

**Iowa Department of Natural Resources  
Natural Resource Commission**

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ITEM

11

DECISION

TOPIC

**Land Acquisition Project Approval**

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**1. Kiowa Marsh Wildlife Management Area, Sac County – Marvel Stout**

The Natural Resource Commission’s approval is requested to acquire a 5-acre permanent flowage easement in Sac County, Iowa from Marvel Stout for \$5,000.

Jerry Gibson negotiated the permanent easement. Title 49 of the Code of Federal Regulations Part 24 allows the Department to negotiate with landowners on values up to \$10,000 without an appraisal.

The DNR is responsible for managing the existing water outlet control structure for a marsh located on the adjoining (south) State-owned land. The proposed easement will allow the restoration and management of a 45-acre wetland. To maximize wetland acres, the 5-acre flowage easement is needed to address the potential for backing water on Marvel Stout’s land during peak rainfall events.

The easement acquisition will be funded with Wildlife Habitat Stamp (Capital Link #6). No surveying costs are anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the permanent flowage easement.

**2. US Highway 65 Bypass Wildlife Management Area - Polk County Conservation Board**

The Natural Resource Commission’s approval is requested for the recommendation to the Executive Council to approve the Polk County Conservation Board’s request. The Polk County Conservation Board has approved a resolution requesting that title to US Highway 65 Bypass Wildlife Management Area be conveyed to the County for no consideration. Upon approval by the Executive Council, the title will be conveyed to Polk County by patent.

US Highway 65 Bypass Wildlife Management Area contains approximately 231 acres located immediately south of the Des Moines River in southeastern Polk County. The area is located both east and west of US Highway 65. It was acquired by the DNR in May 2008 through a transfer of jurisdiction from the Iowa Department of Transportation as excess right-of-way used for borrow and wetland mitigation for construction of the highway. The area consists of crop fields, wetlands and some river plain timber and has approximately three-eighths of a mile of river frontage.

The County will manage the area for wildlife habitat, hunting and fishing access and plans to provide parking areas for public use.

Iowa Code Section 461 A.32 allows for the proposed conveyance without consideration, and requires that the conveyance contain a reversion provision that provides when such lands cease to be used as a public park, title will revert to the state.

Staff recommends approval of the land conveyance.

### **3. Upper Iowa Wildlife Management Area, Winneshiek County – Iowa Natural Heritage Foundation**

The Natural Resource Commission's approval is requested to purchase a parcel of land located in Winneshiek County near state-owned and managed Upper Iowa Wildlife Management Area. Iowa Natural Heritage Foundation (INHF) offers this 48-acre tract for the price of \$171,000. INHF purchased the property in December 2007 for \$222,662.50 and have applied for a REAP grant in which the DNR will pay up to 75% of appraised price. The appraised price of the tract is \$228,000.

Brian Linnemeyer, Licensed Appraiser of Indianola, Iowa, submitted the appraisal. Rick Hansen negotiated the purchase agreement.

This irregular-shaped property is located two miles east of Kendallville in northwestern Winneshiek County. The nearly level to steep tract is comprised of 5 acres of cropland, 30 acres of CRP, and 13 acres of forested bluffland and Upper Iowa River. There are no building improvements. The Upper Iowa River forms a majority of the northerly boundary, a distance of approximately 3/8 of a mile. Access is provided by a county gravel road along the west and part of the south boundaries.

This aesthetic tract will provide wildlife habitat, and enhance public recreation to this area. The Wildlife Bureau will manage the property in accord with the area management plan.

Acquisition funding will be provided by 100% REAP Private/Public Grant (Capital Link #152). The property will remain on the property tax rolls. No survey or fencing costs is anticipated. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of this land acquisition.

### **4. Muskrat Slough Wildlife Management Area, Jones County – Matthew G. McQuillen**

The Natural Resource Commission's approval is requested to accept the donation of a conservation easement on 13 acres in Jones County. This easement shall serve to protect primarily open land that is adjacent to recent additions to DNR land that is part of the Muskrat Slough WMA. Matthew G. McQuillen, of Anamosa, Iowa, offers the donation of this conservation easement.

Dan Kinsinger negotiated this easement.

The property is located approximately 1-mile east of Morley, Iowa and adjoins the north edge of the Muskrat Slough Wildlife Management Area. The land to be encumbered is a mix of pasture, a small area of tillable land and an established dwelling and building site.

Mr. McQuillen is conservation minded and wants to protect his land for future generations by eliminating potential for creating additional dwelling sites. The easement will allow one building envelope to include the current dwelling and building site. The easement will allow the

existing dwelling and buildings to be maintained and/or replaced if destroyed by fire or natural occurrences. The conservation easement will also prohibit construction of any commercial feed lot, livestock confinement or commercial building of any type.

The conservation easement will be monitored by the Wildlife Bureau.

No survey costs are anticipated. In the event that there is a future need for surveying it would be at the expense of the Department. The cost of a certified real estate appraisal to serve as a basis for the value of the development rights given up by the encumbrance of the conservation easement along with incidental closing costs will also be the responsibility of the Department.

Staff recommends approval of the permanent conservation easement.

#### **5. Thomas Mitchell Marsh Wildlife Management Area, Union County - John and Lisa Wolfe**

The Natural Resource Commission's approval is requested for the acquisition of a parcel of land located 1.7 miles north of Creston adjacent to the Green Valley State Park southern boundary. The 4-acre parcel is being offered by John and Lisa Wolfe for \$2,000 per acre, or \$8,000. The acreage could vary slightly after a survey is complete.

Jerry Gibson negotiated the option in compliance with Title 49 CFR Part 24, which allows the Realty Specialist to negotiate without an appraisal up to a value of \$10,000. The price per acre was arrived at using comparable sales in Union County and negotiations with the landowners.

The property consists of 4 acres of pasture that has been flooded quite often by the release of water from Green Valley Lake during its renovation. Acquisition of the property will alleviate future concerns of the landowners regarding the DNR flooding their property during draw downs for fisheries management.

Acquisition funding will be provided by 75% REAP Open Spaces (\$6,000.00), and a 25% donation from the High Lakes Alliance conservation club. Incidental closing costs, surveying, and approximately 1200 feet of boundary fence construction are the responsibility of the Department.

Staff recommends approval of the land acquisition.

Attachment

Travis Baker, Supervisor  
Office of Realty Services  
May 14, 2009