

Q&A from Cedar-Isles Open House: Encroachments, February 16th, 2021

*Questions and comments from the meeting unrelated to encroachments have not been included in this outline

Question: *Where is the project in relation to path planning? I have heard it discussed; what's the process, how will we be aware, how will we give input about building a path in such a narrow area [referring to portions of park land on the east side of Cedar Lake]?*

Answer: There have been no design decisions made at this point for the master plan. We are still in the "informational" phase of the project, but plan to transition to design conversations in 2021. Options like whether to include a path around the [Cedar] lake will be on the table to be discussed at upcoming meetings.

You can learn about upcoming decisions and meetings by signing up for email updates at www.minneapolisparcs.org/cedar-isles.

Question: *What has been the experience of the Kenilworth Channel project regarding encroachments?*

Answer: At the beginning of the project, MPRB staff recognized there were encroachments on park land that would impact planned naturalization and stabilization. Staff directly contacted property owners and met to discuss the project and options for retaining encroachments. Property owners who would like to keep their encroachment are going through the process of applying for a permit. Property owners who are not retaining their encroachments will have them removed in coordination with project. Conversations have been going well, project staff do not anticipate any negative impact on the ability to naturalize and stabilize the shoreline.

Question: *Do permitted encroachments exclude the public from utilizing the park land that the encroachment is on?*

Answer: Generally, they do not. In fact, many permitted encroachments including those along the east side of Cedar Lake are non-exclusive and allow the public access it alongside the private use.

Some types of encroachments, such as the driveways that access the parkway around Lake of the Isles, have a more exclusive use (i.e. Having a permitted driveway encroachment would not permit someone to park in that driveway as a park user).

Question: *What is the timeline for fully developing the master plan since this meeting appears to be the first. What is the most effective way for interested parties to provide feedback or voice concerns?*

Answer: This is the first open house staff has hosted around encroachments; however, the master plan process was been underway since it launched in November 2019. There have been four official Community Advisory Committee meetings in 2020 and early 2021, alongside ongoing virtual community engagement. Project staff are currently in the process of figuring out the timeline for 2021. COVID-19 challenges have affected the original timeline. Project staff plans to email out a project timeline and

update in March with more information. You can sign up for updates at www.minneapolisparcs.org/cedar-isles.

Question: *Do you feel the residents at east Cedar Lake and Kenilworth channel benefit from having private lakeshore lots, lots valued at around \$1 million? Community members are not supposed to benefit financially from park land.*

Answer: Staff has not done an analysis to look at property values with and without encroachments, so we do not know the answer to your question. There are valuable lots around Lake of the Isles, too, and it's hard to know if their value changes with direct parkway access. Without comprehensive analysis hard to answer that question.

Question: *If MPRB revokes an encroachment permit, might MPRB be vulnerable to a lawsuit; e.g., if the landowner had made capital improvements on the encroachment?*

Answer: Planning staff are not legal scholars and can't predict what kinds of lawsuits could be filed. MPRB encroachment permits allow for the encroachments to be revoked at any time regardless of the capital improvements that have been made.

Question: *What is the most effective way for interested parties to provide feedback or voice concerns?*

Answer: Folks can continue to share input through the [online survey](#) and [online mapping tool](#). The public can provide comments at upcoming CAC meetings and listening sessions, as well. Sign up for email updates about the project at www.minneapolisparcs.org/cedar-isles.

Question: *Can you help explain what a license is and how are they different from an encroachment permit?*

Answer: A permit and license is essentially interchangeable language. Historically, the MPRB referred to them as permits. However, technically a permit is more of a temporary use and a license refers to more long-term, permanent use. Because of that, the MPRB is trying to call them licenses in the normal course of business moving forward.

Question: *What does an encroachment permit cost per year?*

Answer: Currently, there is not an annual cost. There is a single, one-time fee based on the value of adjacent land. When MPRB gets a request for an encroachment the value of nearby parcels is evaluated, and the average value of the adjacent land is applied to the amount of square feet that the encroachment constitutes. That fee is paid at the time the license is approved by the Board of Commissioners. That license is perpetual until it's revoked by the board.

Based on the age of some of the permits, we are unaware of whether or if there were fees paid. The new process is what has been described for fee assessment.

Question: *Do permits automatically transfer with property sale?*

Answer: Yes.

Question: *Does the MPRB have accurate surveys of the land they own?*

Answer: At the beginning of the Cedar-Isles master plan process, MPRB completed an ALTA/NSPS (American Land Title Association) and topographic survey for the area. An **ALTA/NSPS Survey** includes a boundary **survey** and includes additional relevant detail such as improvements and must uphold national standards set by both **ALTA** and NSPS. Capturing this data at the beginning of a master plan process is MPRB's normal procedure. It helps provide detailed information to MPRB for future improvements that may come from the master plan and includes property and encroachment information.

Question: *Does the Board have to follow the American Disabilities Act when considering developing the Master Plan - especially as part of the plan that may relate to accessibility matters?*

Answer: Yes, we do. There is a section in the master plan document that's required by the Met Council. In terms of accessibility under ADA, there are not specific ADA rules for master planning, but all improvements are planned to follow access guidelines. MPRB has an Accessibility Action Plan within the organization, which guides master plans and improvements.

Question: *Do the homeowners on east side of Cedar Lake pay a fee like other people do who store canoes on racks?*

Answer: At this time, they do not.

Question: *Why not?*

Answer: It's MPRB staff's understanding that it is part of their encroachment right.

Question: *To whom can one make a complaint about the condition of the encroachments?*

Answer: The "who" to contact is dependent on the type of complaint (aesthetic, access, safety, etc). Call the main number and they will route the complaint to the appropriate department: 612-230-6400

Question: *With the overuse of parkland around other city lakes, which is a good thing for our health and wellbeing, do you think it is important to add additional park land? I.e. if giving encroachments would give back public park land, do you agree with that decision?*

Answer: For Cedar-Isles, staff will lead the CAC and public through a series of meetings and engagement opportunities to get to the final design decision in the master plan.

MPRB has policy about targeted acquisition, heavily invested in airing additional parkland in areas of historic disinvestment, such as [Above the Falls](#) and the [grand rounds](#). In terms of how that will play out here will depend on the master plan process.