

REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
OMAHA, NEBRASKA 68102-4978

CENWO-RE-M (405-20)

19 August 1997

MEMORANDUM FOR: Commander, U. S. Army 88th Regional Support Command, 506
Roeder Circle, Fort Snelling, Minnesota 55111-4009

SUBJECT: Governor's Acceptance of Concurrent Legislative Jurisdiction, United States Army
Reserve Center, Arden Hills, Minnesota

1. Enclosed is a copy of the Minnesota Governor's acceptance of the retrocession of legislative jurisdiction at subject installation. The legislative jurisdiction is now concurrent. The Governor accepted the retrocession of jurisdiction from the Army on 31 July 1997.
2. Please pass on this information to the Arden Hills Army Reserve Center, and if necessary, to the City of Arden Hills and Ramsey County.
3. Should you have any questions, you may contact Mr. Dick Mori of my staff at 402-221-4370.

FOR THE COMMANDER:

RICK L. NOEL
Chief, Management and Disposal Branch
Real Estate Division

Encl
as

CF (w/encl):

Commander, Fort McCoy, ATTN: AFRC-FM-PWP-R/WELLS, Sparta, WI 54656-5000





ARNE H. CARLSON
GOVERNOR

STATE OF MINNESOTA

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
SAINT PAUL 55155

August 8, 1997

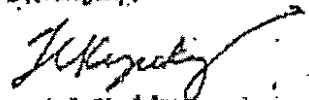
Paul W. Johnson
Deputy Assistant Secretary of the Army
Department of the Army
110 Army Pentagon
Washington, DC 20310-0110

Dear Mr. Johnson:

Please find enclosed a copy of the completed Act and Acceptance of Retrocession, executed by Governor Arne H. Carlson.

Should you have any questions, please contact this office at 612-296-0039.

Best Regards,


Tanja L. Kozlowsky
Legal Council to the Governor

Enclosures

(612) 296-3391 - Voice
(800) 657-3717 - Voice

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COMMONWEALTH OF VIRGINIA)

COUNTY OF ARLINGTON)

Act and Acceptance of Retrocession Pursuant to MINN. STAT. 1.0412

WHEREAS, the State of Minnesota has previously ceded exclusive legislative jurisdiction to the United States of America over all lands at the United States Army Reserve Center, Arden Hills, Minnesota, which consists of 29.04 acres, more or less;

WHEREAS, Title 10, United States Code, Section 2683 authorizes the Secretary of the Army to retrocede all or part of the legislative jurisdiction which the United States has acquired over real property under the charge and control of the Department of the Army in the State or Commonwealth of the United States where the property is located; and

WHEREAS, the State of Minnesota, pursuant to MINN. STAT. Section 1.0412 (1995) authorizes a procedure for acceptance of such retrocession and recordation thereof;

WHEREAS, the Governor of the State of Minnesota, as required by law, has consulted with the affected counties and municipalities where the lands are situated;

WHEREAS, the Ramsey County Board and the Arden Hills City Council have by resolution recommended acceptance of the offer of retrocession;

NOW THEREFORE, the United States of America retrocedes to the State of Minnesota concurrent jurisdiction over all lands present at the United States Arden Hills Center, comprising 29.04 acres, more or less. This area is described as follows:

The South 1150.0 feet of the East 1100 feet of the SE1/4 of Section 15, Township 30 North, Range 23 West, of the 4th Principal Meridian, Ramsey County, Minnesota.

The tract of land herein described contains 29.84 acres,
more or less.

State and local law enforcement agencies are hereby authorized to
investigate criminal offenses under the laws of the State of
Minnesota and local laws and ordinances, to make arrests, and to
administratively process cases through the courts of the State of
Minnesota and local courts therein with regard to the property.

This retrocession will apply for state and local enforcement
and courts concurrently with such federal jurisdiction as exists
under 40 U.S.C. 318, 318a, 318b, 10 U.S.C. 11, and such other
Federal statutes that are applicable.

Executed this 19th day of March, 1998.

WITNESSES:

UNITED STATES OF AMERICA
BY THE DEPUTY ASSISTANT SECRETARY
OF THE ARMY (INSTALLATIONS AND
HOUSING), ORSA (I, L&E)

W. T. Barney

Kenn Cooper

Paul W. [Signature]

COMMONWEALTH OF VIRGINIA

COUNTY OF ARLINGTON

I, the undersigned, a Notary Public in and for the Commonwealth of Virginia, County of Arlington, whose commission as such expires on 31st day of March, 1997, do hereby certify that this day personally appeared before me in the state and county aforesaid, Paul W. Jorgensen, Deputy Assistant Secretary of the Army (Installations and Housing), OASA (I, L&E) for and on behalf of the UNITED STATES OF AMERICA, whose name is signed to the foregoing document dated the 19th day of March, 1997, and acknowledged that he signed said document with knowledge of its contents;

Given under my hand and seal this 20th day of March, 1997.

Farrell B. Graf
Daniel P. Graf

Notary Public

My Commission expires: March 31, 1997

ACCEPTED this 31 day of July, 1997.

Arne H. Carlson
HONORABLE ARNE H. CARLSON
Governor
State of Minnesota

MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF ARDEN HILLS
AND
DEPARTMENT OF THE ARMY,
88TH REGIONAL SUPPORT COMMAND
FORT SNELLING, MINNESOTA

1.0 Parties. This Memorandum of Agreement is dated the 30th day of October, 1995, and is entered into by and between the U.S. Department of the Army, U.S. Army Reserve, 88th Regional Support Command (all aforementioned herein "88th RSC") and the City of Arden Hills (herein "City"), a municipal corporation and political subdivision of the State of Minnesota.

2.0 Recitals.

- A. WHEREAS, the 88th RSC currently occupies property which is within the corporate boundaries of the City and which is located in the Northwest Quadrant of the intersection of Lexington Avenue and Highway 96 (herein the "Army Reserve Site");
- B. WHEREAS, the 88th RSC has formally requested the City to consider a change in the jurisdiction of the Army Reserve Site from an exclusive jurisdiction to a concurrent jurisdiction;
- C. WHEREAS, the 88th RSC is committed to supporting the public activities of the City;
- D. WHEREAS, the parties desire to establish a longer term and closer working relationship with each other in regard to the use and regulation of the Army Reserve Site;
- E. WHEREAS, the Army Reserve Site is currently included in an R-1 Zoning District on the City's Zoning Map and within an area designated as commercial on the City's Comprehensive Plan Land Use Map;
- F. WHEREAS, the parties recognize the existing Army Reserve Site as a legal, nonconforming use as defined under Section IX of the City's Zoning Ordinance;
- G. WHEREAS, the Army Reserve Site will be designated as a public use under Section II.D.113 of the Arden Hills Zoning Ordinance upon the establishment of a concurrent jurisdiction;
- H. WHEREAS, the parties recognize that should the 88th RSC change the facility and/or site plan for the Army Reserve Site in the future, the 88th RSC will be required to

comply with the City's development regulations including the application for a Special Use Permit;

- I. WHEREAS, the parties desire to formalize and record their understandings concerning the Army Reserve Site by this documentation; and
- J. WHEREAS, the parties to this Memorandum of Agreement understand that there will be mutual benefits to each other as a result of the change in the jurisdiction which governs the Army Reserve Site of the Army Reserve Center.

3.0 Terms and Conditions. NOW, THEREFORE, in consideration of the mutual undertakings herein expressed, the parties agree as follows:

- A. The City of Arden Hills will coordinate with Ramsey County and respond favorably to comments requested by the Governor's Office of the State of Minnesota regarding the change in jurisdictional status of the real property on which the Reserve Center is located.
- B. It is understood by the parties that a change from exclusive jurisdiction to concurrent jurisdiction will result in certain fundamental changes in the relationship between the Department of the Army and the City of Arden Hills that is permanent and unaffected by this Memorandum. These changes include but are not limited to:
 - 1. The real estate subject to the retrocession of jurisdiction and on which the Reserve Center Site is located will be subject to the City's development regulations.
 - 2. The City shall be responsible for providing normal fire and police protection services to the Army Reserve Site at its cost but the 88th RSC will be required to reimburse the City for the costs of unusual or extraordinary fire and police protection provided such reimbursement is allowed by federal law. It is the desire of the parties that all such costs be anticipated and discussed prior to being incurred.
 - 3. The Army Reserve Site and its tenants shall become subject to the laws and regulations of the State of Minnesota and the City of Arden Hills. Some of these regulations include but are not limited to:
 - a. Allowing access to the Army Reserve Site by local police and fire personnel in the

performance of their duties;

- b. Compliance with local health and safety regulations including environmental laws;
 - c. The imposition of legitimate user fees by the City consistent with the imposition of such fees against other real estate within the City consistent with federal, state and city laws and regulations.
- C. The parties agree that Arden Hills shall have a 5 year Outgrant or License that will allow it to use the Reserve Center for the following public purposes:
- 1. Park & Recreation Committee, 4th Tuesday of each month, 7-9:30 p.m.
 - 2. Recreation Programs, Tuesday and Thursday of each week, 5:30 p.m.
 - 3. Council Meetings, 2nd and last Monday of each month, 7:00 p.m.
 - 4. Planning Commission, 1st Wednesday of each month, 7:00 p.m.
 - 5. Other regularly scheduled times include the 3rd Thursday of each month at 8:00-9:00 a.m. and every other Wednesday night at 7:00-10:00 p.m.
 - 6. Polling place during elections.
- D. The City understands and agrees that the mission of the 88th RSC and the Army Reserve Site and its tenant units is paramount and takes precedence over any use by the City, but consistent with this understanding every effort will be made to accommodate the activities listed in paragraph C and any additional activities that may be requested in the future.
- E. The City understands that it may undertake a use of the Army Reserve Site that results in extraordinary energy use or clean up costs or other unforeseen costs that could be charged back to the City. No costs will be charged back without notice and an opportunity for discussion. It is the desire of the parties that all such costs be anticipated and discussed prior to being incurred.
- F. Sections 3.0 (C) (D) and (E) of this Memorandum are effective only until an Outgrant or License can be

processed through channels incorporating the proposed public uses of the City, the five-year term and other standard and appropriate clauses. It is anticipated that this Outgrant or License will be reviewed after each five-year term and renewed for subsequent five-year periods.

IN WITNESS WHEREOF, the undersigned have executed this Memorandum.

Dated: 14 OCT 95

George J. Steiner
George J. Steiner, Major
General U.S. Army Reserve

Pursuant to City Council
authorization granted on
September 25, 1995.

Dated: October 30, 1995

By: Dennis Probst
Dennis Probst
Mayor

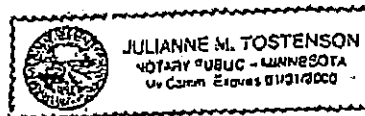
Dated: October 30, 1995

By: Brian Fritsinger
Brian Fritsinger
City Administrator

STATE OF MINNESOTA)
:ss
COUNTY OF RAMSEY)

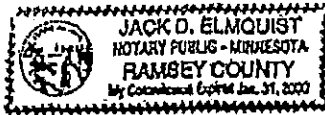
On this 1st day of November, 1995, before me a
Notary Public within and for said County personally appeared
Dennis Probst and Brian Fritsinger and represented that they were
respectively the Mayor and City Administrator of the City of
Arden Hills and executed the above agreement pursuant to
authorization granted by the Arden Hills City Council.


Julianne M. Tostenson
Notary Public



STATE OF MINNESOTA)
COUNTY OF HENNEPIN :SS

On this 14th day of October, 1995, before me a Notary Public personally appeared George J. Steiner, Major General, U.S. Army Reserve and he executed the foregoing Memorandum of Agreement pursuant to authority granted by the U.S. Department of the Army, U.S. Army Reserve, 88th Regional Support Command.




Jack D. Elmquist

Breems, Nancy (OSS)

From: Black, Bert (OSS)
Sent: Wednesday, June 10, 2015 11:04 AM
To: Breems, Nancy (OSS)
Subject: FW: Retrocession
Attachments: 20150610104841512.pdf

Importance: High

See the attachment, which we can and should file in the Official Documents. See me to discuss filing dates.

Bert Black

Legal Advisor

Office of Minnesota Secretary of State, Steve Simon

180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd.

St. Paul, MN 55155

Ph: 651-201-1326

Website: <http://www.sos.state.mn.us>

Please file
with filing
date
7/31/1997
even if you
must use a
current OD #
Tx. Bud

-----Original Message-----

From: Blake, Cumah (GOV)
Sent: Wednesday, June 10, 2015 11:03 AM
To: Black, Bert (OSS)
Subject: Retrocession

Bert,

Thank you for the retrocession documents. Attached are the documents from the 1997 retrocession. These documents represent the certificate of acceptance, and I believe can be filed and put on record. Please let me know if you have any questions!

Best,

Cumah Blake | Counsel
Office of Governor Mark Dayton & Lt. Governor Tina Smith

116 Veterans Service Building
20 W 12th Street
Saint Paul, MN 55155
Office: 651-201-3404 | Cell: 651-252-8089 | Fax: 651-797-1871

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-----Original Message-----

From: FirstFloorCopier@governor.state.mn.us [<mailto:FirstFloorCopier@governor.state.mn.us>]
Sent: Wednesday, June 10, 2015 10:49 AM
To: Blake, Cumah (GOV)
Subject: Message from "RNP002673550193"

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