

Conservation Solutions

5670 Wedgewood Drive

Excelsior, MN 55331

612-308-6172

July 12, 2023

Terry Jeffery
District Administrator
Riley Purgatory Bluff Creek Watershed District
18681 Lake Dr E, Chanhassen, MN 55317

Re: Land Acquisition Services

Dear Terry:

Thank you for your interest in my assistance with your potential land acquisition project. This summer will mark the 30th anniversary of the start of my land conservation career. Since that time, I have worked for small and large non-profit organizations, local governments, and as a consultant. I have worked to help conserve land from a few acres to a few million acres. From 2004-2007, I built the Minnehaha Creek Watershed District's land conservation program and led all of its acquisitions of fee-title properties and conservation easements. I also played key roles in the early stages of what become the Washington County Land and Water Legacy Program and the Dakota County Farmland and Natural Areas Program. As a resident of the west metro, I'd be honored to help the Riley Purgatory Bluff Creek Watershed District (RPBCWD) with its acquisition opportunity.

I would propose to work with a team including your legal counsel and staff to take an integrated approach to the opportunity. My intended approach is to lean on others for activities they should or can lead and focus my activities on those elements I can best add to your team's capabilities. Below is a high-level list of activities and potential roles and responsibilities for the various parties. I share this as a proposed approach and would welcome the opportunity to refine it with you.

1. Project scoping – Michael lead supported by Terry and real estate attorney
 - Determine project scope, timelines, team members and roles, and likely sources of funding and financing.
 - RPBCWD staff to provide basic property information, mapping services, and the like. Additional mapping as needed to serve the project by RPBCWD staff.
 - Long-term ownership and management options discussed in consultation with District staff and partners.
2. Property Appraisal – Michael recommends potential consultants, RPBCWD staff hires consultant, Michael reviews and comments on draft appraisal

- Note – depending on the potential funding sources and timing of the transaction, there may be a need for a review or second appraisal and/or appraisal update along the way. We can discuss the best timing of the appraisal assignment so as to manage costs.
3. Negotiate purchase agreement –
 - Should you desire, I can serve as lead negotiator, informed by the appraisal, RPBCWD desired parameters, and your real estate attorney.
 - The purchase agreement could be drafted by your real estate attorney with my input and review.
 - We will need to ascertain early in the project to whether the developer has legal rights that would be required to be bought out in any potential purchase.
 4. Due diligence -
 - Phase 1 environmental assessment – we can explore whether the existing Phase 1 can be assigned to RPBCWD or if a new one needs to be ordered. Depending on the findings of the assessment a Phase 2 may be needed.
 - I can advise on scoping as well as review of the document if desired.
 - I'd ask RPBCWD's staff to do any necessary contracting
 - Title review – your real estate attorney can order a title inspection and ultimately title insurance. If needed, I can review and advise on issues that come up, but your real estate attorney should be able to lead on this.
 - Minerals evaluations - if mineral rights are severed, there may be additional issues to investigate, but in this suburban area, I wouldn't expect mineral potential to be much of an issue.
 - Boundary survey – RPBCWD staff could contract for a survey as needed, depending on what already exists for survey information. Your real estate attorney can review the survey's findings and identify any issues that need to be addressed. If desired, I can review and advise on issues that arise.
 5. Clearing title issues raised in the title review - (boundary discrepancies, corrective deeds, confining utility company rights of way, etc.) – your real estate attorney should be able to lead on this. I can advise as necessary, but am hoping they could lead on any title issues that need resolution.
 6. Project funding and financing – I can advise on potential sources of funding in consultation with RPBCWD leadership to determine preferred scenarios. Any grant applications and/or testimony required for public grants would be the responsibility of RPBCWD staff. Though I could advise on potential grant approaches.
 7. Closing – this should be led by your real estate attorney in partnership with the title company. Should it be desired, I can review and comment on draft documents and/or negotiate if last minute issues came up that needed to be resolved.
 8. Post closing documentation and records closeout – once the project closes, I would consolidate my files and deliver a jump drive of documents to be saved with RPBCWD records. In terms of records management, I would also include any time and direct out of pocket expenses for any Minnesota Data Practices Act information requests that I had to

respond to. I understand reimbursement for any time and expenses for this item would be subject to my total services not exceeding any authorized amounts by RPBCWD through the contract or subsequent amendments.

I would charge \$235 per hour for services as needed, billing monthly (or less often during periods of low activity).

Please let me know once you have had the opportunity to review this proposal. I'd be happy to meet with you to discuss the proposed roles and responsibilities and adapt it to additional thoughts you may have.

I look forward to talking further with you.

Sincerely,

A handwritten signature in blue ink that reads "Michael Pressman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael Pressman