

# Discussion Item:

# Land Review

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Luke Sandstrom

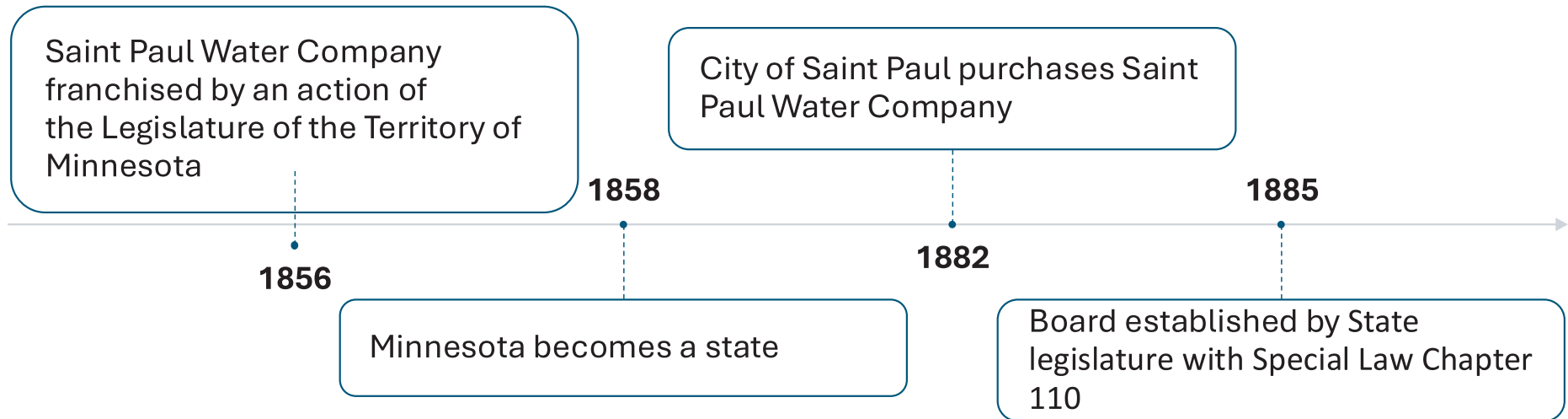
Assistant Division Manager - Engineering

**History and  
Inventory**

**Water appropriations  
and rights**

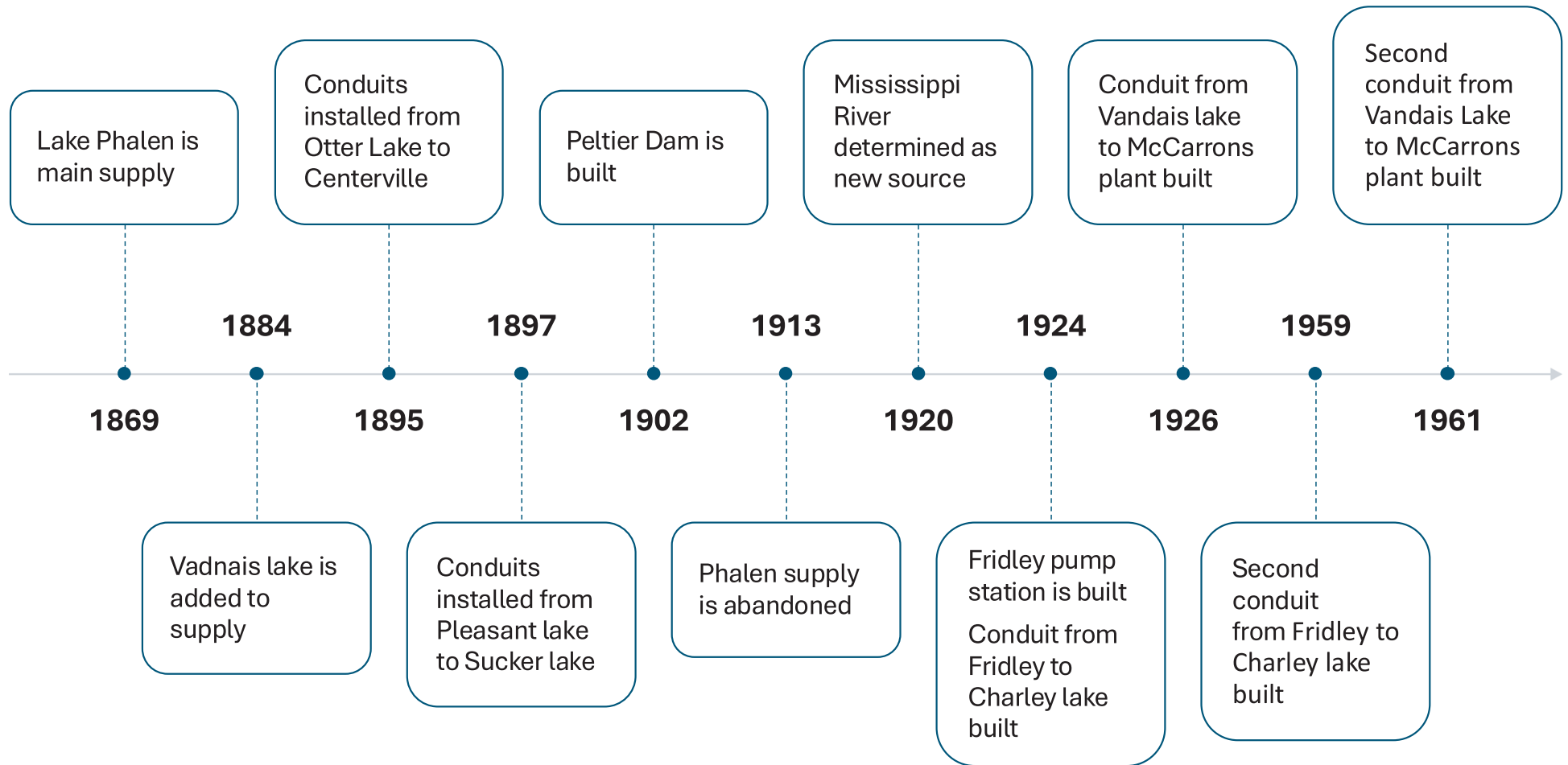
**Policies and Procedures**

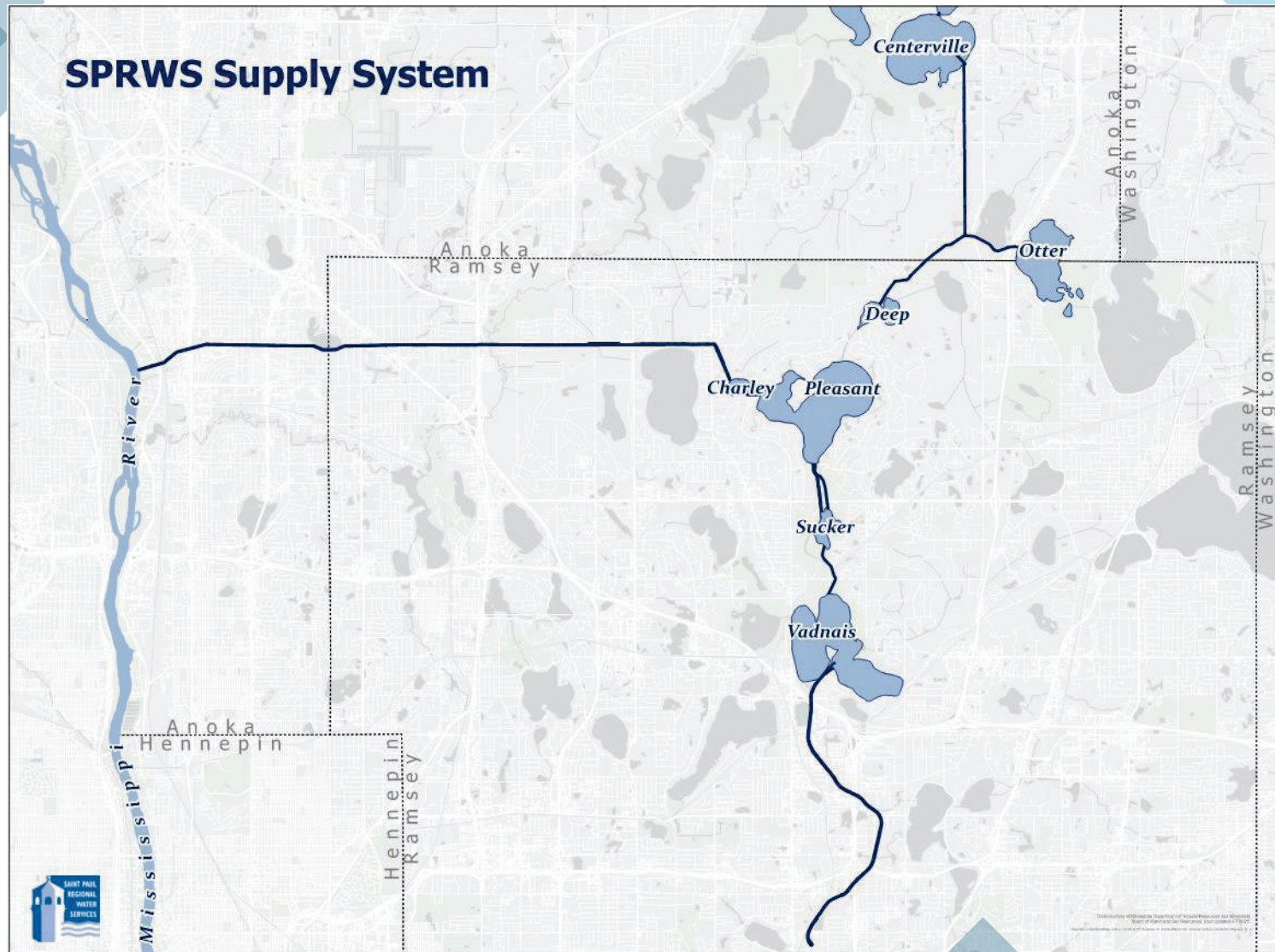
**Leases**



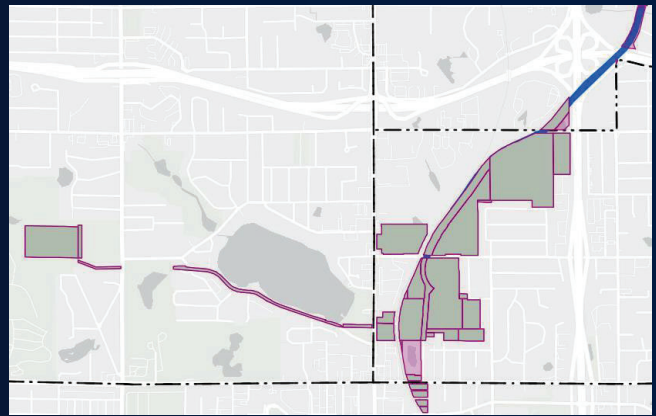
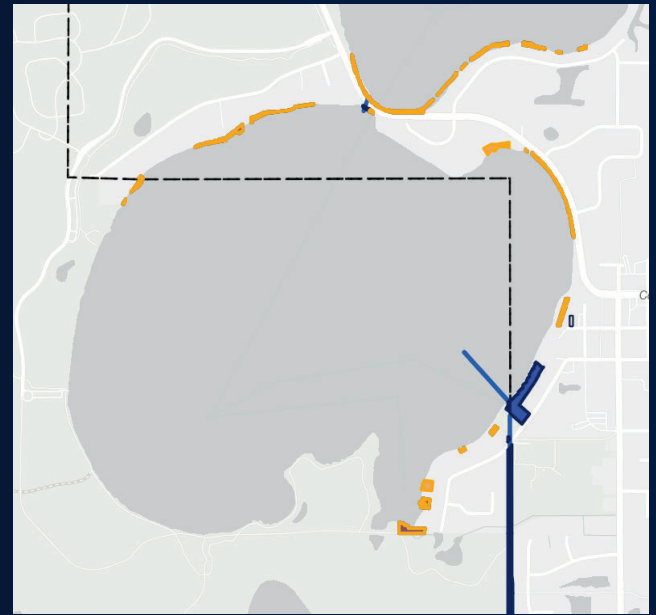
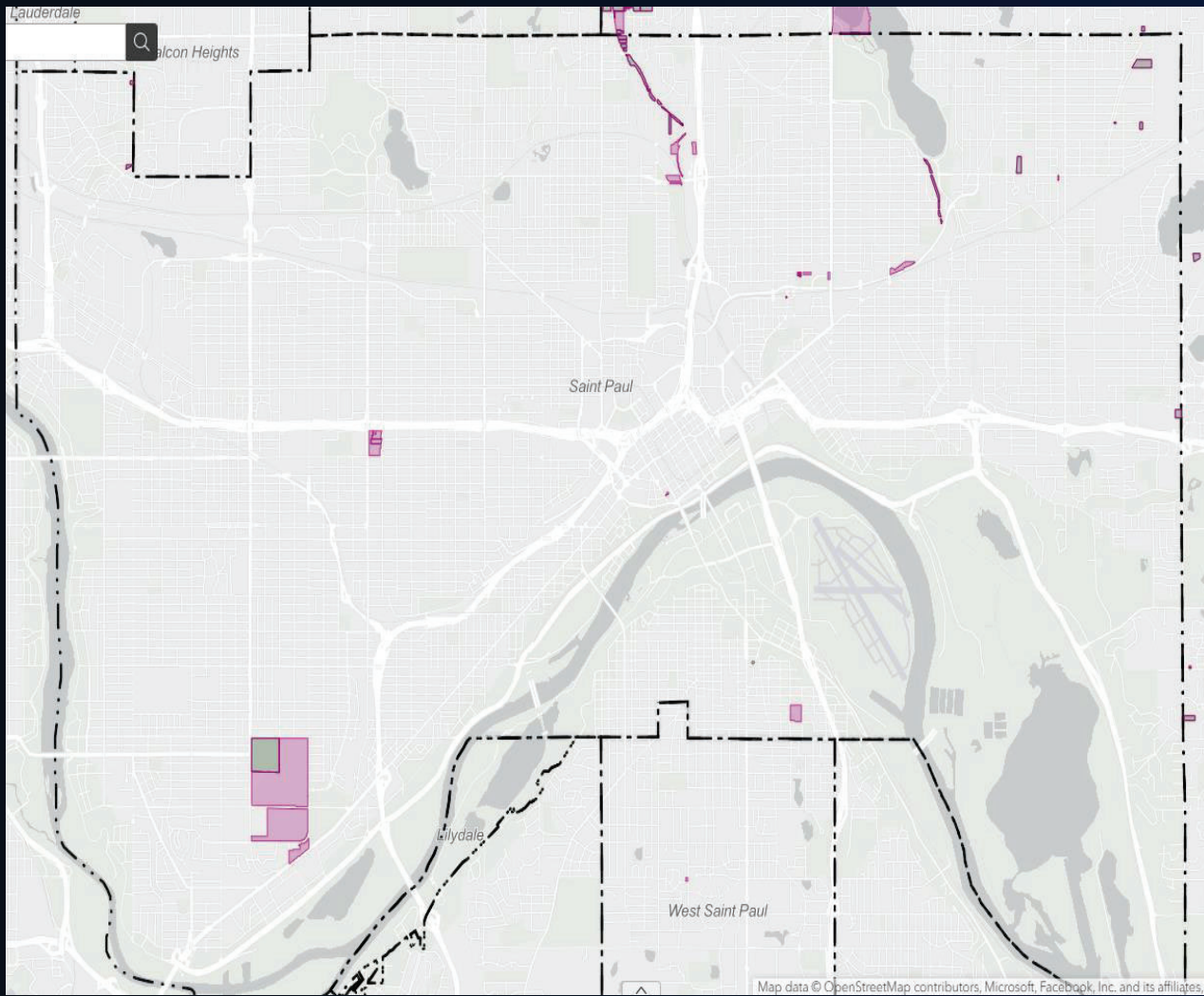
SEC. 5. Said board of water commissioners may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute unto final judgment in any court or elsewhere in the name of said board of water commissioners, have a common seal and the same alter at pleasure. They may employ all proper connected with any part of the works, or for any improper use or waste of the water; and said board shall have full power and authority to take and convey from the sources of supply now used by the St. Paul Water company or which they are empowered to use, and from any other source sufficient to supply the city of St. Paul with pure and wholesome water for all purposes, and for the purposes aforesaid, in all things to exercise all the necessary rights, powers and franchises of the said St. Paul Water company to be conveyed as aforesaid to the said city of St. Paul.

SEC. 6. That the said board of water commissioners may from time to time, for the purpose of furnishing a full supply of water to the inhabitants of the city of St. Paul, extend said water works or make new lines of works, and as it shall from time to time so extend its said works or make new lines of works, it may draw water from any lake, or creek by means of pipes, ditches, drains, conduits, aqueducts, or other means of conducting water so as to connect said lakes or creeks with its said works and may erect and construct dams, bulkheads, gates, and other needed structures and means for controlling of water and its protection, and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act.





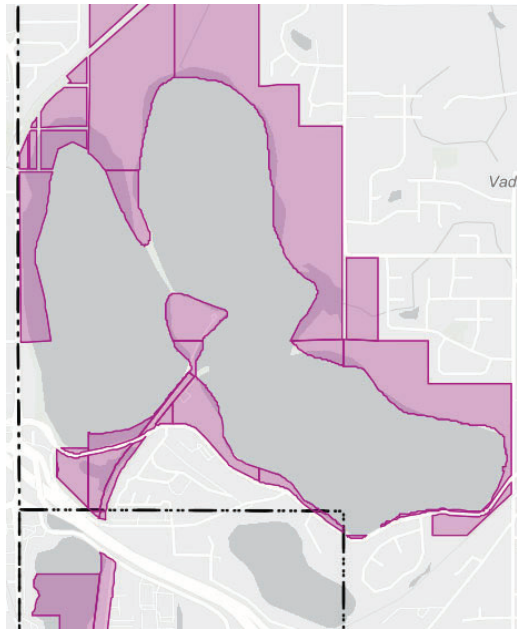




## All Board Owner Names



- BOARD OF WATER COMM ST PAUL
- BOARD OF WATER COMM ST PAUL LOW SERV ROW
- Board Of Water Commissioner
- Board Of Water Commissioners
- BOARD OF WATER COMMISSIONERS
- Board Water Commrs St Paul
- BRD OF WATER COMM ST PAUL
- City Of St Paul
- CITY OF ST PAUL CITY OF
- ST PAUL BOARD OF
- CITY OF ST PAUL MINNESOTA
- CITY OF ST PAUL WATER UTILITY
- SAINT PAUL REGIONAL WATER SERVICES
- ST PAUL AND COUNTY OF RAMSEY
- ST PAUL BRD OF WATER COMM
- ST PAUL CITY OF ST PAUL WATER WORKS CO



City of Saint Paul  
15 Kellogg Blvd W



Board of Water Comm St Paul  
1900 Rice Street

# Water Appropriations and Rights

## Minnesota

- Water is regulated under a regulated riparian or “public-waters” framework.

## Colorado

- Prior appropriation doctrine (often summarized as “first in time, first in right”) water right is treated akin to a private property right with a defined priority date.

— The Commissioner of Natural Resources may review this permit from time to time as additional hydrologic data relating thereto become available. If at any time the Commissioner shall determine that the appropriation and use of water by the permittee hereunder is detrimental to the public interest, he may amend the same as he shall deem necessary in the public interest, giving the permittee reasonable time to alter the system to comply therewith.

# MN State Statutes

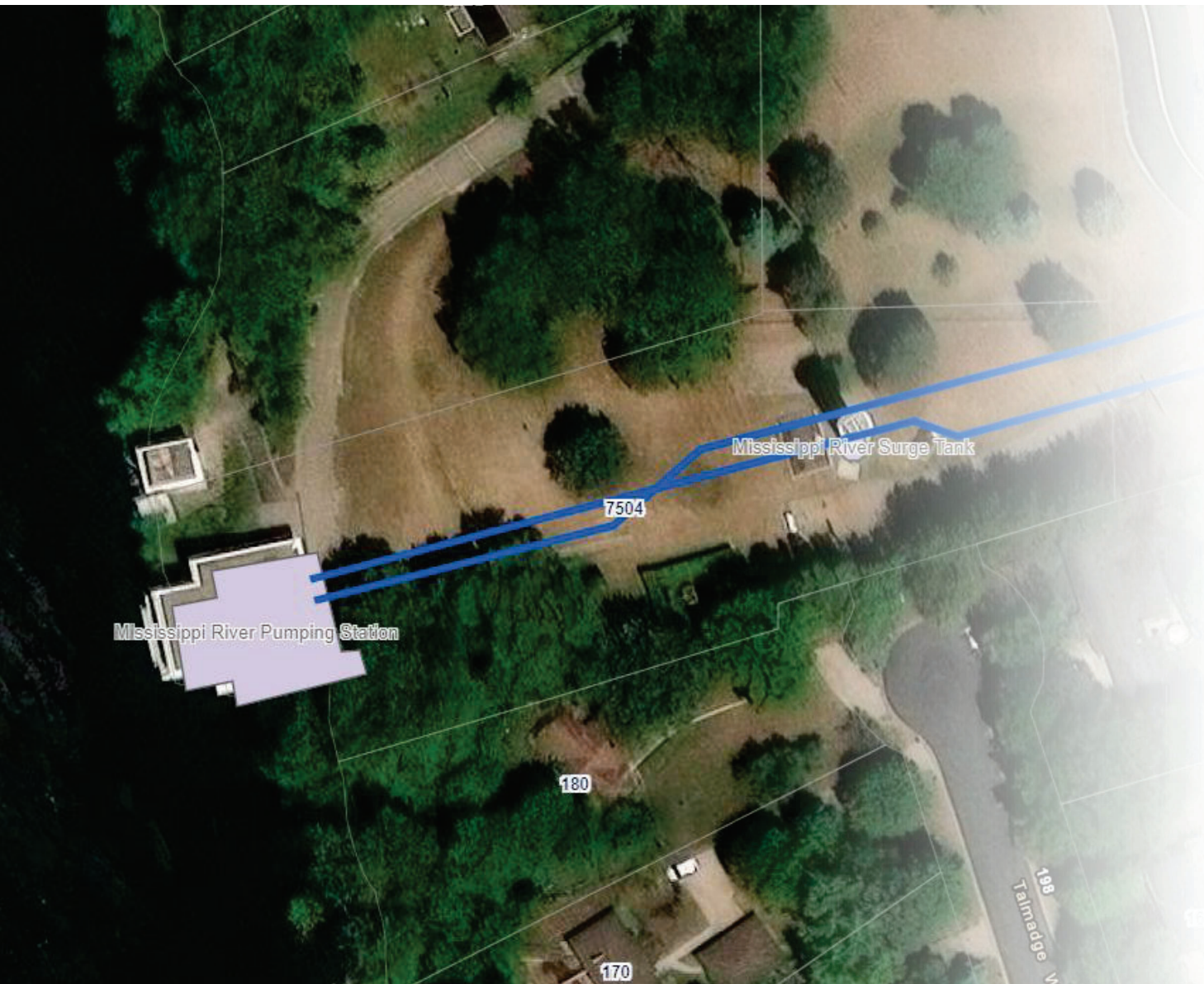
- **103G.255 ALLOCATING AND CONTROLLING WATERS OF THE STATE.**

- The commissioner shall administer:
  - (1) the use, allocation, and control of waters of the state;
  - (2) the establishment, maintenance, and control of lake levels and water storage reservoirs; and
  - (3) the determination of the ordinary high-water level of waters of the state.

- **103G.261 WATER ALLOCATION PRIORITIES.**

- (a) The commissioner shall adopt rules for allocation of waters based on the following priorities for the consumptive appropriation and use of water:
  - (1) first priority, domestic water supply, excluding industrial and commercial uses of municipal water supply, and use for power production that meets the contingency planning provisions of section 103G.285, subdivision 6;
  - (2) second priority, a use of water that involves consumption of less than 10,000 gallons of water per day;
  - (3) third priority, agricultural irrigation, and processing of agricultural products involving consumption in excess of 10,000 gallons per day;
  - (4) fourth priority, power production in excess of the use provided for in the contingency plan developed under section 103G.285, subdivision 6;
  - (5) fifth priority, uses, other than agricultural irrigation, processing of agricultural products, and power production, involving consumption in excess of 10,000 gallons per day; and
  - (6) sixth priority, nonessential uses.

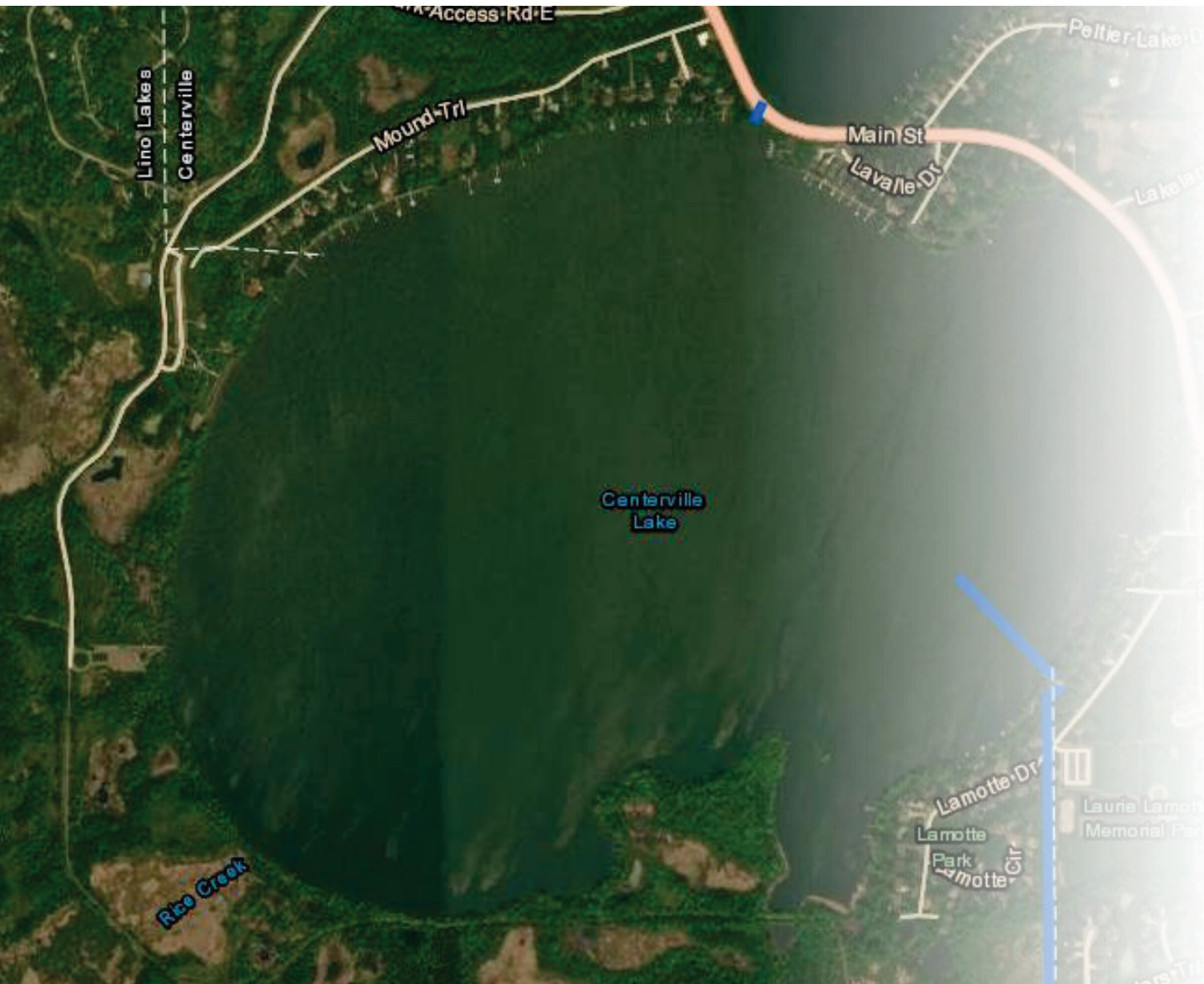




**Water Appropriations Permit**  
**Four pumps with respective maximum capacities of:**

- 17,000 gpm
- 17,700 gpm
- 21,118 gpm
- 20,600 gpm

**110 MGD**



### Water Appropriations Permit

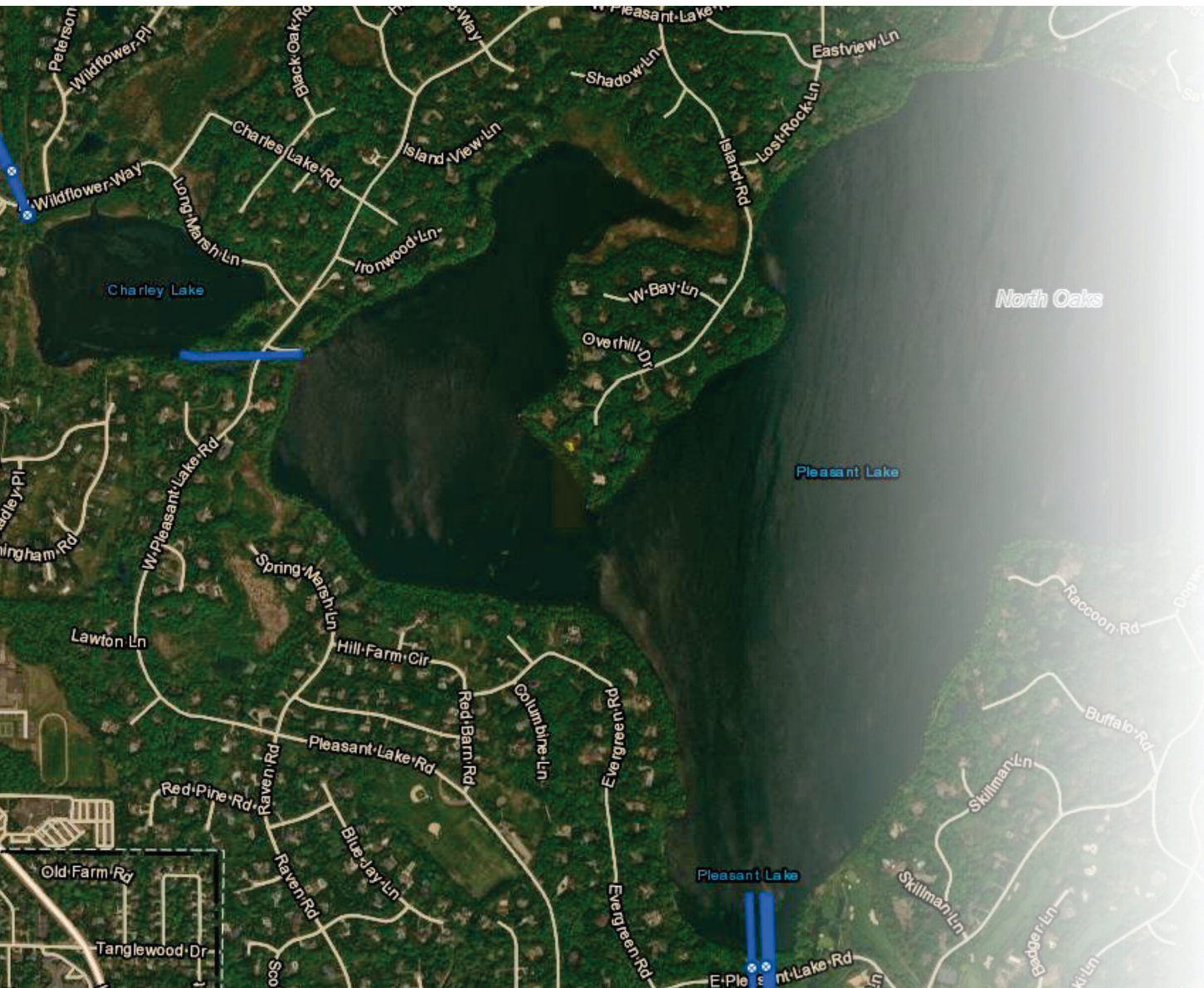
- Two pumps with respective maximum capacities of:
  - 11,111 gpm
  - 20,138 gpm

**45 MGD**





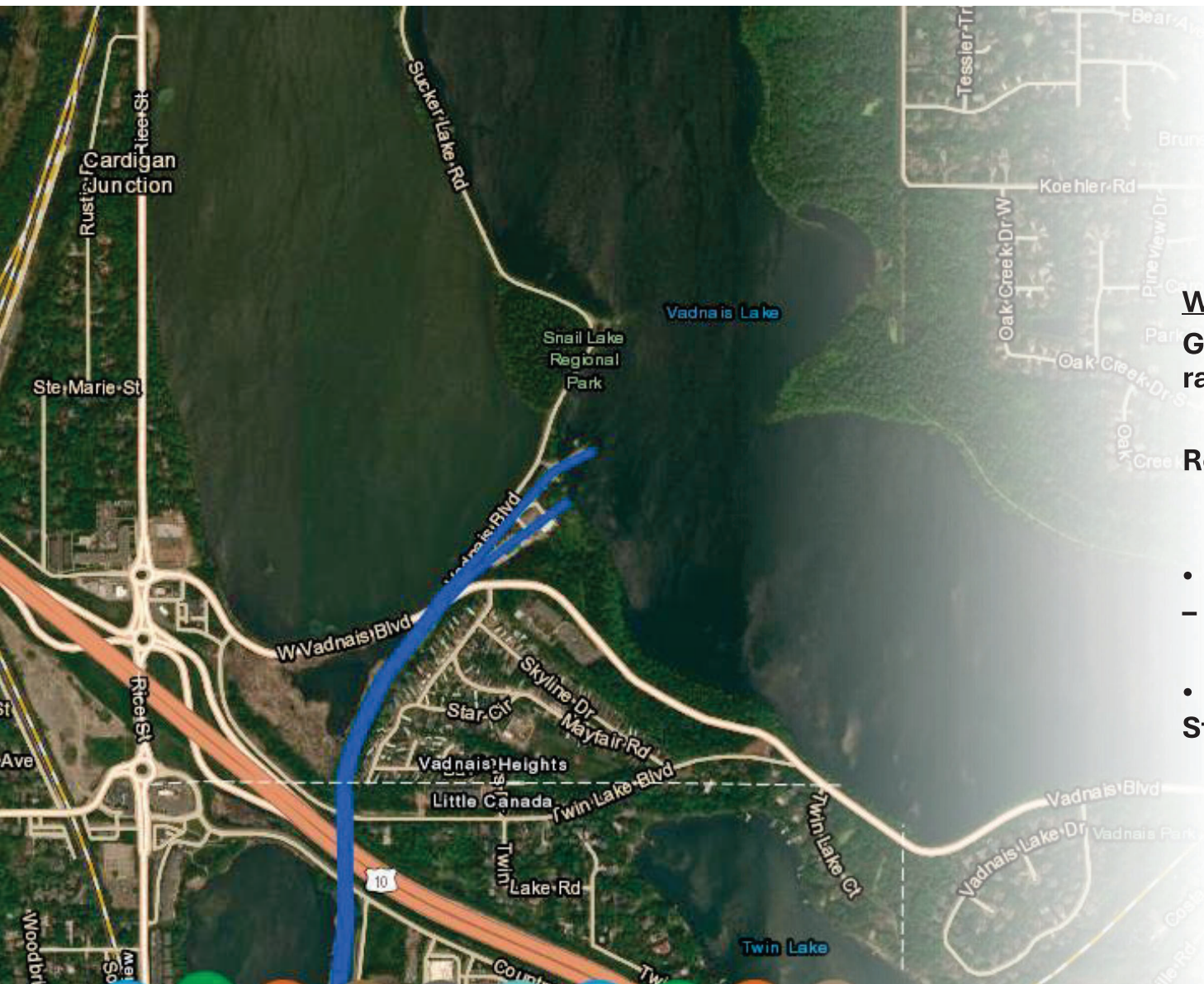
**Water Appropriations Permit**  
**Gravity-flow via a 36 inch  
diameter pipe.**



### No Appropriations Permit

- Electric motors only – effective 1950 via agreement
- No Fishing allowed – DNR Statute 6262.0500
- Perpetual rights of flowage and drainage to SPRWS. Set maximum water level – 1951 agreement

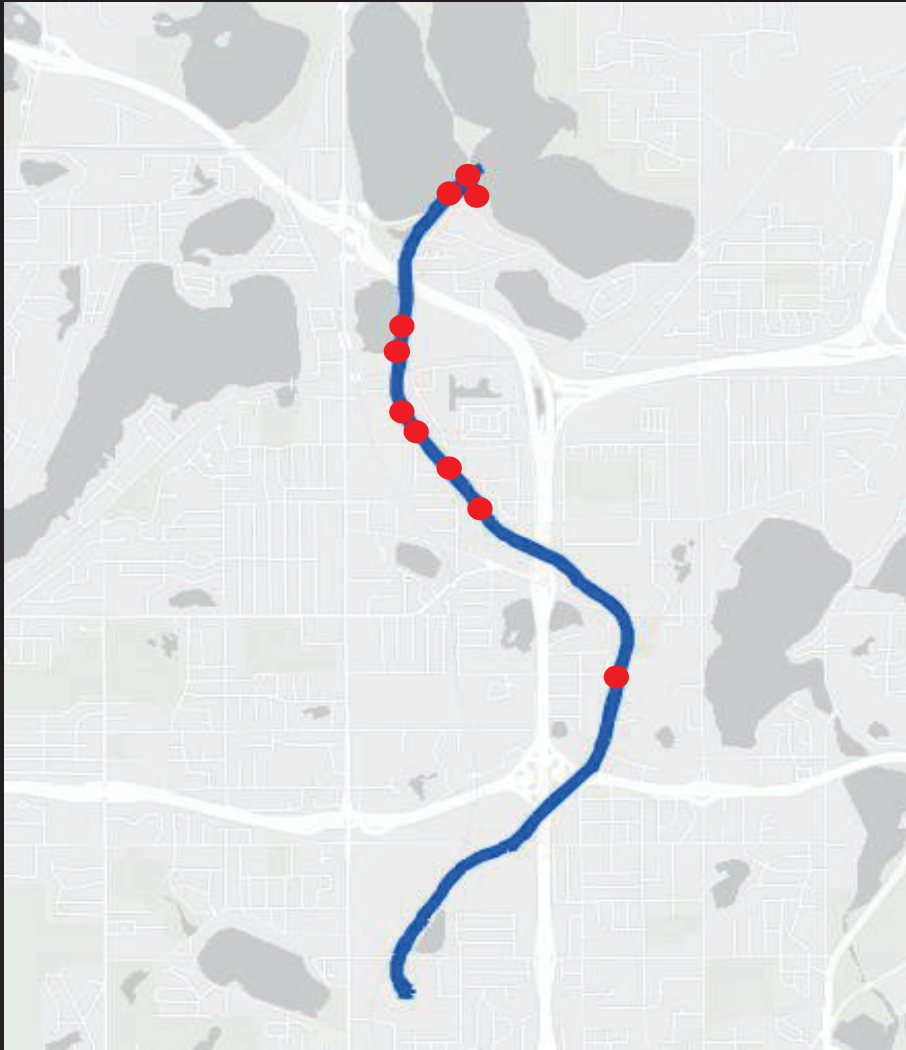




**Water Appropriations Permit**  
**Gravity-flow system at maximum rate of 200 MGD**

**Restriction on boats**

- City of Vandais Heights Ordinance Sec. 26-19.
- Only fishing from the shore allowed – DNR
- Some flowage and drainage rights. St Paul owns most of the shoreline



### **Water Appropriations Permit**

**11 manifolded wells for back up system to primary surface water source**

- **30,000 gpm**
- **16.8 Billion gallons per year**

**Currently not using due to previous agreement with the DNR.**

# Policies and Procedures

Chapter 51 of Saint Paul Administrative Code specifies procedures the City of St. Paul must follow to dispose of real property.

In 1995 city attorney rendered three opinions guided the Board's approach to surplus land:

If land was acquired from Board funds, then:

- The Special Laws of 1885 and not the Saint Paul Administrative Code Property govern disposal of the property;
- If the property is held in the name of the Board, the Board may dispose of it in any way it deems prudent; and
- Proceeds from the sale of property which is held in the name of the City of St. Paul for benefit of the Board can be used only for "waterworks" purposes. - *City Attorney memo August 1995*

## March 11, 1996 Board meeting

- Staff created a land audit
- Staff drafts Board resolution declaring the property to be surplus.
- If the property is in the name of the City of St. Paul, the resolution also requests that the City Council concur in the declaration and authorize a quitclaim deed in favor of the Board so that the Board can dispose of the property. Staff prepares and records quit claim deed. - *City Attorney memo August 1996*
- Staff obtains an appraisal of the property.
- The property is offered to first the city and then the county in which it is located.
- If neither is interested, staff works with a licensed real estate broker to list the property for sale
- Staff obtains a property boundary survey
- Staff drafts a purchase agreement for submittal to the Board for action.



**BOARD OF WATER COMMISSIONERS  
POLICY GOVERNING THE SALE OF SURPLUS SHORELINE PROPERTY**

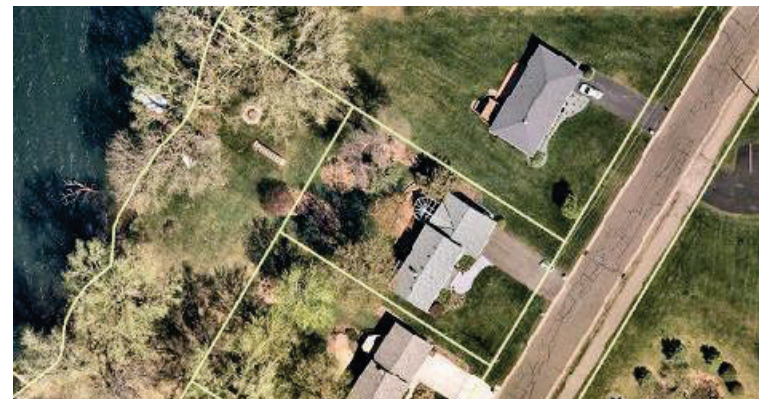
Centerville and Peltier Lakes  
City of Centerville and City of Lino Lakes  
June 7, 2005

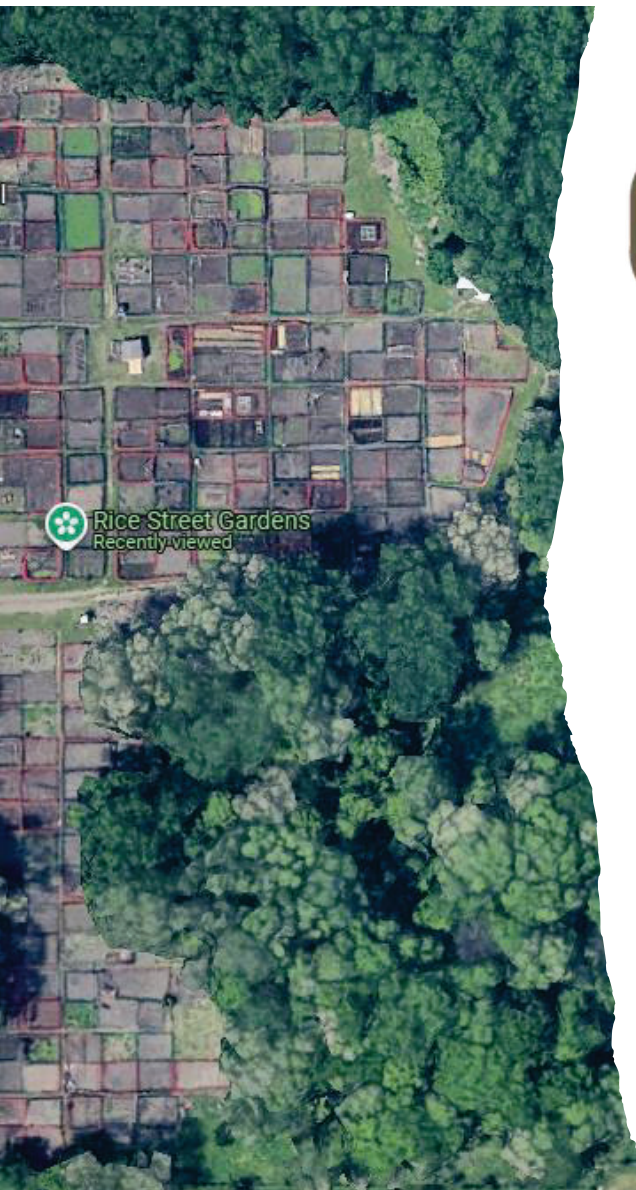
**1.0 BACKGROUND**

- 1.01** Between years 1896 and 1980, the City of Saint Paul acquired fee title ownership to certain contiguous strips of land along the shorelines of Centerville and Peltier Lakes on behalf of the Board of Water Commissioners (Shoreline Strips). The Board required these Shoreline Strips to enable its lawful management of lake levels, as part of its raw water supply management.
- 1.02** Following requests from owners of property adjacent to the Shoreline Strips for greater access and use of the strips, the Board determined at its August 13, 2002 meeting that it no longer required fee title ownership of these strips in order to accomplish its lake level management. Rather, it determined that it requires only certain access, flowage and drainage rights over the Shoreline Strips, similar to rights it possesses over shoreline on Pleasant Lake in North Oaks, and that its staff be directed to sell said fee title to those adjacent private property owners who desire to buy, and that said similar rights be retained over the entire area of the Shoreline Strips.
- 1.03** Staff developed a draft of this *Policy Governing The Sale of Surplus Shoreline Property* and held a public information meetings explaining this Policy and soliciting input from affected or interested parties.

**1990 Meeting minutes mentions a Board adopted policy not allowing advertising billboards on Board-owned property**

- Board's concern with "controversial messaging on Board property"





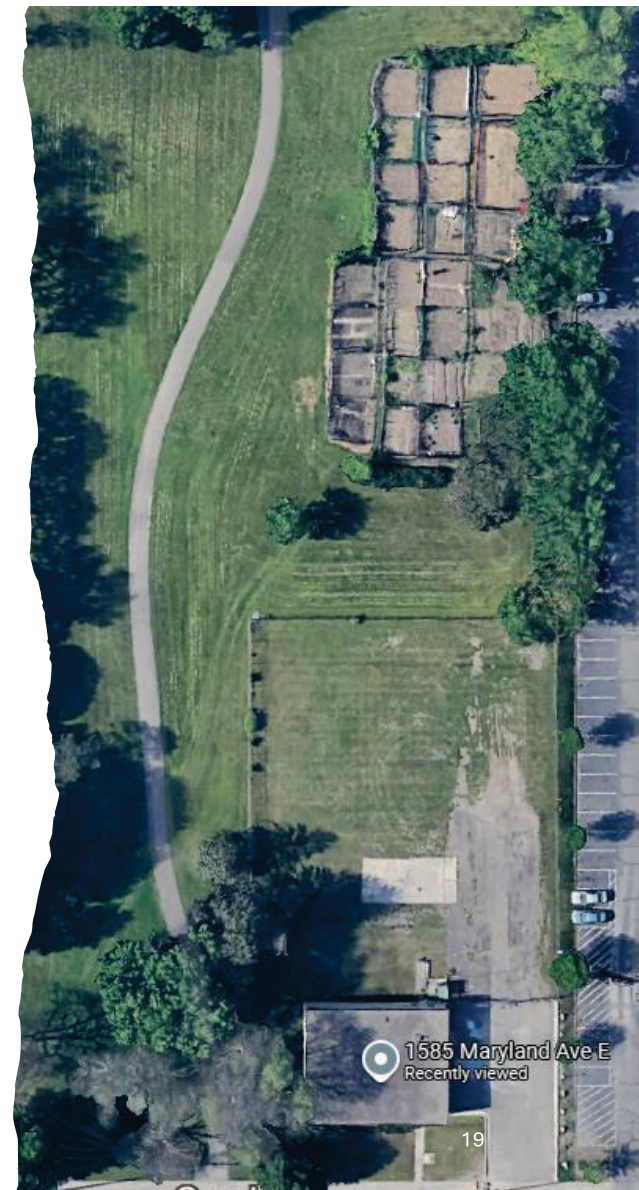
Rice Street Gardens

- 1 year lease
- Rice Street Property



Prosperity Heights Community Garden

- 1 year lease
- Hazel Park Pump Station







1924 lease to Parks department to us Snelling Ave Reservoir grounds

- Can be revoked at any time with 6 months notice

1997 Lease agreement with Ramsey County to build hockey arena.

- Amended in 2022
- Lease ends 12/31/2055



1978 Lease agreement with Saint Paul Police Department to build canine training center.

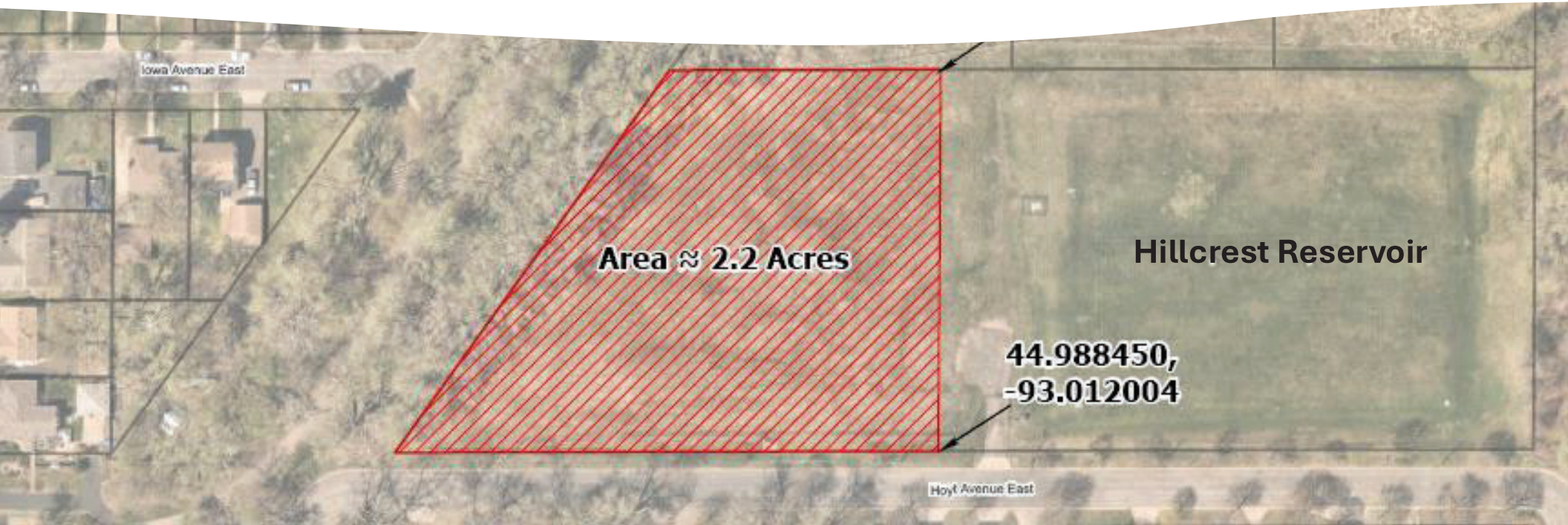
- 20 year lease
- Lease extended in 1995
  - Expires 6/26/28



2021 Lease agreement with Saint Paul Parks Department

- 20 years lease
- Parks in the process of terminating the lease

Interest in new lease by Port Authority as part of the Heights project.



## Next steps

- Staff develop policy for surplus land
  - Board input on first right of refusal
    - Public, private, both?
- Staff complete land audit
- Board to review existing Shoreline strip policy





Shoreline strip inquiry

Encroaching deck on unused land

