC. 18, T116N, R23W	65.0181110	LWD A404928	15942	3682	19624	805	23579	FEE & EASEMENT
26A	DANIEL AND NANCY GAY TRUST	PART OF THE N1/2 OF SE1/4 OF SEC. 18, T116N, R23W	30.0180200	CT 42939.0	28109	39716	67825	•	20223	FEE & EASEMENT
27	GEORGE J. & KATHY L. LENZ	PART OF THE NW1/4 OF SE1/4 OF SEC. 18, T116N, R23W	30.0180910	WD A132134	12860	55454	68314	•	9908	FEE & EASEMENT
28	DAN T. & KAREN R. THOMAS CONKEY	PART OF THE NW1/4 OF SE1/4 OF SEC. 18, T116N, R23W	30.0180920	WD A456290	6428	4533	10961	•	3198	FEE & EASEMENT
29	RYAN S. & AMY J. PEDERSON	PART OF THE NW1/4 OF SE1/4 OF SEC. 18, T116N, R23W	30.0180930	TD A643316	1380	334	1714	•	2893	FEE & EASEMENT



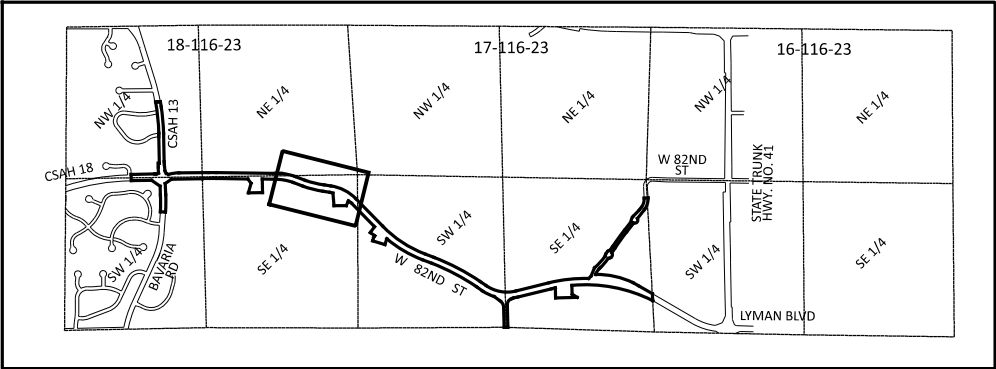
CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365

PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
5	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE SE 1/4 OF NE 1/4 OF SEC. 18, T116N, R23W	65.0181300	WD BOOK 118 DEEDS, PAGE 255	21306	17873	39179	2165	•	FEE & EASEMENT
25	JEFFREY G. ZWIEFEL REVOCABLE TRUST	PART OF THE NE 1/4 OF SE 1/4 OF SEC. 18, T116N, R23W	30.0180100	TD A769658	34992	98094	133086	•	23690	FEE & EASEMENT
26A	DANIEL AND NANCY GAY TRUST	PART OF THE N 1/2 OF SE 1/4 OF SEC. 18, T116N, R23W	30.0180200	CT 42939.0	28515	39716	68231	750	20223	FEE & EASEMENT
26B	DANIEL AND NANCY GAY TRUST	PART OF THE N 1/2 OF SE 1/4 OF SEC. 18, T116N, R23W	30.0180200	CT 42939.0	2546	3883	6429	•	•	FEE & EASEMENT

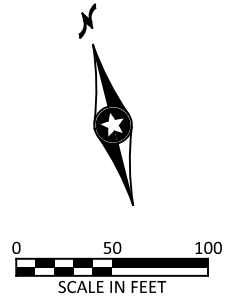


VICINITY MAP
CARVER COUNTY, MINNESOTA



LEGEND

- Section Corner
- Boundary Corner with number; set 1/2 inch by 18 inch iron pipe with aluminum cap stamped Carver County RW
- Individual Parcel Limits
- Section Line
- Quarter Line
- Sixteenth Line
- Underlying Property Line
- Existing R/W Line
- Proposed Permanent Easement
- Proposed Temporary Easement

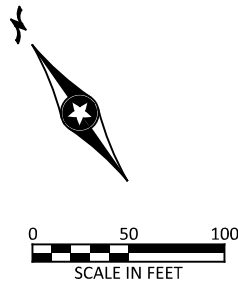


ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CARVER COUNTY COORDINATE SYSTEM NAD83 (2011 ADJ.)



CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
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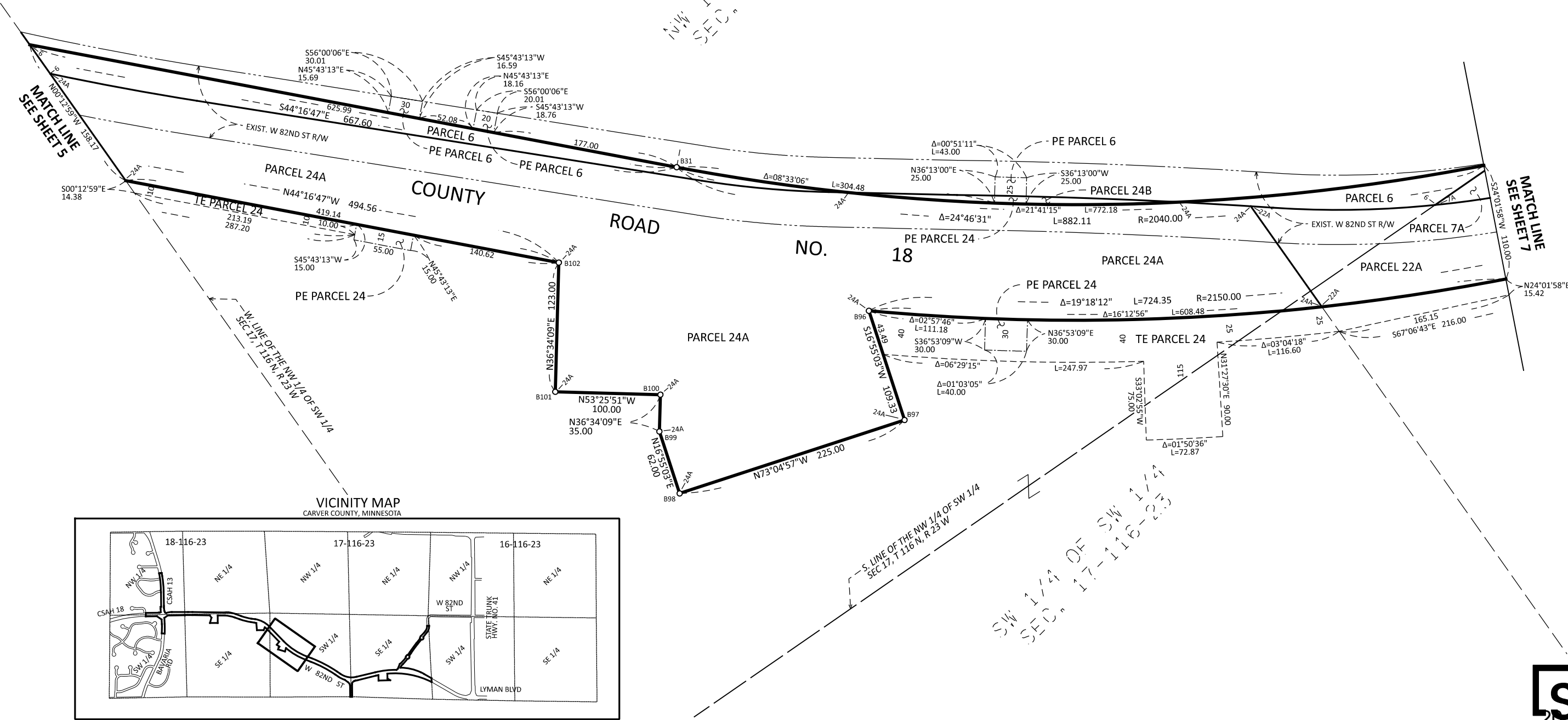
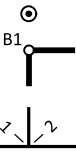


ORIENTATION OF THIS BEARING
SYSTEM IS BASED ON CARVER
COUNTY COORDINATE SYSTEM
NAD83 (2011 ADJ.)

PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
6	REGENTS OF THE STATE OF MINNESOTA	PART OF THE NW1/4 OF SW1/4 OF SEC. 17, T116N, R23W	25.0170100	WD A102451	16490	27343	43833	1385	•	FEE & EASEMENT
22A	JOHN W. & DANETTE L. HENNESSY	PART OF THE S1/2 OF SW1/4 OF SEC. 17, T116N, R23W	30.0170200	WD A197842	56976	58621	115597	2200	52875	FEE & EASEMENT
24A	CARVER COUNTY HOLDINGS, LLC	PART OF THE W1/2 OF SW1/4 OF SEC. 17, T116N, R23W	30.0170400	QCD A737893	37909	123376	161286	2244	22071	FEE & EASEMENT
24B	CARVER COUNTY HOLDINGS, LLC	PART OF THE W1/2 OF SW1/4 OF SEC. 17, T116N, R23W	30.0170400	QCD A737893	1214	•	1214	•	•	FEE & EASEMENT

LEGEND

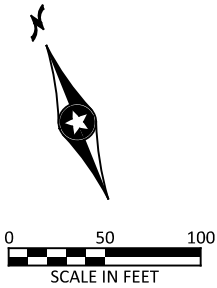
- Section Corner
- Boundary Corner with number; set 1/2 inch
by 18 inch iron pipe with aluminum cap
stamped Carver County RW
- Individual Parcel Limits
- Section Line
- Quarter Line
- Sixteenth Line
- Underlying Property Line
- Existing R/W Line
- Proposed Permanent Easement
- Proposed Temporary Easement



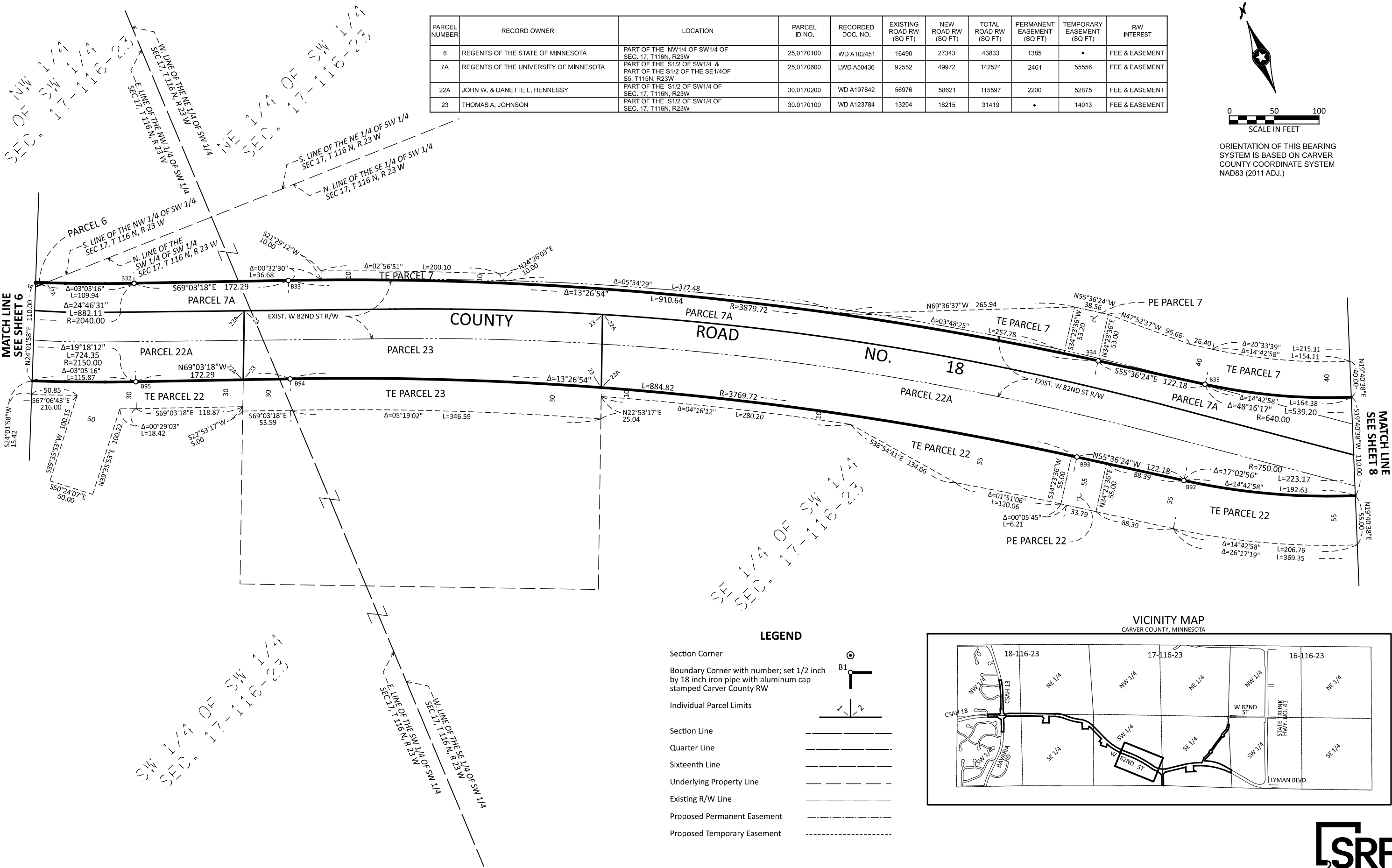
CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365

PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
6	REGENTS OF THE STATE OF MINNESOTA	PART OF THE NW1/4 OF SW1/4 OF SEC. 17, T116N, R23W	25.0170100	WD A102451	16490	27343	43833	1385	•	FEE & EASEMENT
7A	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE S1/2 OF SW1/4 & PART OF THE S1/2 OF THE SE1/4 OF S5, T115N, R23W	25.0170600	LWD A50436	92552	49972	142524	2461	55556	FEE & EASEMENT
22A	JOHN W. & DANETTE L. HENNESSY	PART OF THE S1/2 OF SW1/4 OF SEC. 17, T116N, R23W	30.0170200	WD A197842	56976	58621	115597	2200	52875	FEE & EASEMENT
23	THOMAS A. JOHNSON	PART OF THE S1/2 OF SW1/4 OF SEC. 17, T116N, R23W	30.0170100	WD A123784	13204	18215	31419	•	14013	FEE & EASEMENT

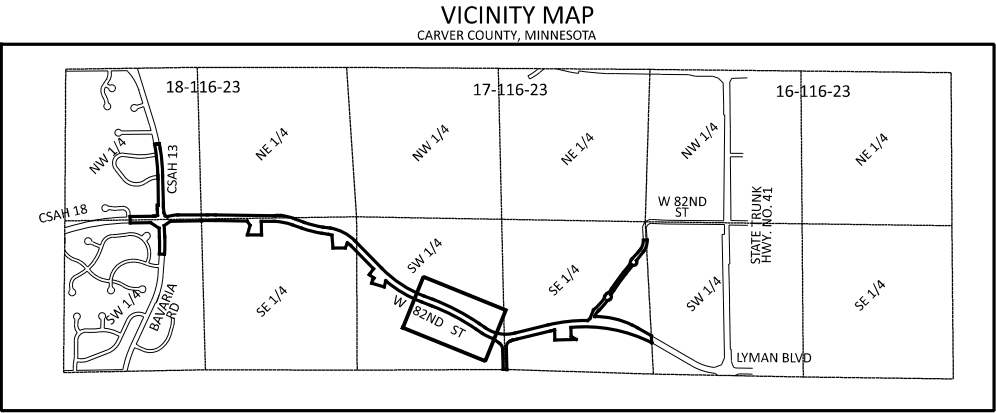


ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CARVER COUNTY COORDINATE SYSTEM NAD83 (2011 ADJ.)



LEGEND

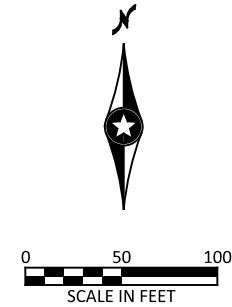
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- Boundary Corner with number; set 1/2 inch by 18 inch iron pipe with aluminum cap stamped Carver County RW
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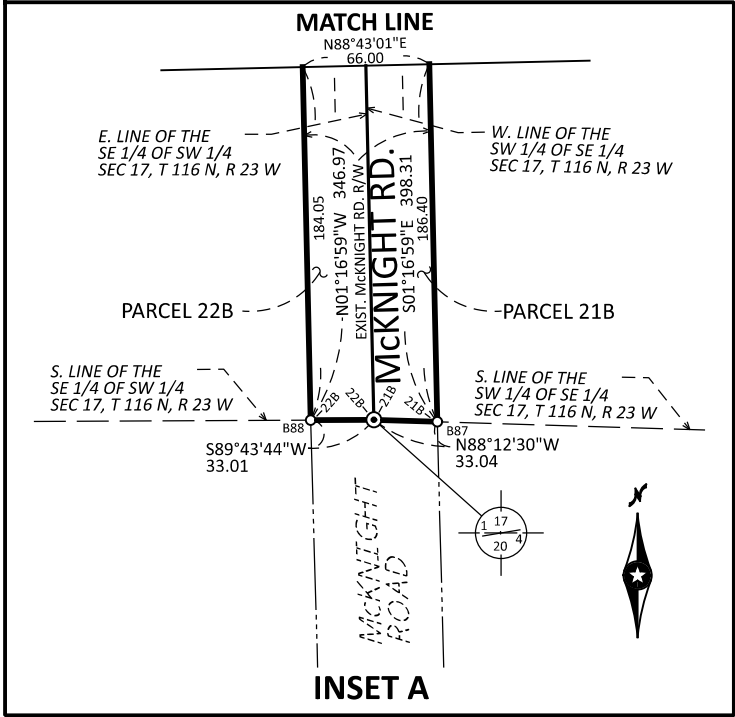
CARVER COUNTY RIGHT OF WAY PLAT NO. 38

COUNTY ROAD NO. 18

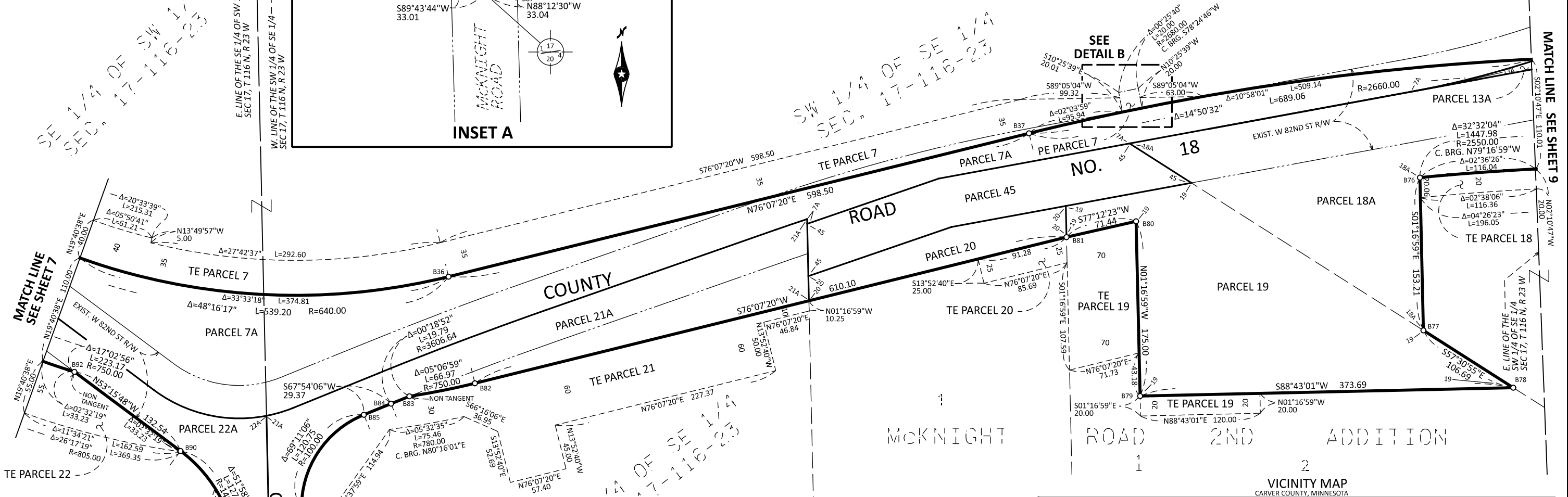
PLAT FILE NO.
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ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CARVER COUNTY COORDINATE SYSTEM NAD83 (2011 ADJ.)

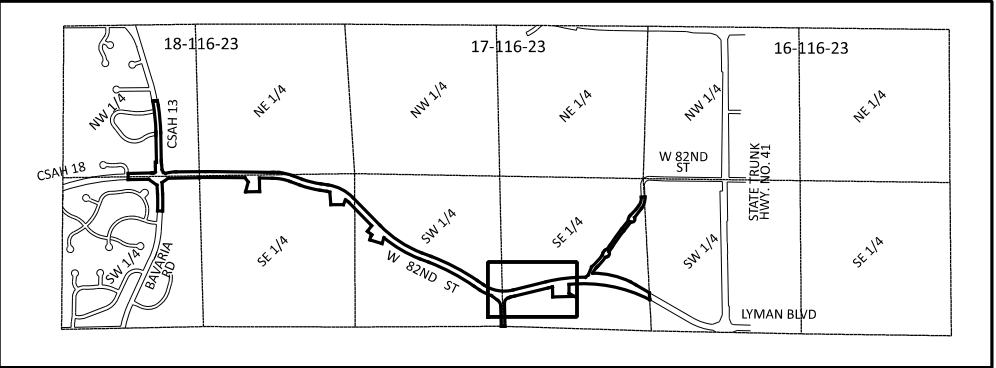
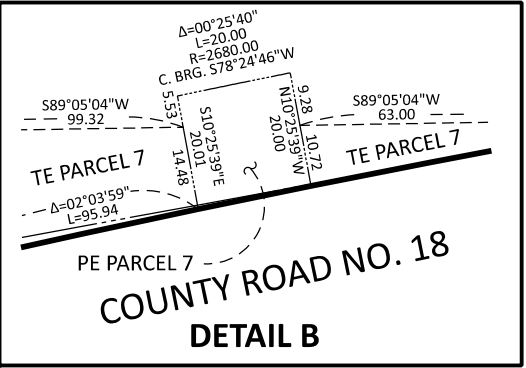


PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
7A	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE S1/2 OF SW1/4 & PART OF THE S1/2 OF THE SE1/4 OF S5, T115N, R23W	25.0170600	WD A102451	92552	49972	142524	2461	55556	FEE & EASEMENT
13A	MARK A. THOM & KARA DOUGLAS THOM	PART OF THE SE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170920	WD A523510	4294	•	4294	•	14159	FEE & EASEMENT
18A	MARY LYNN JOHNSON SWANSON	PART OF THE S1/2 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170910	SJ A455148	49562	97287	146849	•	54899	FEE & EASEMENT
19	TIMOTHY P. & JONI L. CLEARY	LOT 2, BLOCK 1, McKNIGHT ROAD 2ND ADDITION	30.3340020	QCD A105029	•	47460	47460	•	11676	FEE
20	CARA THORPE & REID THORPE	LOT 1, BLOCK 1, McKNIGHT ROAD 2ND ADDITION	30.3340010	WD A885115	•	8558	8558	•	2212	FEE
21A	TRISTAN & ASHLEY CHRISTINE CARNAHAN	PART OF THE SW1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170211	WD A748465	23616	10635	34251	•	31812	FEE & EASEMENT
21B	TRISTAN & ASHLEY CHRISTINE CARNAHAN	PART OF THE SW1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170211	WD A748465	11497	•	11497	•	•	FEE & EASEMENT
22A	JOHN W. & DANETTE L. HENNESSY	PART OF THE S1/2 OF SW1/4 OF SEC. 17, T116N, R23W	30.0170200	WD A197842	56976	58621	115597	2200	52875	FEE & EASEMENT
22B	JOHN W. & DANETTE L. HENNESSY	PART OF THE S1/2 OF SW1/4 OF SEC. 17, T116N, R23W	30.0170200	WD A197842	11461	•	11461	•	•	FEE & EASEMENT
45	DEDICATED	McKNIGHT ROAD ADDITION	•	A204579	18228	•	18228	•	•	•



LEGEND

Section Corner	
Boundary Corner with number; set 1/2 inch by 18 inch iron pipe with aluminum cap stamped Carver County RW	
Individual Parcel Limits	
Section Line	
Quarter Line	
Sixteenth Line	
Underlying Property Line	
Existing R/W Line	
Proposed Permanent Easement	
Proposed Temporary Easement	

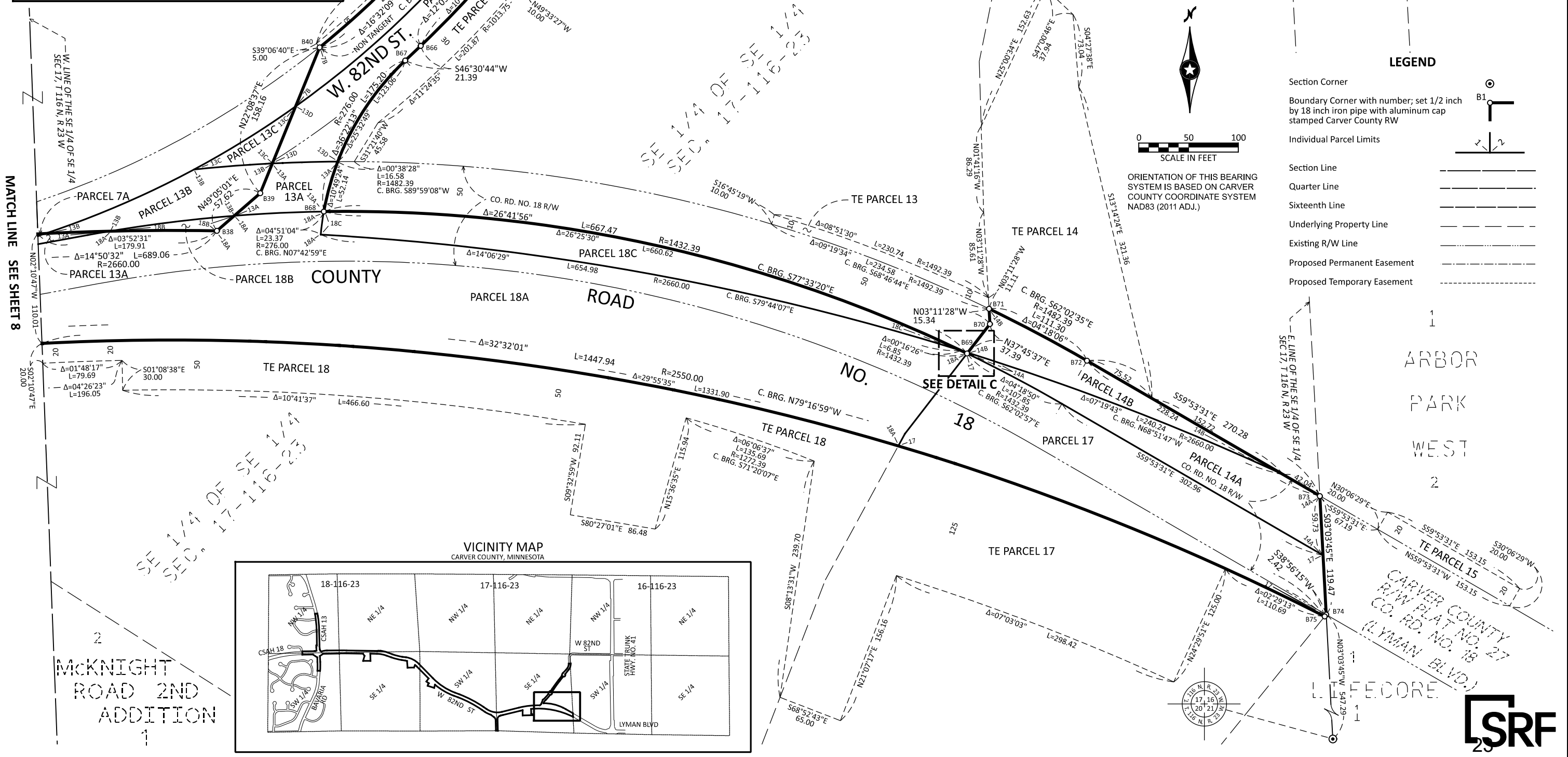
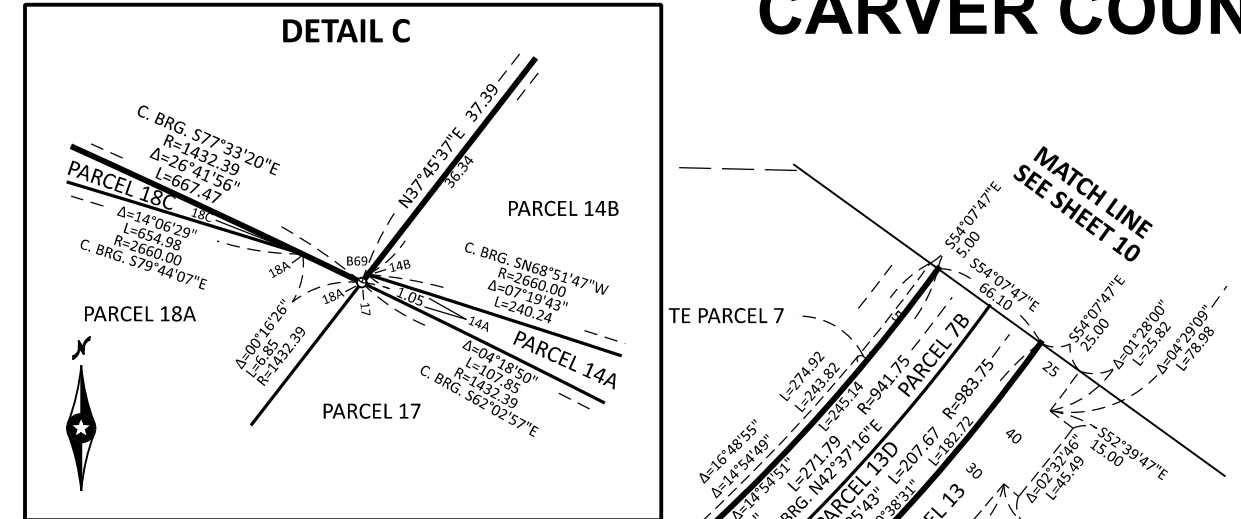


CARVER COUNTY RIGHT OF WAY PLAT NO. 38

COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365

PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ. FT.)	NEW ROAD RW (SQ. FT.)	TOTAL ROAD RW (SQ. FT.)	PERMANENT EASEMENT (SQ. FT.)	TEMPORARY EASEMENT (SQ. FT.)	R/W INTEREST
7A	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE S1/2 OF SW1/4 & PART OF THE S1/2 OF THE SE1/4 OF SEC. 17, T116N, R23W	25.0170600	WD A102451	92552	49972	142524	2461	55556	FEE & EASEMENT
7B	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE S1/2 OF SW1/4 & PART OF THE S1/2 OF THE SE1/4 OF SEC. 17, T116N, R23W	25.0170600	WD A102451	11460	149	11609	•	•	FEE & EASEMENT
13A	MARK A. THOM & KARA DOUGLAS THOM	PART OF SE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170920	WD A523510	4294	•	4294	•	14159	FEE & EASEMENT
13B	MARK A. THOM & KARA DOUGLAS THOM	PART OF SE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170920	WD A523510	6854	•	6854	•	•	FEE & EASEMENT
13C	MARK A. THOM & KARA DOUGLAS THOM	PART OF SE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170920	WD A523510	2004	•	2004	•	•	FEE & EASEMENT
13D	MARK A. THOM & KARA DOUGLAS THOM	PART OF SE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170920	WD A523510	14273	4456	18729	•	•	FEE & EASEMENT
14A	CHASKA CITY	PART OF THE SE1/4 OF SE1/4 & PART OF THE NE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0171000	•	7408	•	7408	•	37726	FEE & EASEMENT
14B	CHASKA CITY	PART OF THE SE1/4 OF SE1/4 & PART OF THE NE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0171000	•	12187	•	12187	•	•	•
15	FLEXENTIAL LLC	LOT 2, BLOCK 1, ARBOR PARK WEST	30.0590020	QCD A744174	•	•	•	•	3063	FEE & EASEMENT
17	CHASKA CITY	PART OF THE SE1/4 OF SE1/4 OF SEC. 17, T116N, R23W & PART OF THE NE1/4 OF NE1/4 OF SEC. 20, T116N, R23W	30.0171000	WD A34119	21529	12722	34251	•	54414	FEE & EASEMENT
18A	MARY LYNN JOHNSON SWANSON	PART OF THE S1/2 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170910	SJ A455148	49582	97287	146849	•	54899	FEE & EASEMENT
18B	MARY LYNN JOHNSON SWANSON	PART OF THE S1/2 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170910	SJ A455148	890	•	890	•	•	FEE & EASEMENT
18C	MARY LYNN JOHNSON SWANSON	PART OF THE S1/2 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170910	SJ A455148	15447	•	15447	•	•	FEE & EASEMENT

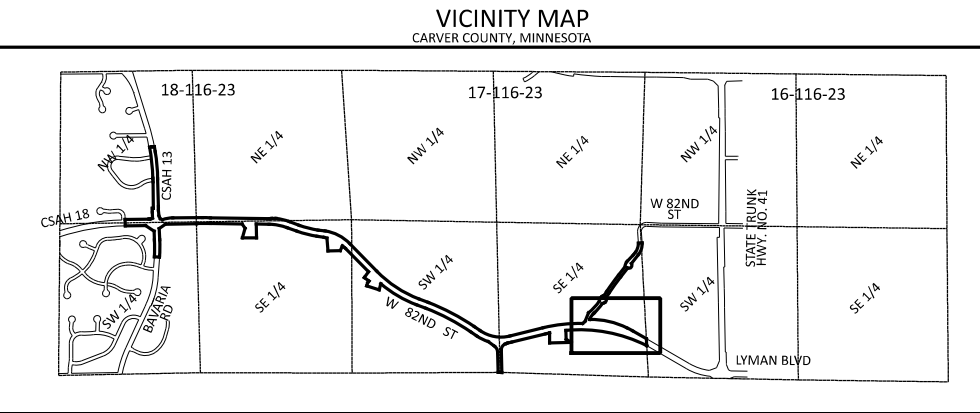


LEGEND

- Section Corner
- Boundary Corner with number; set 1/2 inch by 18 inch iron pipe with aluminum cap stamped Carver County RW
- Individual Parcel Limits
- Section Line
- Quarter Line
- Sixteenth Line
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- Proposed Temporary Easement



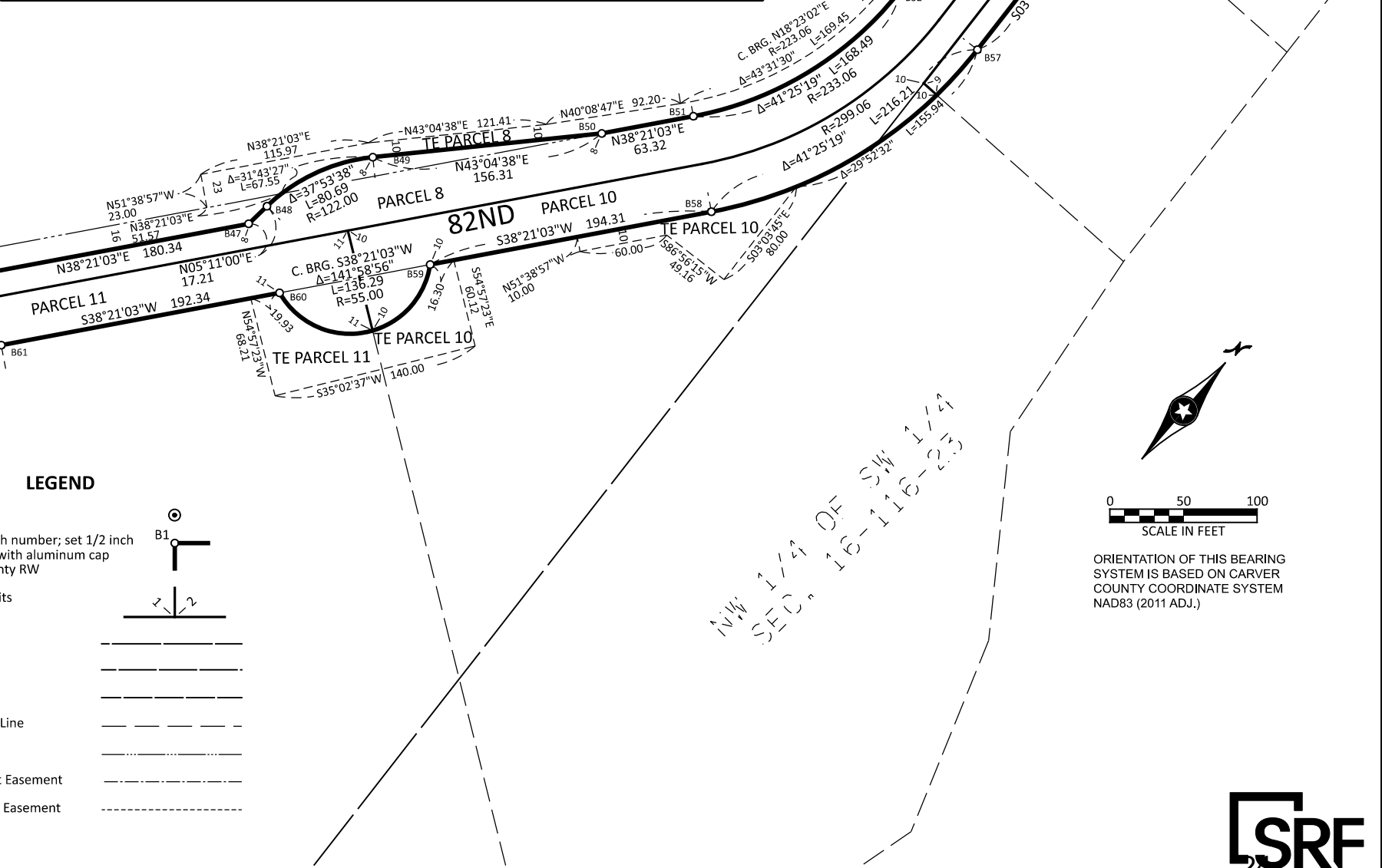
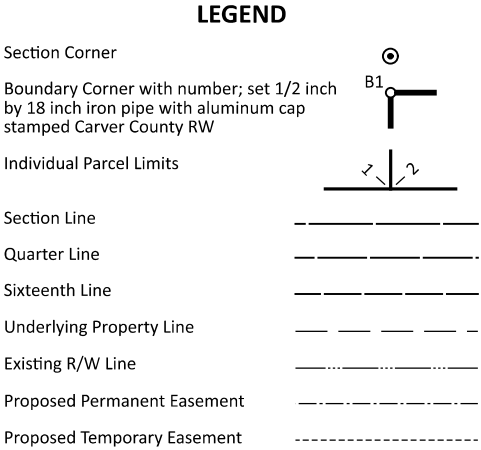
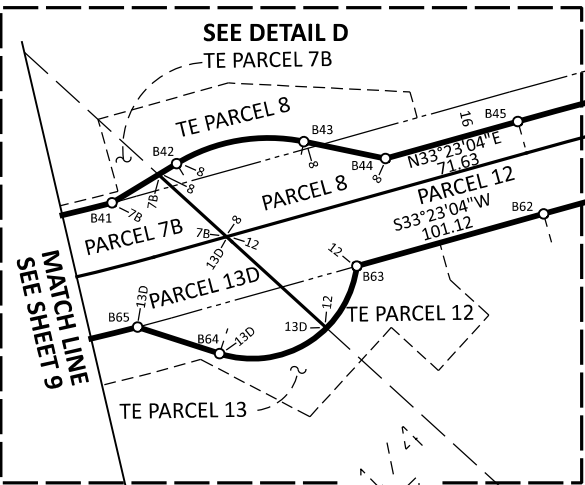
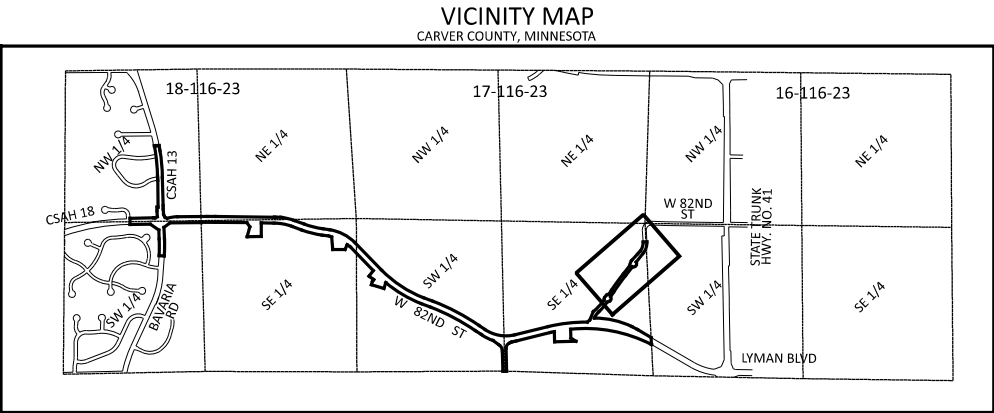
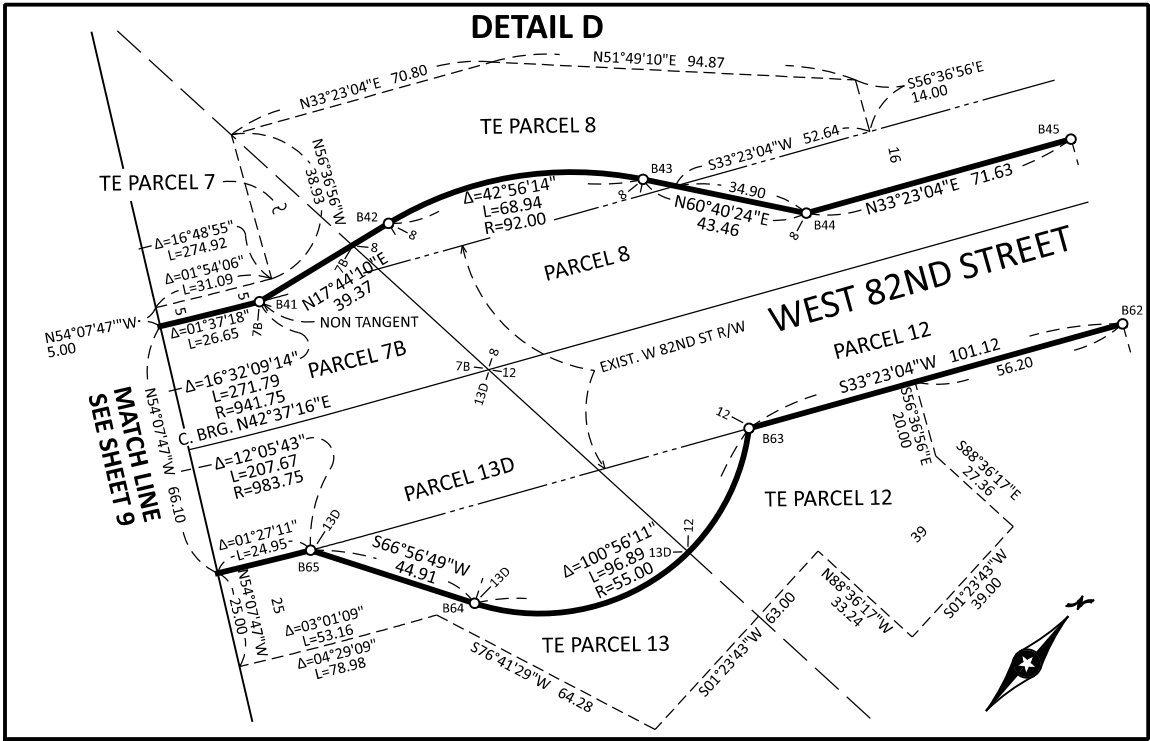
ORIENTATION OF THIS BEARING SYSTEM IS BASED ON CARVER COUNTY COORDINATE SYSTEM NAD83 (2011 ADJ.)



CARVER COUNTY RIGHT OF WAY PLAT NO. 38
COUNTY ROAD NO. 18

PLAT FILE NO.
R.T. DOC. NO.
C.R. DOC. NO.
PW JOB NO. 108365

PARCEL NUMBER	RECORD OWNER	LOCATION	PARCEL ID NO.	RECORDED DOC. NO.	EXISTING ROAD RW (SQ FT)	NEW ROAD RW (SQ FT)	TOTAL ROAD RW (SQ FT)	PERMANENT EASEMENT (SQ FT)	TEMPORARY EASEMENT (SQ FT)	R/W INTEREST
7B	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE S1/2 OF SW1/4 & PART OF THE S1/2 OF THE SE1/4 OF SEC 17, T116N, R23W	25.0170600	WD A102451	11460	149	11609	•	•	FEE & EASEMENT
8	REGENTS OF THE UNIVERSITY OF MINNESOTA	PART OF THE NE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	25.0170300	LWD A504436	39277	12655	51932	•	10241	FEE & EASEMENT
9	BRADLEY J. STEINHAGEN	PART OF NW1/4 OF SW1/4 OF SEC. 16, T116N, R23W	30.0160500	WD A684286	2615	•	2615	•	•	FEE & EASEMENT
10	GREGORY & KATHERINE KLINGELHUTZ	PART OF THE NW1/4 OF SW1/4 OF SEC. 16, T116N, R23W & PART OF THE NE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0160411	WD A739129	18713	1250	19963	•	5649	FEE & EASEMENT
11	IAN & SARAH WEXLER	PART OF THE NW1/4 OF SW1/4 OF SEC. 16, T116N, R23W & PART OF THE NE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170510	WD A763802	16944	1566	18510	•	3387	FEE & EASEMENT
12	STEPHEN J. & JOAN C. APT	PART OF NE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0170700	WD A464174	7782	618	8400	•	3101	FEE & EASEMENT
13D	MARK A. THOM & KARA DOUGLAS THOM	PART OF SE1/4 OF SE1/4 OF SEC. 17, T116N, R23W	30.0171000	WD A523510	14273	4456	18729	•	•	FEE & EASEMENT



**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA**

Date: July 16, 2024

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

Carver County Right of Way Plat No. 38

WHEREAS, Carver County will be improving County State Aid Highway (CSAH) No. 18, also known as 82nd St; from CSAH No. 13 easterly to TH No. 41; and

WHEREAS, SRF Consulting Group, on behalf of Carver County has prepared Carver County Right of Way Plat No. 38 to simplify the writing of legal descriptions and to identify to the public the County's interest in the highway right of way.

NOW, THEREFORE BE IT RESOLVED, that the Carver County Board of Commissioners approves Carver County Right of Way Plat No. 38 and authorizes the Chair of the County Board to sign the plat.

YES

ABSENT

NO

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 16th day of July, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 16th day of July, 2024.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Resolution Authorizing Petition for Eminent Domain For The Highway 18 Project - Arboretum Area**

Primary Originating Division/Dept: Public Works - Program Delivery	Meeting Date: 7/16/2024
Contact: Darin Mielke Title: Deputy County Engineer	Item Type: Consent
Amount of Time Requested: minutes Presenter:	Attachments: ☒ Yes ☐ No
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development	

BACKGROUND/JUSTIFICATION:

The Highway 18 (82nd St.) Project - Arboretum Area is a project identified in the 2021 Arboretum Area Transportation Plan. It aims to complete the missing gap of Highway 18 to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improved access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway and adding a multi-use trail enhancing community connectivity. This initiative is a joint effort involving Carver County, and the cities of Chaska, Chanhassen, and Victoria. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season.

Additional right-of-way is needed to complete the project scope. Carver County has contracted with appraisers in order to establish fair market value for the right of way acquisitions needed in support of the project. On June 4, 2024, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties. Public Works staff and the consultant land acquisition team has been negotiating with property owners in good faith, and will continue to do so, to acquire the right-of-way and easements needed for the project. It is anticipated that a majority of the parcels will be acquired by negotiation. However, in order to meet the schedule for construction bidding, it will be necessary to undertake eminent domain proceedings to acquire the necessary property interests from some property owners along the construction corridor.

A resolution, including the exhibits listing the affected property owners, is attached for the County Board to consider for approval. There are (22) Twenty-two parcel owners identified as the following property identification numbers: 30.0160500, 30.0160411, 30.0170510, 30.0170700, 30.0170920, 30.0590020, 30.0170910, 30.3340020, 30.3340010, 30.0170211, 30.0170200, 30.0170100, 30.0170400, 30.0180100, 30.0180200, 30.0180910, 30.0180920, 30.0180930, 65.5600012, 65.5600011, 65.0910030, 65.1000360

ACTION REQUESTED:

Motion to adopt a resolution authorizing and directing the consultant county attorney and county staff to take all steps necessary to acquire the right of way and easements necessary for the Highway 18 Project, by filing an action in eminent domain, negotiation of early entry authorization and the use of the quick-take procedure.

FISCAL IMPACT: None	FUNDING
<i>If "Other", specify:</i>	County Dollars =
FTE IMPACT: None	Total \$0.00
☒ Insert additional funding source	
Related Financial/FTE Comments:	

Office use only:

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: July 16, 2024

Motion by Commissioner: _____

Resolution No: _____

Seconded by Commissioner: _____

Resolution Authorizing Eminent Domain to Acquire Real Property Interests Needed for Highway 18 Project – Arboretum Area Project No. 108365

WHEREAS, the Board of Commissioners of Carver County (“Board of Commissioners”) is the official governing body of Carver County (“County”); and

WHEREAS, the County, acting by and through its Board of Commissioners, is authorized by law, and pursuant to Minnesota Statutes, § 163.02, Subd. 2, to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, the County proposes to construct highway and related improvements in Carver County for a new segment of County State Aid Highway 18 from .015 miles west, south, and north of the CSAH 13 (Bavaria Road) intersection in the City of Victoria to .02 miles west of Trunk Highway 41 in the City of Chaska (“CSAH 18 Project” or “Project”); and

WHEREAS, the County finds that it is reasonable, necessary and expedient for the public health, safety, and welfare, and necessary and for a public purpose to undertake the Project; and

WHEREAS, on February 6, 2024, by Resolution No. 07-24, and on June 4, 2024, by Resolution No. 51-24, the County Board found that the acquisitions for the Project described in Exhibit A to those resolutions constitute a valid public use or public purpose and authorized offers of just compensation to purchase the acquisitions; and

WHEREAS, the County finds that it is reasonably necessary, convenient, and in the interest of the general welfare that the County acquire for the Project the real estate interests depicted on Exhibit A, attached (“Acquisitions”);

WHEREAS, the County finds that title to and possession of the Acquisitions is required before construction of the Project can begin and before the filing of the final report of the condemnation commissioners to be appointed by the district court; and

WHEREAS, the County obtained appraisals from an independent licensed real estate appraiser for the Acquisitions; and

WHEREAS, on June 4, 2024, by Resolution No. 40-24, the County Board found that the Acquisitions for the Project constitute a valid public use or public purpose and authorized offers of just compensation to purchase the Acquisitions; and

WHEREAS, City staff and consultants will continue to work with the property owners to purchase the Acquisitions if possible;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Carver County that:

1. County ownership of Acquisitions of the real property interests described in Exhibit A is necessary and for a public purpose in furtherance of the Project; and
2. It is the considered judgment of the Board of Commissioners that the County acquire the real property interests in Exhibit A attached hereto and made a part hereof for a public purpose in furtherance of the Project, and the proper County officers and agents are authorized and directed to secure the County's ownership of the Acquisitions by direct purchase and, if necessary, through the exercise of eminent domain; and
3. The County Attorney and the legal counsel retained by the County of Kennedy & Graven, Chartered are hereby authorized and directed to take all steps reasonably necessary on behalf of the County to commence eminent domain proceedings to take the Acquisitions that cannot be timely purchased, including using the "quick take" procedure under Minn. Stat. § 117.042; and
4. The County Public Works Division Director or his delegee is authorized to approve the appraised values for the Acquisitions for the purposes of using the "quick take" procedure under Minn. Stat. § 117.042.

Yes

No

Absent

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held July 16th, 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof

Dated this 16th day of July, 2024.

David Hemze, County Administrator

EXHIBIT A

TO RESOLUTION AUTHORIZING EMINENT DOMAIN

Highway18 Project – Arboretum Area

Carver County Public Works No. 108365

Property Tax Identification No. 30.0160500

Parcel Number: 9

Fee Owner(s): Bradley J. Steinhagen, a single person

Property Address: 115 82nd Street West, Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **2,615 SF**, more or less; **0 SF**, after excluding existing easements.

Property Tax Identification No. 30.0160411

Parcel Number: 10

Fee Owner(s): Greg Klingelhutz and Kathleen Klingelhutz, spouses married to each other

Property Address: 125 82nd Street, Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **19,963 SF**, more or less; **1,250 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **5,649 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170510

Parcel Number: 11

Fee Owner(s): Ian Wexler and Sarah Wexler, spouses married to each other

Property Address: 135 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **18,510 SF**, more or less; **1,566 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **3,387 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170700

Parcel Number: 12

Fee Owner(s): Stephen J. Apt and Joan C. Apt, spouses married to each other

Property Address: 215 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **8,400 SF**, more or less; **618 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **3,101 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170920

Parcel Number: 13

Fee Owner(s): Mark A. Thom and Kara Douglass Thom, spouses married to each other

Property Address: 219 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **65,703 SF**, more or less; **4,456 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **14,180 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0590020

Parcel Number: 15

Fee Owner(s): Flexential LLC, a Delaware limited liability company

Property Address: 3500 Lyman Blvd., Chaska, MN 55318

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **3,063 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170910

Parcel Number: 18

Fee Owner(s): Mary Lynn Johnson Swanson, aka Mary Lynn Swanson, aka Mary L.J. Swanson, a single person

Property Address: 225 82nd Street West, Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **163,057 SF**, more or less; **97,166 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **54,899 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.3340020

Parcel Number: 19

Fee Owner(s): Timothy P. Cleary and Joni L. Cleary, spouses married to each other

Property Address: 295 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **47,460 SF**, more or less.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **11,676 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.3340010

Parcel Number: 20

Fee Owner(s): Cara Thorpe and Reid Thorpe, spouses married to each other.

Property Address: 305 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **8,558 SF**, more or less.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **2,212 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170211

Parcel Number: 21

Fee Owner(s): Tristan Carnahan and Ashley Catherine Carnahan, spouses married to each other

Property Address: 325 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **45,748 SF**, more or less; **10,635 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **31,812 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170200

Parcel Number: 22

Fee Owner(s): John W. Hennessy and Danette L. Hennessy, spouses married to each other

Property Address: 751 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **127,058 SF**, more or less; **58,620 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

Permanent easement for public drainage and utility purposes contains **2,200 SF**, more or less.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **52,875 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170100

Parcel Number: 23

Fee Owner(s): Thomas A. Johnson, a single person

Property Address: 621 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **31,419 SF**, more or less; **18,215 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **14,013 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0170400

Parcel Number: 24

Fee Owner(s): Carver County Holdings, LLC, a Minnesota limited liability company

Property Address: address unassigned

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **161,068 SF**, more or less; **123,377 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

Permanent easement for public drainage and utility purposes contains **2,025 SF**, more or less.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **22,070 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0180100

Parcel Number: 25

Fee Owner(s): Jeffrey G. Zwiefel, Trustee of the Jeffrey G. Zwiefel Revocable Trust dated July 2, 2021

Property Address: 1051 W 82nd Street, Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **137,881 SF**, more or less; **102,889 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Permanent Easement for Drainage and Utility Purposes:

Permanent easement for public drainage and utility purposes contains **7,417 SF**, more or less.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **19,856 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0180200

Parcel Number: 26

Fee Owner(s): Daniel P. Gay and Nancy Ann Gay, as Trustees of The Daniel and Nancy Gay Trust U/A/D June 1, 2022

Property Address: 1081 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **74,660 SF**, more or less; **43,599 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **20,223 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0180910

Parcel Number: 27

Fee Owner(s): George J. Lenz and Kathy L. Lenz, spouses married to each other

Property Address: 1181 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **68,314 SF**, more or less; **55,454 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **9,908 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0180920

Parcel Number: 28

Fee Owner(s): Dan T. Conkey, a single person

Property Address: 1251 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **10,961 SF**, more or less; **4,533 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **3,198 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 30.0180930

Parcel Number: 29

Fee Owner(s): Ryan S. Pederson and Amy J. Pederson, spouses married to each other

Property Address: 1261 82nd St. W., Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **1,714 SF**, more or less; **334 SF**, after excluding existing easements.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **2,893 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 65.5600012

Parcel Number: 30

Fee Owner(s): Nicholas T. Tibesar and Lindsey J. Tibesar, spouses married to each other

Property Address: 612 82nd St. W., Victoria MN 55386

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **1,564 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 65.5600011

Parcel Number: 31

Fee Owner(s): James N. Crannell and Diane M. F. Crannell, spouses married to each other

Property Address: 622 82nd St. W, Chaska, MN 55318

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **4,122 SF**, more or less.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **9,061 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 65.0910030

Parcel Number: 38

Fee Owner(s): Mark Strauss and Andree Strauss, spouses married to each other

Property Address: 776 Arbor Woods Rd., Victoria, MN 55386

Description of Portion of Subject Property to be Taken for Public Purposes in Fee Simple:

The Property being taken in fee simple contains **356 SF**, more or less.

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **3,648 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Property Tax Identification No. 65.1000360

Parcel Number: 39

Fee Owner(s): Augustana Emerald Care, L.L.C., a Minnesota limited liability company

Property Address: 8150 Bavaria Rd., Victoria, MN 55386

Description of Portion of Subject Property to be Encumbered Herein by Temporary Easement for Construction Purposes:

Temporary easement for construction purposes contains **630 SF**, more or less.

Term of Temporary Easement:

The subject property will be encumbered by a temporary construction easement for a duration of 15 months beginning November 1, 2024, and expiring on December 31, 2025.

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Ordinance No. 107-2024 Moratorium on cannabis business activity in the unincorporated area of Carver County (Zoning Standards)

Primary Originating Division/Dept:

Meeting Date: 7/16/2024

Contact: Jason Mielke

Title:

Item Type:

Regular Session

Amount of Time Requested: minutes

Presenter:

Title:

Attachments: ☒ Yes ☐ No

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

The Office of Cannabis Management (OCM), established in 2023, is charged with oversight of the cannabis industry in Minnesota (MN S.S. Chapter 342). The cannabis legislation allows MN counties and cities to adopt reasonable restrictions on the time, place, and manner of the operations of a cannabis business, provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.

Recently enacted changes to Minnesota's cannabis law (2024 legislation) were implemented and designed to help expedite the launch of Minnesota's new cannabis industry, with social equity applicants selected via a well-vetted lottery able to start their business operations earlier than had been allowed by the original law. The legislation allows eligible social equity applicants to grow cannabis for the new market by the end of this year, helping ensure cannabis supply meets demand once retail sales start in 2025.

During the June 25, 2024, Carver County Board of Commissioners work session meeting, county staff presented cannabis legislation updates to the Board and explained how the statute language and changes could impact local government "county" regulations as they pertain to retail cannabis business registration and county zoning code/land use.

Pursuant to the Board's direction, staff has drafted an interim zoning ordinance instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County.

The purpose of the proposed cannabis business moratorium (Ordinance No. 107-2024) is to allow the Land Management Department time to conduct research, study legislation language related to cannabis businesses, and develop zoning code language to address the impact on planning & zoning and other official controls allowed by local units of government. The additional time is needed to amend or adopt official controls on cannabis businesses as they relate to reasonable restrictions on the time, place, and manner of the operation of such businesses in order to protect the health, safety, and welfare of its citizens. As written, the moratorium is set to expire on January 1, 2025.

The County Attorney's Office has reviewed the proposed moratorium ordinance language.

The following items are attached for the Board's consideration: 1) a draft of interim Ordinance No. 107-2024 (moratorium on cannabis businesses); 2) a draft County Board Resolution.

ACTION REQUESTED:

1. Motion to open the public hearing. 2. Motion to close the public hearing. 3. Motion adopting a resolution enacting an interim ordinance (Ordinance No. 107-2024), instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County.

FISCAL IMPACT: 

If "Other", specify:

FUNDING
County Dollars =

FTE IMPACT: 

Total \$0.00

 Insert additional funding source

Related Financial/FTE Comments:

Office use only:

RBA 2024 - 9942

COUNTY OF CARVER

STATE OF MINNESOTA

ORDINANCE NO. 107-2024

AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES IN THE UNINCORPORATED AREAS OF CARVER COUNTY

THE CARVER COUNTY COMMISSIONERS HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE, INTENT AND STATUTORY AUTHORITY

- A. This Ordinance is adopted by the Carver County Commissioners for the purpose of providing sufficient time to complete the study of the application, and impact of the 2023 Minnesota Session Laws Chapter 63 – H.F. No. 100 including enacted Minnesota Statute Chapter 342, and H.F. No. 4757 adopted in 2024 (hereinafter “Cannabis Legislation”), upon Carver County; and to recommend and enact official controls applicable to and in the best interests of the residents health, safety, and welfare as provided for by Minnesota Statutes Chapter 342, and Minnesota Statutes section 394.34.
- B. Cannabis Legislation establishes that the sale of cannabis products is subject to local planning and zoning restrictions and must comply with local zoning ordinances. Cannabis Legislation provides local units of government, including counties, certain authority to regulate Cannabis Businesses, including: 1) authority to require local registration of Cannabis Businesses and retail establishments, 2) authority to adopt reasonable restriction on time, place and manner of operation of Cannabis Businesses, 3) authority to limit the number of Cannabis Businesses based on population, and 4) authority to prohibit the operation of Cannabis Businesses within specified distances of schools, day care or residential treatment facilities, or within public parks, athletic fields or playgrounds.
- C. Pursuant to Minnesota Statute §342.13(e), a local unit of government which is conducting studies or which has authorized a study be conducted or has scheduled or held a hearing to consider the adoption or amendment of reasonable restrictions on time, place and manner of the operation of Cannabis Businesses is authorized to adopt an interim ordinance protecting the planning process and the health, safety, and welfare of its citizens. Minn. Stat. §342.13(e) provides specifically that “the interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025”.
- D. The Cannabis Legislation requires the Office of Cannabis Management (OCM) to work with local units of government to develop model ordinances relating to reasonable restriction on time, place, and manner of operation of Cannabis Businesses. The Cannabis Legislation also requires the OCM to establish additional regulations relating to the operation of Cannabis Businesses. Given the uncertainty regarding the model ordinances, rules and regulations to be developed in a timely manner, given the broad scope of changes brought about by the Cannabis Legislation, and given the many obligations and responsibilities placed on the OCM by the Cannabis Legislation, and given legislation seeking early licensure of Cannabis Businesses, the County desires to adopt an emergency interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- E. The County desires time to complete its study for the purpose of considering the adoption or amendment of its comprehensive plan, local planning and zoning restrictions, including reasonable restrictions on the time, place, and manner of operation of Cannabis Businesses as well as other regulations local units of government may adopt under the Cannabis Legislation.

- F. After published notice, the Carver County Board of Commissioners held a public hearing to consider the adoption of this interim ordinance prohibiting the operation of Cannabis Businesses within the County until January 1, 2025, and recommended its adoption.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings given to them in this section.

- (a) "Cannabis Business" has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- (b) "Cannabis Legislation" means 2023 Minnesota Session Laws, Chapter 63 (House File No. 100) and Minnesota Statutes Chapter 342.
- (c) "County" means Carver County.
- (d) "Edible Cannabinoid Product" has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (e) "Local unit of government" means a home rule charter or statutory city, county, town, or other political subdivision.
- (f) "OCM" means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subdivision 1.
- (g) "This Ordinance" means this interim ordinance, which was adopted pursuant to Minnesota Statutes, section 342.13(e)

SECTION 3. STUDY AUTHORIZED

The County Board of Commissioners hereby authorizes and directs the Carver County Land Management Department to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as the other potential local regulations allowed under the Cannabis Legislation, and report to the County Board of Commissioners on the potential regulation of Cannabis Businesses under the Cannabis Legislation. The study must include a review of model ordinances drafted by the OCM pursuant to Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine relevant for consideration by the County Board of Commissioners for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The report shall specifically include recommendations on whether the County Board of Commissioners should adopt regulations and the types of regulations recommended for adoption.

SECTION 4. MORATORIUM

A moratorium is hereby imposed regarding the operation of Cannabis Businesses within the unincorporated areas of Carver County. During the term of this Ordinance, the County shall not accept, process, nor act on any application, site plan, building permit, zoning request, nor any related proposal from any person, or entity. No Cannabis Business may be established or operate during this moratorium unless it was lawfully operating prior to this Interim Ordinance or falls within the exceptions listed in Section 5.

SECTION 5. EXCEPTIONS

The moratorium imposed by this Ordinance does not apply to the continued operation of Cannabis Businesses which were 1) lawfully operating within the County as part of the Medical Cannabis Program administered by the Minnesota Dept. of Health or 2) selling Edible Cannabinoid Products in compliance with Minnesota Statute, section 151.72 prior to this Moratorium. Nothing in this Article exempts a business, person, or entity that is selling Edible Cannabinoid Products from having to comply with all requirements and prohibitions of applicable laws and ordinances.

SECTION 6. ENFORCEMENT

Violation of this Ordinance is a misdemeanor. The County may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance may result in the County reporting the violation to the OCM.

SECTION 7. DURATION

This Ordinance shall become effective on the first day of publication after adoption and shall remain in effect until January 1, 2025. This Ordinance may be repealed earlier upon the effective date of an ordinance adopting or amending reasonable restrictions on the time, place, and manner of the operation of a Cannabis Businesses within the County or by resolution of the County Board of Commissioners terminating this Ordinance prior to the expiration date.

SECTION 8. SEVERABILITY

If any section or provision of this Ordinance is held invalid, such invalidity will not affect other sections or provisions that can be given force and effect without the invalidated section or provision.

SECTION 9. EFFECTIVE DATE

This Ordinance shall be in full force and effect upon the date of its passage.

ADOPTED by the Carver County Board of Commissioners this _____ day of _____, 2024.

Gayle Degler, Chairman
Carver County Board of Commissioners

Dave Hemze
County Administrator

BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: July 16, 2024

Resolution #:

Motion by Commissioner:

Seconded by Commissioner:

A RESOLUTION ADOPTING ORDINANCE NO. 107-2024 AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES IN THE UNINCORPORATED AREAS OF CARVER COUNTY

WHEREAS, the Office of Cannabis Management (OCM), established in 2023, is charged with oversight of the cannabis industry in Minnesota (MN S.S. Chapter 342). The cannabis legislation allows MN counties and cities to adopt reasonable restrictions on the time, place, and manner of the operations of a cannabis business, provided that such restrictions do not prohibit the establishment or operation of cannabis businesses; and,

WHEREAS, recently enacted changes to Minnesota’s cannabis law (2024 legislation) were implemented and designed to help expedite the launch of Minnesota’s new cannabis industry, with social equity applicants selected via a well-vetted lottery able to start their business operations earlier than had been allowed by the original law. The legislation allows eligible social equity applicants to grow cannabis for the new market by the end of this year, helping ensure cannabis supply meets demand once retail sales start in 2025; and,

WHEREAS, during the June 25, 2024, Carver County Board of Commissioners work session meeting, county staff presented cannabis legislation updates to the Board and explained how the statute language and changes could impact local government “county” regulations as they pertain to retail cannabis business registration and county zoning code/land use. Pursuant to the Board’s direction, staff has drafted an interim zoning ordinance instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County; and,

WHEREAS, the purpose of the proposed cannabis business moratorium is to allow the Land Management Department time to conduct research, study legislation language related to cannabis businesses, and develop zoning code language to address the impact on planning & zoning and other official controls allowed by local units of government. The additional time is needed to amend or adopt official controls on cannabis businesses as they relate to reasonable restrictions on the time, place, and manner of the operation of such businesses in order to protect the health, safety, and welfare of its citizens. As written, the moratorium is set to expire on January 1, 2025; and,

WHEREAS, Ordinance No. 107-2024 has been reviewed as to form and content by the County Attorney’s Office; and,

WHEREAS, the public comments and other testimony were duly considered at a public hearing held by the Carver County Board of Commissioners at its regular meeting of July 16, 2024, and the County Board finds as follows:

1. Minn. Stat. §342.13(e) provides specifically that “the interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025”.
2. The interim ordinance “moratorium” is not in conflict with any other official controls.
3. The interim ordinance “moratorium” will not be detrimental to the health, safety, or general welfare.

THEREFORE, BE IT RESOLVED THAT THE Carver County Board of Commissioners hereby adopts and enacts interim ordinance (Ordinance No. 107-2024), instituting an emergency moratorium on cannabis businesses in the unincorporated area of Carver County.

YES

NO

ABSENT

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the 16th day of July 2024, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 16 day of July , 2024.

Dave Hemze, County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Closed Session for Highway 18 Project - Arboretum Area Property Acquisitions

Primary Originating Division/Dept: Public Works - Program Delivery	Meeting Date: 7/16/2024
Contact: Darin Mielke Title: Deputy County Engineer	Item Type: Closed Session
Amount of Time Requested: 45 minutes Presenter: Eric Johnson Title: Consultant Program Manager	Attachments: ☐ Yes ☒ No
Strategic Initiative: Growth: Manage the challenges and opportunities resulting from growth and development	

BACKGROUND/JUSTIFICATION:

The Highway 18/82nd St. Project is a project identified in the 2021 Arboretum Area Transportation Plan. It aims to connect Highway 13 to Highway 41, providing a vital link for Victoria, and improved access to the Minnesota Landscape Arboretum, Chaska, and Chanhassen. Key features include upgrading the gravel road to a two-lane paved urban highway and adding a multi-use trail enhancing community connectivity. This initiative is a joint effort involving Carver County, and the cities of Chaska, Chanhassen, and Victoria. Construction is planned to begin late 2024 and conclude at the end of the 2025 construction season.

Additional right-of-way is needed to complete the project scope. Carver County has contracted with appraisers in order to establish fair market value for the right of way acquisitions needed in support of the project. On June 4, 2024, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties.

Minnesota Statutes Section 117.031 provides that the condemning authority may make a last written offer of compensation prior to filing a petition for eminent domain. A court may award reasonable attorney fees, expenses, and other costs and fees depending on how much greater the final judgment or award is than the last written offer. Prior to initiating the petition for the eminent domain process, Public Works staff are recommending the County Board authorize last written offers of compensation to twenty-two (22) parcel owners identified as the following property identification numbers: 30.0160500, 30.0160411, 30.0170510, 30.0170700, 30.0170920, 30.0590020, 30.0170910, 30.3340020, 30.3340010, 30.0170211, 30.0170200, 30.0170100, 30.0170400, 30.0180100, 30.0180200, 30.0180910, 30.0180920, 30.0180930, 65.5600012, 65.5600011, 65.0910030, 65.1000360

ACTION REQUESTED:

Motion to enter into closed session to discuss confidential appraisal data and last written offers for the purchase of real property for the Highway 18 Project - Arboretum Area, pursuant to Minn. Stat. Section 13D.05, Subd. 3 (c).

FISCAL IMPACT: None	FUNDING
If "Other", specify:	County Dollars =
FTE IMPACT: None	Total
	\$0.00
	☐ Insert additional funding source
Related Financial/FTE Comments:	