



Board of County Commissioners Agenda Request

2K
Agenda Item #

Requested Meeting Date: April 12, 2016

Title of Item: Land Swap with Waste Management

<input type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input checked="" type="checkbox"/> CONSENT AGENDA	<input type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing* <i>*provide copy of hearing notice that was published</i>

Submitted by: Terry Neff, Environmental Services Director		Department: Environmental Services
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Presenter (Name and Title): Terry Neff, Environmental Services Director	Estimated Time Needed: N/A
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Summary of Issue:

In 1996, Aitkin County enrolled the Aitkin Area Sanitary Landfill into the Closed Landfill Program with the Minnesota Pollution Control Agency (MPCA). The MPCA now assumes all responsibility for further environmental response action at the landfill. In 2013 the MPCA had the landfill property surveyed and discovered that a portion of the waste foot print lies on property owned by Voyageur Disposal (Waste management). This is a result of a property transfer in 1995 from Aitkin County to Voyageur Disposal. The MPCA is now requiring Aitkin County to reacquire enough land from Voyageur Disposal so the waste foot print and a buffer area are on the closed landfill property.

Over the past year, Tom Veenker, Aitkin County Survey Coordinator and I have worked with Waste Management staff on a land swap. Attached are a survey, deeds and legal descriptions of the parcels of land that is agreeable between the parties and meets with MPCA approval.

Alternatives, Options, Effects on Others/Comments:
Buy the required land from Waste Management.

Recommended Action/Motion:
Recommend approving the land swap and authorizing the signatures on the Deeds.

Financial Impact:
 Is there a cost associated with this request? Yes No
 What is the total cost, with tax and shipping? \$ N/A
 Is this budgeted? Yes No *Please Explain:*
 Land swap will have no financial impact.

(Top 3 inches reserved for recording data)

**QUIT CLAIM DEED
Business Entity to Business Entity**

**Minnesota Uniform Conveyancing Blanks
Form 10.3.5 (2013)**

eCRV number: _____

DEED TAX DUE: \$ _____

DATE: April 26, 2016
(month/day/year)

FOR VALUABLE CONSIDERATION, Aitkin County
(insert name of Grantor)

a political subdivision under the laws of the State of Minnesota ("Grantor"),
hereby conveys and quitclaims to Voyageur Disposal Processing, Inc.
(insert name of Grantee)

a Minnesota Corporation under the laws of the State of Minnesota ("Grantee"),
real property in Aitkin County, Minnesota, legally described as follows:

The east 220.00 feet of the south 198.00 feet of the Northwest Quarter of the Southeast Quarter of Section 15, Township 46, Range 27, Aitkin County, Minnesota. Said tract contains 1.00 acres, more or less.

Subject to any easements, reservations or restrictions of record, if any, and the "AS-IS" provision on Exhibit "A".

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

Aitkin County
(name of Grantor)

By: _____
(signature) Mark Wedel

Its: Chairperson
(type of authority)

By: _____
(signature) Kirk Peysar

Its: County Auditor
(type of authority)

State of Minnesota, County of Aitkin

This instrument was acknowledged before me on _____, by Mark Wedel
(month/day/year) (name of authorized signer)
_____ as Aitkin County Board Chairperson
(type of authority)

and by Kirk Peysar
(name of authorized signer)
as Aitkin County Auditor of Aitkin County
(type of authority) (name of Grantor)

(Stamp)

(signature of notarial officer) Elizabeth A. Harmon

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Thomas H. Veenker
Aitkin County Land Survey Coordinator
209 2nd Street NW, Room 204
Aitkin, MN 56431

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

Voyager Disposal Processing, Inc.
P.O. Box 1450
Chicago, IL 60690

EXHIBIT "A"

GRANTEE AGREES THAT GRANTEE IS PURCHASING THE PROPERTY ON AN "AS-IS, WHERE IS" BASIS AND, EXCEPT AS SPECIFICALLY SET FORTH HEREIN, WITH NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESSED OR IMPLIED, EITHER ORAL OR WRITTEN, MADE BY GRANTOR OR ANY AGENT OR REPRESENTATIVE OF GRANTOR WITH RESPECT TO THE PHYSICAL OR STRUCTURAL CONDITION OF THE PROPERTY, THE USE OF OR THE ZONING FOR THE PROPERTY, OR WITH RESPECT TO THE EXISTENCE OR ABSENCE OF TOXIC OR HAZARDOUS MATERIALS, SUBSTANCES OR WASTES IN, ON, UNDER OR AFFECTING THE PROPERTY. GRANTOR HAS MADE AND HEREBY MAKES NO WARRANTY OR REPRESENTATION WHATSOEVER REGARDING THE FITNESS FOR PARTICULAR PURPOSE, QUALITY OR MERCHANTABILITY OF THE PROPERTY OR ANY PORTION THEREOF. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY WARRANTIES, EITHER EXPRESSED OR IMPLIED, GUARANTEES, PROMISES, STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY MADE OR FURNISHED BY ANY REAL ESTATE AGENT, BROKER, EMPLOYEE SERVANT OR OTHER PERSON REPRESENTING OR PURPORTING TO REPRESENT GRANTOR.

(Top 3 inches reserved for recording data)

**QUIT CLAIM DEED
Business Entity to Business Entity**

**Minnesota Uniform Conveyancing Blanks
Form 10.3.5 (2013)**

eCRV number: _____

DEED TAX DUE: \$ _____

DATE: April 26, 2016
(month/day/year)

FOR VALUABLE CONSIDERATION, Voyageur Disposal Processing, Inc.
(insert name of Grantor)

a Minnesota Corporation under the laws of the State of Minnesota ("Grantor"),
hereby conveys and quitclaims to Aitkin County
(insert name of Grantee)

a political subdivision under the laws of the State of Minnesota ("Grantee"),
real property in Aitkin County, Minnesota, legally described as follows:

See attached Exhibit "A"

Subject to any easements, reservations or restrictions of record, if any, and the "AS-IS" provision contained on Exhibit "A".

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: _____.)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

Voyageur Disposal Processing, Inc.
(name of Grantor)

By: _____
(signature) James A. Wilson

Its: Vice President
(type of authority)

By: _____
(signature)

Its: _____
(type of authority)

State of Illinois, County of DuPage

This instrument was acknowledged before me on _____, by James A. Wilson
(month/day/year) *(name of authorized signer)*
_____ as Vice President
(type of authority)

and by _____
(name of authorized signer)
as _____ of Voyageur Disposal Processing, Inc.
(type of authority) *(name of Grantor)*

(Stamp)

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
(insert name and address)

Thomas H. Veenker
Aitkin County Land Survey Coordinator
209 2nd Street NW, Room 204
Aitkin, MN 56431

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS
INSTRUMENT SHOULD BE SENT TO:
(insert legal name and residential or business address of Grantee)

Aitkin County
209 2nd St. NW
Aitkin, MN 56431

EXHIBIT "A"

That part of the north 400.00 feet of the East Half of the Southwest Quarter of the Southeast Quarter of Section 15, Township 46, Range 27, Aitkin County, Minnesota, lying westerly of the following described line: Commencing at the northwest corner of said north 400.00 feet; thence South 88 degrees 56 minutes 22 seconds East, bearing based on the Aitkin County Coordinate System, 195.35 feet along the north line of said north 400.00 feet, to the point of beginning of the line to be described; thence 386.32 feet southwesterly along said line on a non-tangential curve, concave to the northwest, with a radius of 344.75 feet, a central angle of 64 degrees 12 minutes 16 seconds and a chord bearing of South 33 degrees 09 minutes 46 seconds West and a chord length of 366.42 feet, to a point on the west line of said north 400.00 feet and said line there terminating.

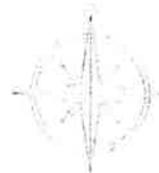
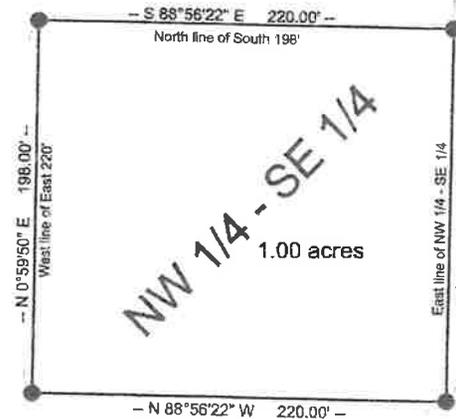
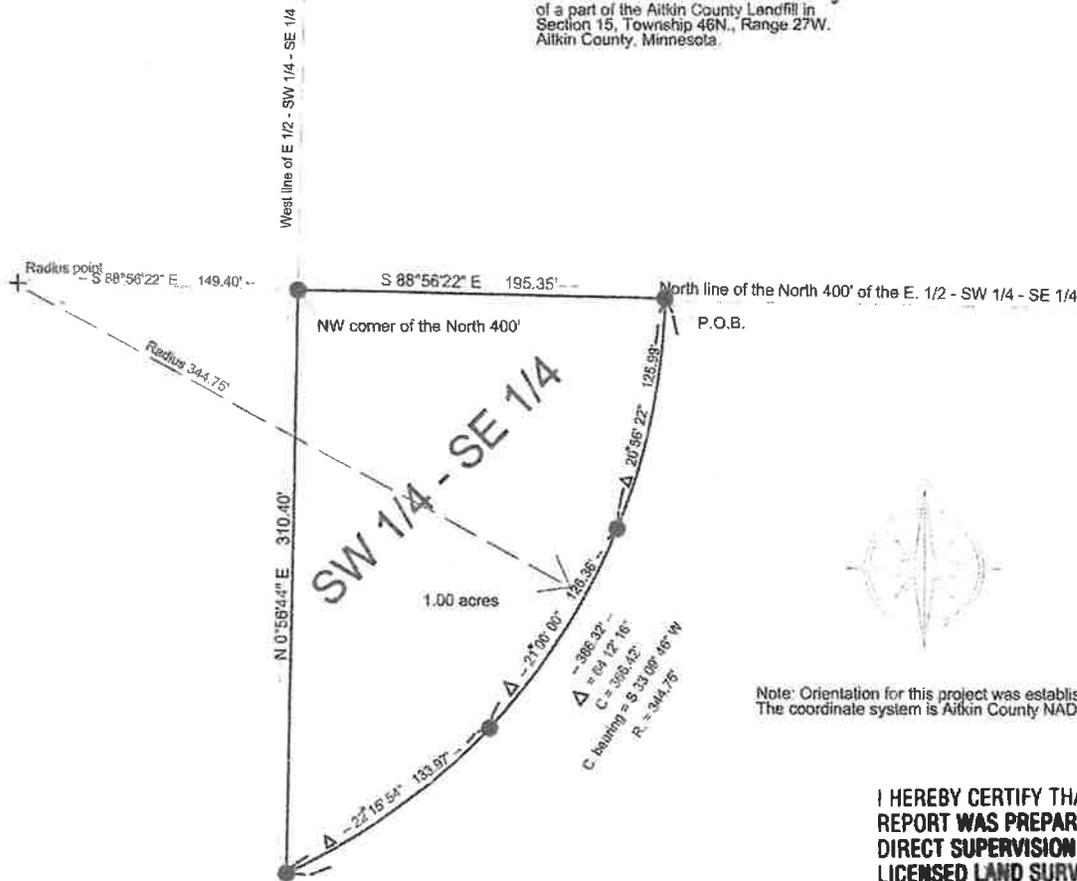
Said tract contains 1.00 acres, more or less.

Subject to any easements, reservations or restrictions of record, if any.

GRANTEE AGREES THAT GRANTEE IS PURCHASING THE PROPERTY ON AN "AS IS, WHERE IS" BASIS AND, EXCEPT AS SPECIFICALLY SET FORTH HEREIN, WITH NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, EITHER ORAL OR WRITTEN, MADE BY GRANTOR OR ANY AGENT OR REPRESENTATIVE OF GRANTOR WITH RESPECT TO THE PHYSICAL OR STRUCTURAL CONDITION OF THE PROPERTY, THE USE OF OR THE ZONING FOR THE PROPERTY, OR WITH RESPECT TO THE EXISTENCE OR ABSENCE OF TOXIC OR HAZARDOUS MATERIALS, SUBSTANCES OR WASTES IN, ON, UNDER OR AFFECTING THE PROPERTY. GRANTOR HAS MADE AND HEREBY MAKES NO WARRANTY OR REPRESENTATION WHATSOEVER REGARDING THE FITNESS FOR PARTICULAR PURPOSE, QUALITY OR MERCHANTABILITY OF THE PROPERTY OR ANY PORTION THEREOF. GRANTOR IS NOT LIABLE OR BOUND IN ANY MANNER BY ANY WARRANTIES, EITHER EXPRESSED OR IMPLIED, GUARANTEES, PROMISES, STATEMENTS, REPRESENTATIONS OR INFORMATION PERTAINING TO THE PROPERTY MADE OR FURNISHED BY ANY REAL ESTATE AGENT, BROKER, EMPLOYEE, SERVANT OR OTHER PERSON REPRESENTING OR PURPORTING TO REPRESENT GRANTOR.

Certificate of Survey

of a part of the Aitkin County Landfill in
Section 15, Township 46N., Range 27W.
Aitkin County, Minnesota.



- Bearing Datum: Aitkin County Coordinate System
- Denotes set Aitkin County monument
- + Denotes computed position
- Scale 1" = 80'

Note: Orientation for this project was established using RTK GPS from the MNDOT control station ELOR. The coordinate system is Aitkin County NAD83, 2012 adjustment.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN OR REPORT 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.

Thomas H. Veenker
THOMAS H. VEENKER, LICENSED LAND SURVEYOR

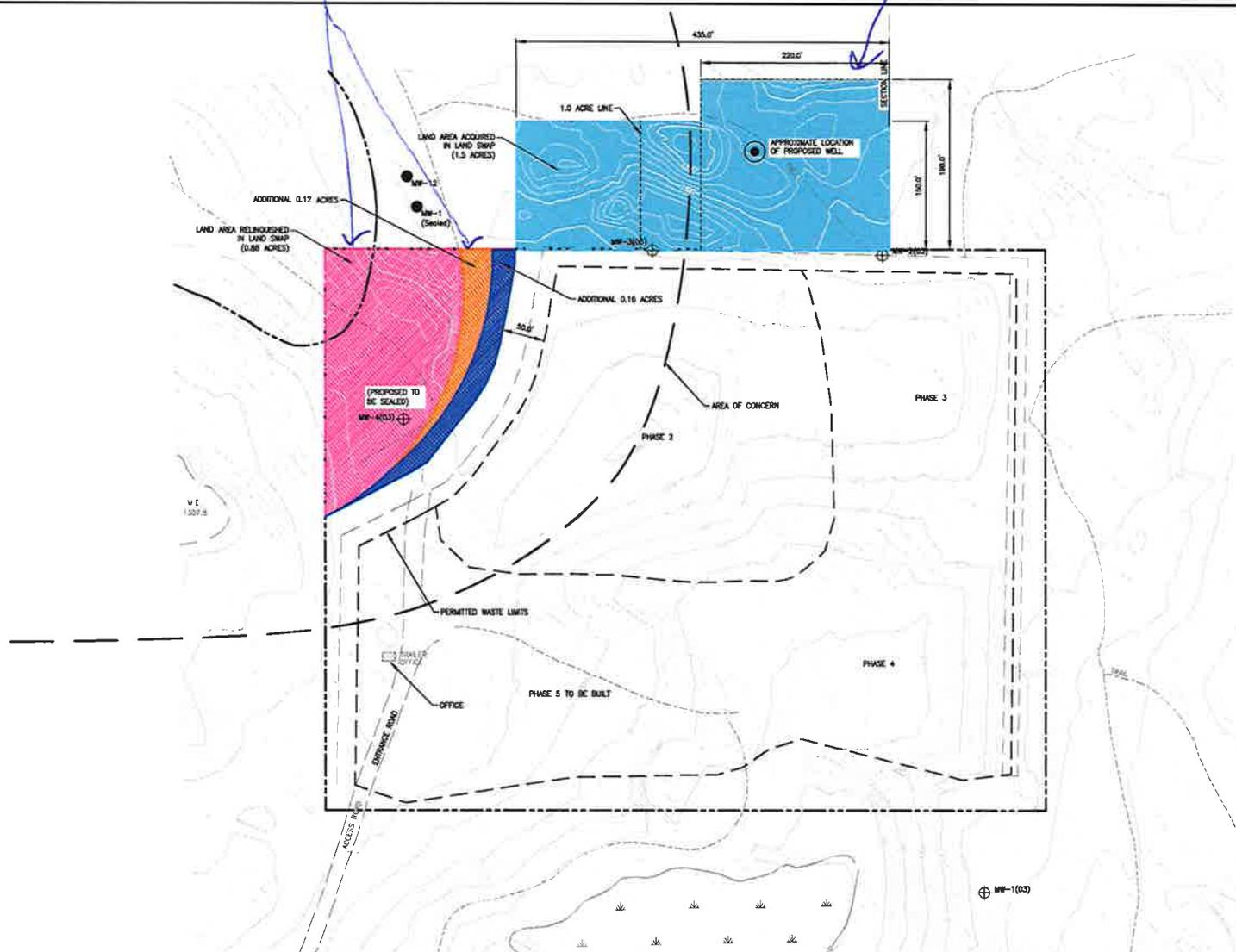
DATE: 04/01/2016 MN LICENSE NO. 12254

Plot Date & Time: 7 Jul 2015 10:00 PM

M:\Projects\0400\040001\040001.dwg - Land Swap.dwg

Land use acquire

Land use trade



- LEGEND**
- ⊕ MW-1(03) MONITORING WELL LOCATION WITH GROUNDWATER ELEVATION
 - MW-1 ACTION SANITARY LANDFILL WELL (CLOSED LF IN MPC PROGRAM)
 - ⊙ PROPOSED WELL LOCATION

NOTE:
 SURVEYED MW LOCATIONS
 BOGART-PEDERSON & ASSOC.
 NOVEMBER 2010
 EXISTING TOPOGRAPHY SURVEY: 11/10/10
 BOGART PETERSON AND ASSOCIATES.

REV	REVISION DESCRIPTION	DATE	APP	REV DATE
2	ISSUED FOR DRAFT	04/02/15	JVB	MDO
1	ISSUED FOR DRAFT	03/13/15	JVB	MDO
0	ISSUED FOR REVIEW	01/16/15	JVB	MDO

SEAL

SUB CONSULTANT

PRIME CONSULTANT

Responsive partner. Exceptional outcomes.

1800 PIONEER CREEK CENTER PH: 763-479-4294
 MAPLE PLAIN, MINNESOTA FAX: 763-478-4242

PROJECT TITLE

OAK RIDGE DEMOLITION LANDFILL (SW-541)

SHEET TITLE

LAND SWAP AREAS

DWG BY	DWG'S	APP'D	DWG DATE	FEB. 2015
JVB	MDO	MDO	SCALE	AS NOTED

PROJECT NO.	SHEET NO.	REV NO.
0742-6002	FIGURE 1	2