



Board of County Commissioners Agenda Request

3A
Agenda Item #

Requested Meeting Date: December 11, 2018

Title of Item: Enbridge Energy Pipeline Easement

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	Action Requested: <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
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Submitted by: Rich Courtemanche	Department: Land Dept.
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Presenter (Name and Title): Rich Courtemanche (Land Commissioner),	Estimated Time Needed: 20 minutes
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Summary of Issue:

Enbridge Energy, Limited Partnership, a Delaware limited partnership, is requesting: 1) a right-of-way and easement to construct and maintain a crude petroleum pipeline over county lands (aka, Line 3 replacement), 2) temporary road access for construction, and 3) temporary workspace in excess of the right-of-way corridor for construction.

Enbridge has provided a letter of assurance that: 1) the pipeline will not impede current and future forest road crossings, 2) has agreed to modify construction at road crossings using thicker wall pipe and increasing soil cover, 3) pay in full timber value as determined by ACLD foresters prior to construction, and 3) will reimburse Aitkin County for aggregate values lost due to Line 3 Placement.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Approve easement subject to Enbridge Paying Easement Cost costs of \$178,475, Temp. Road Easement \$94,240, Temp Wrk Space \$109,231, Aggregate Appraisal \$301,012.70 and Timber Appraisal \$16,682.48 (Total \$699,641.18)

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No *Please Explain:*

By Commissioner: XXX

Enbridge Energy Pipeline Easement

WHEREAS, Enbridge Energy, Limited Partnership, a Delaware limited partnership, with an office located at 119 North 25th Street East, Superior, Wisconsin 54880 (Enbridge) has made application for a right-of-way easement to survey, locate, construct, install, operate, maintain (including cathodic protection systems), clear, inspect (including aerial patrol and subsurface digging), reclaim, remove, protect, idle in place, repair, replace, relocate, change the size of and reconstruct a single pipeline, together with any associated valves, fittings, location markers and signs, communication systems and lines, utility lines, safety and protective apparatus, and all other equipment and appurtenances, whether above or below grade across the Aitkin County managed lands as described in "Right-Of Way and Easement Grant" with Exhibits A-1 through A-33 attached hereto and incorporated herein ("Right-of-Way")

WHEREAS, Enbridge has made application for construction of a temporary access road lease as described in the attached the "Temporary Access Road Lease" with Exhibits A-1 through A-34 attached hereto and incorporated herein ("Road Access")

WHEREAS, Enbridge has made application for construction of a temporary work space agreement as described in the attached "Temporary Work Space Agreement" (TWS) with Exhibits A-1 through A-33 and Additional Temporary Work Space (ATWS) with Exhibits A-10, A-17, and A-34 attached hereto incorporated herein ("Temporary Work Space")

WHEREAS, said applicant will be charged Right-of-Way easement costs of \$178,475.00, Road Access costs of \$94,240.00, Temporary Work Space costs of \$109,231.00, appraised aggregate costs \$301,012.70 and timber charges of \$16,682.48 (Total \$699,641.18) as appraised by the County Land Commissioner,

WHEREAS, the Aitkin County Land Commissioner, after making an investigation of such application, has advised that he finds no objection to granting such permit and easement,

WHEREAS, the Aitkin County Board of Commissioners resolved its support for Enbridge's proposed Line 3 Replacement Project, their preferred route, and their plan for deactivating the existing Line 3 (20170926-073),

WHEREAS, the Aitkin County Board of Commissioners recognized Enbridge for its longstanding performance and continual efforts to protect the environment, wildlife and habitats, as well as the people who live in the communities in which it operates (20170926-073),

NOW THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes, Section 282.04, Subdivision 4, the County Auditor be and is hereby authorized to issue to Enbridge Energy, Limited Partnership, a Delaware limited partnership, with an office located at 119 North 25th Street East, Superior, Wisconsin 54880 (Enbridge), an easement to use said described land, if consistent with the law, as in the special conditions set forth herein,

BE IT FURTHER RESOLVED, that said easement be granted, subject to the following terms, and conditions:

1. The utility infrastructure shall be constructed and maintained by the grantee or permittee without any cost to the County of Aitkin and the land area shall be open for public use, as long as said easement is in force.
2. Any timber cut or destroyed shall be paid for at the usual rate as soon as determined by the Land Commissioner. (Timber has been included in the easement costs.)
3. Aitkin County manages County owned and tax-forfeited lands to produce direct and indirect revenue for the taxing districts. This management includes the harvesting and extraction of timber, gravel, minerals, and other resources. The issuing and use of this easement shall not adversely affect the management and harvesting of timber and other resources on County owned and tax forfeited land. If for any reason, including township or county road construction or reconstruction, the easement needs to be relocated, the county and township will not be responsible for any relocation costs.
4. Any such easement may be canceled by resolution of the County Board for any substantial breach of its terms or if at any time its continuance will conflict with public use of the land, or any part thereof, on which it is granted, after ninety (90) days written notice, addressed to the record owner of the easement at the last known address.
5. Land affected by this easement may be sold or leased for any legal purpose, but such sale or lease shall be subject to this easement and excepted from the conveyance or lease, while such easement remains in force.
6. Failure to use the right of way described in this document for the purpose for which this easement is granted for a period of five years, shall result in the cancellation of this easement and any rights granted to the grantee by this easement shall cease to exist and shall revert to the grantor.
7. Aitkin County manages the property for many purposes such as a motorized and non-motorized recreation trails, access to county managed and other lands for resource management purposes, including the harvesting of timber, extraction of gravel, peat, fill dirt, etc, and the mining and extraction of minerals. The issuing and use of this easement shall not adversely affect any other Aitkin County authorized uses of this strip of land.
8. After construction, the lessee shall mark the location of the utilities and shall return the land to the same condition as prior to issuing of the easement.
9. If the County shall make any improvements or changes on all or any part of its property upon which utilities have been placed by this permit, the utility owner shall, after notice from the County, change vacate, or remove from County property said works necessary to conform with said changes without cost whatsoever to the County.

Commissioner xxx moved the adoption of the resolution and it was declared adopted upon the following vote

XXX MEMBERS PRESENT

All Members Voting XXX

STATE OF MINNESOTA}
COUNTY OF AITKIN}

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 11th day of December, 2018 and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 11th day of December, 2018

Jessica Seibert
County Administrator

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED September 26, 2017

By Commissioner: Westerlund

20170926-073

In support of the Line 3 Replacement Project and Enbridge's Proposed Route

WHEREAS, Enbridge has been operating safely and successfully in our state for more than 65 years, with hundreds of employees and contractors that live, work and raise their families here in Minnesota;

WHEREAS, significant improvements to the nation's energy infrastructure are desperately needed in order to increase national security and energy independence and to ensure safe energy transportation;

WHEREAS, Enbridge places safety and environmental protection at the forefront of all its daily operations and major projects, and constantly improves procedures, technologies and training to reduce the potential for spills as well as improve results from remediation;

WHEREAS, Enbridge is currently investing more than \$2 billion in the Line 3 Replacement Project in Minnesota;

WHEREAS, the Line 3 Replacement Project will bring an additional tax revenue to the county, which will ease the burden for property owners;

WHEREAS, as a pump station community, the existing Enbridge infrastructure in our area provides good jobs, a strong tax base, and a good corporate neighbor;

WHEREAS, Line 3 Replacement will create approximately 1,500 family-sustaining jobs in Minnesota; about 50 percent hired from local union halls;

WHEREAS, any delay in the Line 3 Replacement Project, or any significant reroute, will prevent Aitkin County from benefiting from the significant positive economic impact that will result from this project;

WHEREAS, construction delays will limit the availability of employment for skilled craft workers;

WHEREAS, Enbridge has worked with all state and local authorities to determine the proposed route of the Line 3 Replacement across the state of Minnesota, respecting all impacts to people and the environment while fulfilling all applicable regulatory requirements;

NOW, THEREFORE, BE IT RESOLVED that Aitkin County extends its support for Enbridge's proposed Line 3 Replacement Project, their Preferred Route and their plan for deactivating the existing Line 3 and urges the Public Utilities Commission to adhere to an efficient permitting process for the Line 3 Replacement and to approve Enbridge's proposed route;

BE IT FURTHER RESOLVED that Enbridge be recognized for its longstanding performance and continual efforts to protect the environment, wildlife and habitats, as well as the people who live in the communities in which it operates.

FISCAL NOTE: There is no direct cost to Aitkin County resulting from the adoption of this resolution.

Commissioner Niemi moved the adoption of the resolution and it was declared adopted upon the following vote

FOUR MEMBERS PRESENT

(3-1 Marcotte absent, Pratt opposed)

**STATE OF MINNESOTA}
COUNTY OF AITKIN}**

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 26th day of September 2017, and that the same is a true and correct copy of the whole thereof.

Witness my hand and seal this 26th day of September 2017

Jessica Seibert
County Administrator