

# *Environmental Recollections*



*Samuel H. Morgan*

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# Environmental Recollections

including  
The Story of the Minnesota Parks Foundation  
(The First Twenty Years, 1967–1988)

by Samuel H. Morgan

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*On the cover:* Five original and two successor trustees of the Minnesota Parks Foundation in 1970 in Afton State Park, shortly after Gov. Harold Le Vander signed the Afton State Park Bill: (l to r) Albert M. Marshall, Reuel D. Harmon, Thomas C. Savage, Samuel H. Morgan, Henry Somsen, Wayne Olsen, and Ray Humphries.

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## Preface

My children and grandchildren have for some time urged me to write my “memoirs.” The Minnesota Historical Society has asked me to organize and preserve papers on my environmental activities, particularly those with the Minnesota Parks Foundation, of which I was president for most of its 20 years. I have concluded that a conventional autobiography would be of no significant benefit to posterity. But a personal story focused on my environmental activities might be of use to family and to others working to protect the natural environment.

How did parks become for me first an avocation and eventually a vocation? It was accidental rather than planned. The period from the 1950s through the 1990s was one of great concern for the environment. Nationally, the booming population and post-World War II suburban sprawl led to widespread interest in saving public open space for the benefit of the predominantly urban population. So I was swimming with the tide. Nearly all the parks I helped to create were first conceived by others.

How did it happen that I, a lawyer with no expertise in forestry or ecology, became so involved? Why was it easy for me, with a legal practice and a growing family, to become so immersed in *pro bono* work around parks?

These questions lead to my childhood and family background. My great-grandmother Ellen Rice Hollinshead’s brother, Henry Mower Rice, saw the need for urban “breathing space” when he included room for a public square in his 1849 plat known as “Rice and Irvine’s addition to St. Paul.” My great-grandfather Daniel A. J. Baker donated to the City of St. Paul the land in the Midway on which stood Baker School, now Baker Center. In both instances, their public-spirited dedication encompassed less than a full-sized city block, suggesting that their Yankee concern for doing well would not be compromised by doing too much good.

While I may or may not have a “park gene,” I believe the environment in which I grew up predisposed me to support preservation of large natural areas for public enjoyment. I spent my early years, from birth to age seven, in Duluth, a city known as 25 miles long, a mile wide, and half-a-mile high. When we lived on Woodland Avenue in the Hunter’s Park neighborhood, I climbed Mendenhall Hill just back of my home to watch the ore boats steam in and out of Duluth harbor. I loved going over the steppingstones in Congdon Park. The family had picnics on nearby Barnes Hill, the beginning

Ellen Green



*Magney State Park,  
north of Grand Marais*

of a wilderness extending almost unbroken to the Arctic. That many of the leaders in the Council of State Parks—Clarence Magney and Albert Marshall, for instance—were Duluthians, suggests Duluth as an early influence on this ex-Duluthian.

Subsequent summers at Otisville on the St. Croix created in me a great love for the St. Croix River valley. Thus when Chester Wilson asked me to help save a site near Afton for a park, I was willing to undertake the challenge.

Finally, when Tom Savage called for public support for the creation of a park at Fort Snelling, the time was ripe. The death of my father, George W. Morgan, on December 7, 1957, and then the merger of Morgan, Raudenbush, Morgan, Oehler, and Davis with Briggs, Gilbert, Morton, Kyle and McCartneon, on April 1, 1960, created at least a subconscious feeling of financial and professional security sufficient for me to devote some time to causes for which I feel deeply.

Several published and archival sources on parts of this story already exist, and this text occasionally refers to them (see “For Further Reading,” p. 64). I wish to express deepest appreciation to Ellen Green, who provided expert editing and traveled throughout Minnesota to take many of the photographs in this volume. Thanks to Dorian Grilley and the staff of the Parks & Trails Council of Minnesota for text review and cover design, and to Steve Hennessy of the Minnesota Department of Natural Resources, who provided the maps.

—SAMUEL H. MORGAN

# 1 Fort Snelling State Park Is Born

Ellen Green



*Fort Snelling State Park,  
near the Twin Cities*

Russell W. Fridley, executive director of the Minnesota Historical Society, took the first steps to preserve and restore Old Fort Snelling in 1956. My park activity began with an offer to help my friend Tom Savage after a meeting he conducted on January 19, 1961. That early history is detailed in the Fort Snelling State Park Association papers in the archives of the Minnesota Historical Society and briefly outlined in my story of the fort's reincarnation in *Ramsey County History* (Summer 1993).

With a postcard, Tom invited my wife, Natalie, and me to the January 1961 meeting of the association. Several speakers outlined the need, opportunity, and citizen effort required for the park at Fort Snelling. Wilderness proponent Sigurd Olson made the greatest impression on me. As we left that meeting, I said to Tom's wife, Betty, "Tell Tom he can call on me for help if he needs it." Little did I realize that for the next 35 years the creation, enlargement, and preservation of parks would be a major, meaningful part of my life.

Tom and I, along with others including Bob Edmond and Clyde Ryberg, met at least weekly at the St. Paul Athletic Club, to discuss legislative strategy and fundraising. With contributions from the association's directors, we hired John Hedback (a graduate of Blake School) as our "executive director."

The *Ramsey County History* article outlines the legislative issues so I will not recount those here. We had crucial help at critical times from Gov. Elmer L. Andersen, who urged creation of the park at Fort Snelling in his January inaugural address. On the regular closing day of the 1961 legislative session, however, Tom was unable to attend, and he asked me to ensure passage of the Fort Snelling legislation. I went back and forth between the Senate gallery and floor as I checked on progress with our Senate supporters. About 11:30 P.M., as debate continued on an education bill going nowhere, Sen. Val Imm of Mankato moved that the rules be suspended and the Fort Snelling bill (already passed by the House) be brought to a vote. The Senate approved the suspension and the bill passed. I physically took the bill to Gov. Andersen's office. So our park at Fort Snelling was born!

At that point we had to shift gears and raise the \$250,000 promised for land acquisition by the start of the 1963 session. This may have been the first citizen fundraising for parkland acquisition. Tom and I called Reuel Harmon at his Webb Publishing office (later the Capital Square Building)



in downtown St. Paul. Reuel agreed to chair our effort. He was so successful that with legislative generosity forthcoming, the press reported: “Snelling Park Rolling in Dough.”

The Fort Snelling State Park Association’s effort to create the park was largely successful. I enjoyed especially the following aspects of our work.

Early in the effort, I experienced my first helicopter ride—one with Governor Andersen over the fort. A photograph perfectly in focus shows not only the governor but also the fort below. How was that possible? “No problem,” said our photographer. “I just took two pictures.”

Later, again with Elmer Andersen as well as Russell Fridley, I visited historic Jamestown in Virginia to get ideas on restoration. There the old fort had not been reconstructed, but its foundations were exposed so visitors could see where it had been and, through pictorial presentations, develop a feel for the original fort. A local organization owned the historic Jamestown Church and opened it to the public. The early glassworks were made real by a small modern glassworks making reproductions of early glass objects for sale. I bought a pair of green glass jugs there. The juxtaposition at Jamestown of several different agencies, each taking part of Jamestown history, could serve well as a precedent for creating package tours to include:

1. the restored historic fort operated by the Minnesota Historical Society,
2. the park run by the Department of Natural Resources (DNR),
3. the Sibley House complex (until recently operated by the Daughters of the American Republic, or DAR),
4. St. Peter’s Church maintained by the Catholic archdiocese, and
5. by all means the ferry we have longed hoped for to connect the fort with Mendota.

Board member Pat Foley engineered another trip, to Washington, D.C.—to meet with legislators and representatives of the Veterans Administration, the Post Office, and the General Services Administration. We wanted to make it clear that the association would fight any attempts to put new facilities in the park, particularly on the polo field—parade ground area. Pat Nixon had delivered the deed to the State of Minnesota as part of her husband’s program for disposal of excess federal land holdings. I had suggested to Ray Black the appropriateness of promoting such a transfer after reading how President Richard Nixon had conceived this idea while walking the empty beach near his San Clemente, California, home. When he asked why he was alone, why no one else was enjoying the beach, he learned that the area was part of Camp Pendleton, which no longer used it.

In the early years, when Tom Savage, then I, then Ray Black served successive two-year terms as president, the association had elegant and well-attended annual dinners. Then for 13 years the beloved Axel Von Bergen served as the “perfect” president and spokesman. How many times he called me to come over and help him put the right touches on a letter he was writing on some park issue! Always we ended such sessions with one of Axel’s libations.

Ellen Green



Ellen Green



Ellen Green



Fort Snelling State Park

*The interpretive center  
through wildflowers at  
Fort Snelling State Park*



During Axel's leadership, the association stopped a local Watergate project—the scheme to build a pair of highrise condominiums at the Watergate Marina at Crosby Lake Park. Such a massive presence would have blocked completely the view downriver from Fort Snelling to St. Paul. When have taxpayers paid so much for a view? The ultimate award in the city's condemnation of the Watergate site was, as I recall, about \$2 million. Such has been the success of our citizen organization.

My activities with the Fort Snelling State Park Association continued through prevention of the proposed merger of that organization into the Parks & Trails Council of Minnesota and through our success, finally in 1995, in raising the full \$100,000 of private funds pledged to the state toward construction of the Thomas C. Savage Visitor's Center, now open to the public.

While my main purpose here is to tell the story of the Minnesota Parks Foundation from the perspective of my personal involvement, previous and concurrent environmental involvement during the 20 years I was a principal actor at the foundation influenced that story. (See chapters following.) Also, my concurrent legal activity was occasionally time-consuming. Besides continuing to work on estates, acquisitions, and other legal matters, I became involved in the Anderson-Rolvaag election contest and the American Allied Insurance receivership matter handled by my law firm.



## 2 Judge Magney and the Minnesota Council of State Parks

In addressing the challenges of Fort Snelling, Tom Savage and I sought the sage advice of that giant of the north, Justice Clarence R. Magney. We found him at the St. Paul Athletic Club between his summers on the north shore of Lake Superior and his winters traveling about the world.

Sometime, I believe it was in 1961 (probably after the establishment of Fort Snelling State Park), Judge Magney invited me to become a member of the Minnesota Council of State Parks. He had been chairman since its creation in 1954. (See Hella's *Quest for Excellence: A History of Minnesota Council of Parks 1954–1974*). I remember Judge Magney saying he wanted someone who would work hard and that he counted on me to be an active member.

This invitation was to me a real honor. I greatly admired Judge Magney, a Harvard Law School classmate of my father's (1908). He seemed to me a rock of integrity. How outraged I was when, just after my father's death on December 7, 1957, the *Washington Post*, of which former *St. Paul Pioneer Press* editor Russell Wiggins was executive editor, suggested in its Drew Pearson column that Magney, as author of the Minnesota Supreme Court opinion in the "Rabbit Lake case," had decided the ownership of the lakebed in favor of Erie Mining because it had compensated him when acquiring his Lake Superior property for Taconite Harbor.

In any event, I was proud that Judge Magney asked me to join his select council, and I felt a mission to carry on what he had to leave. I particularly remember his saying to Tom Savage and me, "I have saved my last waterfall. I am counting on you younger men to do what is needed to save the St. Croix Valley where I grew up." So inspired, I needed little prodding to throw myself into the battle for Afton Park when Chester Wilson asked me a few years later to undertake that project.

Hella's *Quest for Excellence* includes a brief biography of Judge Magney. My own recollections of Judge Magney include going around the Minnesota State Capitol with him to call on legislators and attend hearings to secure legislation for state acquisition of a waterfall for which he had secured an option. The respect afforded him by many of the legislators impressed me.

Ellen Green



C. R. Magney State Park,  
north of Grand Marais

The original minutes of the council recall for me the enjoyable meetings of that early member-by-invitation-only group. Gradually over the 1950s and 1960s, the council grew from some 16 or so to 50 members. The minutes forecasted changes that occurred many years later. For example, at the meeting of June 3, 1963, secretary-treasurer Ed Chapman reported suggestions for hiring an executive secretary and seeking a wide dues-paying membership. As early as 1956, Albert Marshall reported the acquisition by the Frontenac State Park Association of tracts of land, a precedent for acquisition activities undertaken by the foundation after its creation in 1967.

Among the most enjoyable outstate meetings of the council during the 1960s, 1970s, and early 1980s was one in Sibley State Park. For that I rode out to Willmar, Minnesota, with Conrad Wirth, head of the National Park Service. (The park is 15 miles north of Willmar off U.S. Highway 71.)

Another was a weekend at Naniboujou Lodge for the rededication of former Bois Brule State Park as Judge C. R. Magney State Park, in honor of the council's first chairman. (The park is 14 miles northeast of Grand Marais on State Highway 61.) After that meeting, my wife, Natalie, and I drove along the magnificent Lake Superior North Shore Highway all the way to Marathon, Ontario. At the sight of a thin thread of a lofty waterfall just as described by explorer Jonathan Carver 200 years earlier, I concluded he was not as mendacious as his reputation suggests.

We met on another memorable weekend at Toby's off the I35 Hinckley exit for visits to St. Croix and Banning State Parks. With only two cars left in the Banning parking lot, the Morgans and Brays nevertheless managed to back into each other!

Other memorable meetings include the 1975 Albert Lea meeting at Forestville State Park, and the 1977 meeting at Taylors Falls. There Helen White guided us on a fine walking tour historic Angel Hill, and we visited the soon-to-be-developed Wild River State Park. The fall 1978 meeting included a visit to Tettegouche Camp, then owned by John De Laittre, and a climb to the heights above Micmac Lake and the later-acquired Palisade Creek. The 1980 Duluth meeting at the home of Henry Roberts followed a visit to Jay Cooke State Park and preceded a tour of the Glensheen estate. At the meeting in Luverne, author Frederick Manfred, aka Fike Fikema, took us on an unforgettable tour of Blue Mound State Park. He pointed out the crude rock walls perhaps built by Indians to help them drive the buffalo over the cliffs to their deaths. On two other, separate occasions, we stayed at the historical Anderson House in Wabasha and at the Saint James Hotel in Red Wing.

During those years, the council was small enough that the regulars could get together often and form a coterie of like-minded friends and their spouses, who from year-to-year had good times together. This group included the Al Marshalls, and later the Chuck Richardsons, from Red Wing, the Henry Robertses of Duluth, the Ted Fritches and the Henry Somsens from New Ulm, the Bob Kellys from Bayport, the Savages, Brays, Morgans, and Hellas from St. Paul, and the Bill Brysons from their farm near Alden, Minnesota.



*Magney State Park*

Ellen Green

*C. R. Magney State Park*

The current, larger council continues to provide enjoyable and challenging experiences that inspire the “old standbys” as well as the newer members. The Parks& Trails Council of Minnesota must now do what previously the 50-member council and the seven-member foundation did separately. Here are suggestions for spring and fall park-and-trail-oriented meetings:

1. Timing. Try to have meetings at times of the year when weather is invigorating but not bone-chilling. (How cold it was at one fall meeting at Grand Portage!)
2. Dates. Pick dates on which a majority, or at least a good percentage, of board members can and will attend.
3. Program. Include:
  - a speaker on a featured subject that will be a draw
  - meaningful and challenging reports and discussions of park and trail issues.
4. Location. Combine so far as possible locations that include:
  - comfortable accommodations
  - good food and dining facilities
  - a room suitable for a meeting of all the attendees for addresses and discussions
  - parks (or trails) so that attendees may visit, enjoy, and return with good memories of a fresh experience in a park.

As recent experience shows, Itasca best meets all these criteria but novelty. Perhaps Itasca should be a fall meeting site on a fairly regular basis, such as every third year. Equally often, meetings might be planned for the greater metro area so that members from area may use their homes as a sleeping base. In a three-year fall cycle, an outstate-based meeting might occur as appropriate for the year. (Personally, I still await a chance to visit Mystery Cave, and I’ve never been in far-northwestern Minnesota.)

### 3 The Birth of the Minnesota Parks Foundation

*Only  
in the 1950s  
did the idea  
of a citizen  
organization  
for all  
Minnesota's  
state parks  
emerge.*

The Minnesota Parks Foundation grew out of the Minnesota Council of State Parks as a nonprofit, incorporated adjunct to the council.

In the late 1930s citizens' advisory committees were organized for several individual parks. Only in the 1950s, however, did the idea of a citizen organization for all Minnesota's state parks emerge. In 1953, Commissioner of Conservation Chester Wilson directed that a statewide citizen advisory committee be assembled to provide for broader public representation in the planning process and for more direct lines of communication with the department.

Consequently, in late 1954 the Minnesota Council of State Parks was organized, with Justice Clarence R. Magney as chair. Magney, the lawyer and judge, said that in the interests of flexibility the council must be unincorporated, without formal bylaws, and with by-invitation-only membership, initially of 16 and later with a limit of 50. The council proved well its aim to familiarize citizens with the state park system, promote long-range planning, and encourage favorable legislation. Early in each legislative session, the council, acting as a citizens' lobby, hosted a dinner for the legislators. Its successor, the Parks & Trails Council of Minnesota, continued this practice until "a day on the hill" resulted in stricter lobbying laws.

While the council served its goals well, Director of State Parks (1954–1974) U. W. ("Judge") Hella realized that publishing booklets on the state's parks and helping the state to acquire new parkland would require a more formal organization. He had as one example the National Park Foundation, which was active in publishing. Also, at meetings of the council, founding member Albert M. Marshall of Red Wing reported on how the incorporated Frontenac State Park Association was raising money from individual park supporters and using it to buy more parkland. Only a formally organized nonprofit corporation qualified as tax-exempt under federal law. A so-called 501(c)(3) corporation, could receive gifts of land and money. But only if donors could be assured the value of their gifts was tax-deductible would they do more than pay small annual membership dues.

So in 1966, Judge Hella asked me as chair of the council to draft articles of incorporation. I did so and sent a draft of the articles to parks director Hella on September 26, 1966.

In due course, articles similar to the draft were adopted. Following issue of the Certificate of Incorporation on March 17, 1967, we held a brief, formal organization meeting on May 5, 1967, at the Ritz-Carlton Hotel in Minneapolis. The incorporators/directors were:

Reuel D. Harmon, president of Webb Publishing, St. Paul  
 Goodrich Lowry, chairman of Norwest Bank Corporation, Minneapolis  
 Albert M. Marshall, editor and publisher of the *Red Wing Republican*  
 Samuel H. Morgan, lawyer, Briggs and Morgan, St. Paul  
 Arthur Roberts, lawyer, Duluth  
 Thomas C. Savage, environmentalist and investment advisor  
 Henry N. Somsen, lawyer, New Ulm

A quorum of the directors adopted the bylaws, elected Samuel H. Morgan president, Thomas C. Savage vice president, and Albert M. Marshall secretary-treasurer, and authorized opening an account at First National Bank of St. Paul. The purposes of the corporation were thus stated:

## ARTICLE II.

### PURPOSES

The purposes of this corporation are exclusively charitable in the legal sense, excluding however any purpose which is not exclusively charitable, scientific, literary or educational within the meaning of Internal Revenue Code 1954, Sections 170(c), 501(c), 2055(a) and 2522(a) or such cognate provisions of Minnesota or federal law as may from time to time be applicable. Always within the scope of its corporate purposes, the corporation shall:

- (1) Preserve, protect and support the natural, recreational and historical values of the State of Minnesota and the lands and waters adjacent thereto primarily, but not necessarily exclusively, through furnishing support to other organizations, agencies and departments, public and private, which may be engaged directly in such activities;
- (2) Receive gifts of money and property, invest and reinvest the corporate assets and apply the entire net income and, to the extent not restricted by the terms of the gift, such part if any, or all, of the principal as may be deemed advisable, in the furtherance of its corporate purposes;
- (3) Acquire by purchase, gift, grant, exchange or devise real and personal property and hold, administer, sell, convey, exchange, lease and mortgage the same in furtherance of its corporate purposes.

Article IV provided that the directors be called trustees and constitute the members. It further provided a board of seven members, six to be elected for staggered six-year terms by the council, the seventh to be the council's president. The bylaws as adopted at the organization meeting contained typical provisions with annual terms for the officers.



Judge Hella was proud that the Minnesota Parks Foundation was among the first of its kind in the nation. He recalled that the large and flourishing California Parks Foundation was founded in 1968, a year after Minnesota's and after being furnished a copy of our articles (U. W. Hella, *Quest for Excellence*, 9).

The foundation's historic first meeting after its pro forma organization meeting was on July 8, 1967, at the Winneboujou Club on the Brule River in northern Wisconsin. All seven trustees, parks director Hella, and their wives attended, on a perfect summer weekend. We stayed at the Marshalls' spacious summer residence on the Brule just above the Winneboujou Club bridge.

On Saturday we canoed down river from Stone's Bridge to the Marshall place. No one capsized in the rapids, but one or two of the canoes got hung up on rocks, adding zest to this adventure. While Al Marshall guided the trustees down the river, Betts gave the wives a tour of the cabins in that section of the Brule, primarily those of Winneboujou Club members. The Marshalls were such perfect hosts that only many years later did I hear of Betts Marshall's trials with her intoxicated cook!

The trustees met on Sunday morning in the guesthouse on the Marshall property. In later years, Betts placed a plaque there to commemorate the event. The minutes, prepared by Al Marshall as secretary-treasurer, state the place of meeting as "Winneboujou Club, Brule, Wisconsin." This, I assume simply reflects the fact that we met on Winneboujou Club property, which included the Marshall place.

At the meeting, the new foundation trustees decided that if they expected to have a permanent revolving fund for land acquisition, they must also work on at least one specified fundraising project. Shortly before the meeting, former conservation commissioner Chester Wilson had asked the president of the foundation to undertake acquiring the Dosé property on Trout Brook in Afton for a park. So the trustees agreed that the 410-acre Dosé property would constitute their initial project. They hoped to secure an option of sufficient period for the foundation to raise gifts to cover the purchase price. Little did the group, including the president, realize the extent of this commitment.

The foundation faced several major challenges with the Dosé project:

1. Acquiring land
2. Raising funds to pay for it
3. Developing support for and overcoming opposition to a park at Trout Brook
4. Securing legislation—assuming, as soon became clear, that the proposed park would be a state, not a county, park.

The birth of Minnesota Parks Foundation soon became the battle for Afton State Park.

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## 4 The Battle for Afton Park

Most of Minnesota's state parks have been created not as the result of studies by the Department of Natural Resources (formerly the Department of Conservation) but because one citizen or dedicated group of citizens felt strongly that a particular site should be preserved. Then they gave unlimited time and effort to saving it. So it was with Itasca State Park, which owes its preservation to Jacob Brower. So it was with the Dalles of the St. Croix, for which William Folsom and George H. Haggard enlisted public and eventually legislative support. So too, Afton State Park was created through the vision and dedication of individuals who came forward at the right moment.

In the late spring of 1967, my boyhood friend James Taylor Dunn, resident of St. Paul and Marine on St. Croix, historian of the St. Croix, and then-president of the St. Croix River Association, asked me to speak at the association's spring meeting on threats to the St. Croix Valley. Using a recent article from *Minnesota History* magazine that showed the early military road from Point Douglas at the confluence of the St. Croix and Mississippi north to Superior, Natalie and I retraced the route through Washington County. On the way we took slides of still-existing 1850s farmhouses amid pastoral acres, as well as views of spreading, dense development.

At the conclusion of our slide show at the Stillwater Country Club, Chester Wilson, a 19-year Stillwater lawyer, past Minnesota Commissioner of Conservation, and member of a U.S. presidential committee focusing on the need for parkland in urban regions, rose and said in substance: "I have just learned that the lands with the best beaches on Lake St. Croix, located at the mouth of Trout Brook and owned by the Dosé family, are now for sale. Sam, you are just the one to go to work to acquire this property for a park."

He could not have picked a better time to make this call for action. I was settled in our growing firm of Briggs and Morgan and also had a modest outside income. All our three children had completed, or nearly completed, their expensive college years. I had just completed the organization of the Minnesota Parks Foundation, designed specifically to act on projects of this kind. Finally, I had in mind Judge Magney's words to Tom Savage and me not long before his death: "I have saved my last North Shore waterfall. Now I'm counting on you younger men to do what is needed to save for posterity the beautiful St. Croix valley where I grew up."

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*A view from Afton State Park, near Afton*

So I quickly said yes to Chester Wilson, even though at that time neither the county nor the state's Department of Natural Resources had any plans for a park on the lower St. Croix.

One question immediately arose. Would this be a county or a state park? With Tom Savage, I met with Director of State Parks Hella, since the Washington County Board as then constituted did not seem pro-park. Hella needed little persuasion that Minnesota should support creation of a state park on the St. Croix at the mouth of Trout Brook. By the time the foundation met on July 8, 1967, on the Brule, Judge Hella and I were ready to present a report and a proposal. After Judge Hella had, by means of maps and photographs, shown the trustees the site of the proposed park, the board authorized me to follow up on the Dosé properties by securing an option. The minutes indicate that though the asking price supposedly was about \$400,000, the trustees hoped to acquire it for around \$200,000—mainly because it was intended for park use.

*Would  
this be  
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or a state  
park?*

### **Dosé Land Purchase**

With a go-ahead from the foundation board, why did the purchase of the Dosé property take so long, and why was it so complicated? A few background observations are pertinent.

Roy Dosé, president of Roofings, Inc., located near the Schmidt Brewery off West Seventh Street in St. Paul, had built a substantial two-story residence close to the river where the Afton town road crossed Trout Brook. Roy had built at this point with assurance from the U.S. Army Corps of Engineers that the site was above any danger of flooding. Then came the great 1965 flood, which backed high water from the Mississippi even into Lake St. Croix. The first floor of Roy's house was ruined, and he decided to sell.

At the same time his son, Donn Dosé, who farmed property he owned just north of his father's, wanted to go west. That put all the Dosé holdings on the market. The Dosés, though determined to sell, realized they had unique properties, with the only easy access to the St. Croix in that section of the river. They knew the land alone had substantial value. But the foundation board felt the land had limited building value because of its topography. As its best use was for a park, we felt the price for the combined Dosé holdings should be about \$200,000.

We could see there would be local opposition to any park and that it must be a state park in view of county opposition. So legislation establishing the park and its boundaries was essential to our cause. To complicate matters, we thought passage of any bill for a state park at Afton unlikely without key parcels available, at least through options assignable to the state.

But the next biennial legislative session would not take place until 1969. Property owners situated like the Dosés were unlikely to grant two-year options.

Fundraising for land acquisition became a central issue. How many people would make substantial gifts without knowing whether the land, if it were purchased, really would become part of a state park? They

would not want to make substantial gifts to a fledgling organization (like the Minnesota Parks Foundation) knowing their gifts could end up being held for another, unknown project. Would taking a loan be a better way to secure the money needed should the foundation have to exercise an option before legislation?

So off to war we went. No one can accuse me of being a do-nothing! On July 13, 1967, as president of the Minnesota Parks Foundation, I met with a group called together by Ray Humphries of Lakeland, a 3M engineer and then-president of the St. Croix River Association, which generally favored the plan. The key members of this group were Ray's wife Marge, Bob Kelly, a law partner of Chester Wilson, and Bob's wife Audrey. The group soon recognized that:

1. Support was strong and widespread for the property to be secured for public park and recreation purposes.
2. Almost two years would pass before public funds were available for this purpose.
3. Raising funds enough for the indicated down payment of about \$50,000 from private sources would take months.
4. We needed a long-term option with a price both attractive to the sellers and sufficient to show the commitment of supporters for the proposed park.
5. We needed a relatively short time to secure option money, check with public authorities on their views, and negotiate the precise terms of an option.

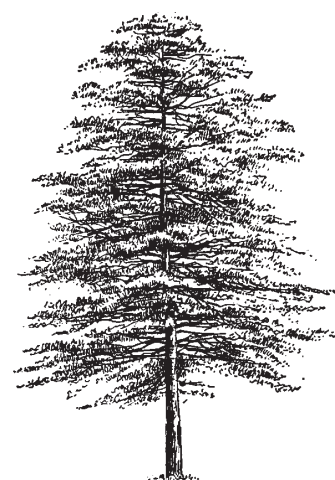
So just five days later, on July 18, 1967, I wrote local real-estate agent Philip W. Clemens, who we understood represented the Dosés, proposing two options. The first was a temporary holding option for \$100—to give us enough time to agree on a long-term option (about a year) so that the Minnesota Parks Foundation could raise funds for the purchase of both Dosé properties.

My letter concluded: "I trust your clients will be willing to hold this matter open until August 10. So that we may be assured of time to work out details, I hope the \$100 can be accepted and the attached agreement signed."

The Dosés did not sign anything. Instead, they retained Paul Villaume and Pat Kelley as their agents. Thus all our further dealings were with Paul, whom I had known for many years. The foundation soon recognized that the Dosés would not consider a total purchase price of only \$200,000. Even whether they would consider *just an option* for a right to purchase at a higher price was questionable.

With the matter in this posture, the Minnesota Parks Foundation board, joined by Ray Humphries and Bob Kelly, viewed the property on October 12, 1967. We then met to decide "whether further negotiations should be undertaken." Trustee Reuel Harmon, in his no-nonsense way, said "Let's go. What are we waiting for?"

So the foundation made its first realistic purchase proposal. On October 13, 1967, I wrote Goodrich Lowry, one of the two absent trustees:



The Trustees of the Minnesota Parks Foundation . . . decided to propose a contract to purchase the property for \$260,000, all except \$50,000 of which would be payable over about a ten year period, with closing next April 30, but in the meantime making an earnest money payment of \$5,000 immediately which would be the total liability of the Foundation if enough money could not be raised by next April to go through with the purchase.

Note that we spoke of a “contract to purchase” at the same time we stated that the sole liability of that Minnesota Parks Foundation, if it could not raise the \$50,000 down payment by the closing date, would be its \$5,000 earnest money. That is precisely the kind of “contract to purchase” that Tom Savage and I understood we were entering into, when in the following June we obtained a pair of agreements signed by the Dosés. We were proposing more than an option but less than an enforceable contract should we fail to raise the down payment by the closing date. The Dosés were unwilling to enter into a purchase contract on the terms outlined above and within the required time. Were we in total deadlock?

We eventually concluded that an appraisal was the only way to come to a mutual agreement on price. Since there was not at that time (and might not ever be) an Afton State Park, we did not seek DNR (Department of Natural Resources) help in securing an appraiser. I suggested we retain real estate agent Ed Whitman, formerly with John Currell, a prominent figure in Washington County real estate circles. I had become acquainted with Whitman in the purchase of my Marine on St. Croix farm property a few years before. So in February 1968, I asked Ed Whitman for an estimate of the land’s value. On April 3, 1968, he wrote me as follows:

Pursuant to your request, I have made an appraisal and analysis of the property described as shown on the attached map, marked Exhibit No. 1.

Due to the many variable factors involved, it was not proper to make an appraisal based upon a firm valuation; therefore, it is my opinion that the subject property would have a current market value from \$260,490.00 to \$287,910.00.

This appraisal was made from information received from many sources which, to the best of my knowledge and belief, I consider to be reliable.

So finally, on June 12, 1968, the Minnesota Parks Foundation entered into a pair of “Purchase Agreement Options”—one for the Roy Dosé parcels at \$220,000 and the other to purchase Donn Dosé’s 153-acres for \$65,000. At \$285,000, the price for the whole 410 acres was close to the high figure of Whitman’s appraisal. I had asked him to give us a range because I believe there is no exact value for a piece of real property. All any conscientious appraiser can be expected to do is to estimate a range of values.

Ellen Green



*A view across the St. Croix River from Afton State Park*

How fortunate we were to have Whitman's appraisal just when we did! The file put together in August 1968 to get public support for our proposal contains an item from the July 8, 1968, *St. Paul Dispatch*—a report that Control Data Corporation's employee recreation group paid more than \$500,000 for its 570-acre tract on the St. Croix, just a few miles below the Dosé properties.

Looking back on this project, I cannot help being amazed at the risks we took. Only our determination—together Tom Savage and I put up \$2,000 of the \$3,000 earnest money for the purchase contracts—can explain what we did. While our solicitation literature spoke of these agreements as options, they were intended to be, and in fact were, purchase agreements that would not be enforceable by the sellers if the foundation (or its assignee) was unable to raise the down payment by the closing date. This was the understanding not only of Tom Savage and myself but also of Paul Villaume, the Dosés' agent, and, it is to be assumed, the Dosés themselves. That this was the intent of the contracts is apparent from the substitution of the word *purchaser* for the standard *either party* in respect to the right of specific performance. Lay parties such as the Dosés often are more willing to sign a printed form with fewer changes than a contract specifically drafted by the prospective purchasers. (See pages following.)

The "purchase agreements" provided for closing on September 1, 1968. How could we expect to raise \$120,000 in just over two months?

At the foundation's meeting at Afton House in Afton on July 12, 1968, we made complete disclosure of all we had done. After full discussion, Reuel Harmon moved, and Henry Somsen seconded, that the foundation approve the action taken on condition that Morgan, Savage, and associates create a "Trout Brook Corporation." Further, this about-to-be-created corporation must "assume all rights and obligations contained in the purchase agreement to which the Foundation became a party." The motion also specified that the foundation could accept gifts for the project, enabling donors to benefit from the foundation's tax-exempt status.

We could not expect to raise anything approaching \$120,000 from charitable gifts to the foundation in the weeks between the July 12 board meeting and the September 1 closing date on the Dosé purchase agreements. The only thing to do was to organize immediately the proposed Trout Brook Corporation. As a business corporation, it could seek loans and "investments" restorable to the investors upon sale of the Dosé properties. Whether the properties were sold to the state upon 1969 legislative approval or to developers did not matter.

So we organized the Afton Land Company, assigning to it the Dosé purchase agreements. And we promptly sought out lenders and investors interested in parks—and a 7 percent annual return.

Tom Savage and I already were aware of the challenges involved in securing cash gifts for the amount needed to close on the Dosé properties by September 1, 1968—namely \$56,000 on the Roy Dosé contract and \$65,000 on the Donn Dosé property (only \$45,000 if a \$20,000 mortgage accompanied it). Either way, we had to secure \$100,000 within less than two months!

*The only thing  
to do  
was to organize  
immediately  
the proposed  
Trout Brook  
Corporation.*



## PURCHASE AGREEMENT

St. Paul, Minn., June 12<sup>th</sup> 1968

RECEIVED OF Minnesota Parks Foundation

EXHIBIT A

the sum of Two Thousand and no/100 ----- (\$2,000.<sup>00</sup>) DOLLARS

check

(Check, Cash or Note—State Which)

as earnest money and in part payment for the purchase of property at

Afton-Denmark Townships

situated in the

County of Washington

State of Minnesota, and legally described as follows, to-wit:

- 1) Government Lot 5 in Section 2, Township 27, north of Range 20 West, containing 43 acres more or less;
- 2) The South Half of Section 35, Township 28, North of Range 20 containing 133 acres more or less;
- 3) The South Half of the Northeast Quarter (S 1/2 of NE 1/4) of Section 35, Township 28, North of Range 20 West containing 59 acres more or less.

seller), exterior television antenna, incinerator, dishwasher and garbage disposal, if any, used and located on said premises and including also the following listed personal property:

all of which property the undersigned, as agent for the owner, has this day sold to the buyer for the sum of

Two Hundred Twenty Thousand and no/100 ----- (\$220,000.<sup>00</sup>) DOLLARS,  
which the buyer agrees to pay in the following manner:

Earnest money herein paid \$2,000.<sup>00</sup> and \$56,000.<sup>00</sup>\* cash, on ~~XXXX~~ September 1, 1968

The buyer will assume on the closing date the mortgage on Government Lot 5 held by Northern Federal Savings & Loan Association (said balance being currently approximately \$42,000.00).

Balance of \$120,000.00 payable on October 1, 1969 to be secured by a first mortgage at 6% interest on the unmortgaged portion of the property, namely: The South Half of Section 35, Township 28, North of Range 20 containing 133 acres more or less; AND The South Half of the Northeast Quarter (S 1/2 of NE 1/4) of Section 35, Township 28, North of Range 20 West containing 59 acres more or less. Current agreement with Ray Murphy to continue 1969 and 1970 with cash payment of \$10.00 per acre per year for tillable land from Mr. Murphy to the purchaser.

Subject to performance by the buyer the seller agrees to execute and deliver a Warranty Deed (to be joined in by spouse, if any) conveying marketable title to said premises subject only to the following exceptions:

- (a) Building and zoning laws, ordinances, State and Federal regulations.
- (b) Restrictions relating to use or improvement of premises not subject to unreleased forfeiture.
- (c) Reservation of any minerals or mineral rights to the State of Minnesota.
- (d) Utility easements.
- (e) Rights of tenants as follows: (unless specified, not subject to tenancies). See above.

The buyer shall pay the real estate taxes due in the year 1968. The balance of the assessment whether due now or later shall be paid by buyer.

The seller further agrees to deliver possession not later than See above provided that all the conditions of this agreement have been complied with. ~~Unless otherwise specified this sale shall be closed on or before 60 days from the date hereof.~~

In the event this property is destroyed or substantially damaged by fire or any other cause before the closing date, this agreement shall become null and void, at the purchaser's option, and all monies paid hereunder shall be refunded to him.

The buyer and seller also mutually agree that pro rata adjustments of rents, interest, insurance and city water (and in the case of income property current operating expenses) shall be made as of See above.

The seller shall, within a reasonable time after approval of this agreement, furnish an abstract of title certified to date (or a Certificate of Title and Registered Property Abstract) both also to include proper searches covering bankruptcies, and State and Federal judgments and liens. The buyer shall be allowed 10 days after receipt thereof for examination of said title and the making of any objections thereto, said objections to be made in writing or deemed to be waived. If any objections are so made the seller be allowed 120 days to make such title marketable. Pending correction of title the payments hereunder required shall be postponed, but upon correction of title and within 10 days after written notice, the buyer shall perform this agreement according to its terms.

If said title is not marketable and is not made so within 120 days from the date of written objections thereto as above provided, this agreement shall be void, and neither principal shall be liable for damages hereunder to the other principal and all money theretofore paid by the buyer shall be refunded; but if the title to said property be found marketable, or be so made within said time, and said buyer shall default in any of the agreements and continue in default for a period of 10 days, then and in that case the seller may terminate this contract, and on such termination all the payments made upon this contract shall be retained by said seller and said agent, as their respective interests may appear, liquidated damages, time being of the essence hereof; but this provision shall not deprive either party of the right of enforcing the specific performance of this contract provided such contract shall not be terminated as aforesaid, and provided action to enforce such specific performance shall be commenced within six months after such right of action shall arise.

It is understood and agreed that this sale is made subject to the approval by the owner of said premises, in writing which approval agent has ten days to obtain, and that the undersigned agent is in no manner liable or responsible on account of this agreement, except to return or account for the earnest money paid under this contract.

\* subject to adjustment so mortgage balance assumed plus cash payment at closing totals \$98,000.00.

This agreement is assignable by purchaser.

We, the undersigned, owner of the above land, do hereby approve the above agreement and the sale thereby made.

[Signature] (SEAL)  
Seller

Ruth M. Dose (SEAL)  
Seller

By \_\_\_\_\_ Agent

I hereby agree to purchase the said property for the price and upon the terms above mentioned, and subject to all conditions herein expressed.

MINNESOTA PARKS FOUNDATION, (SEAL)  
Buyer a Minnesota corporation

By [Signature] (SEAL)  
Buyer Its President

By [Signature]  
Its Vice President



## PURCHASE AGREEMENT

St. Paul, Minn., June 12, 1968

Received of Minnesota Parks Foundation

the sum of One Thousand and no/100

check \$1,000.00

(Check, Cash or Note - state which) as down payment and in part payment for the purchase of property at

Afton Township

County of Washington, State of Minnesota, and legally described as follows, to-wit:

Southeast Quarter (SE 1/4) of Section 34, Township 28  
North of Range 20 West containing 153 acres more or less

including all storm sewers, storm drains, detachable ventilation, screens, awnings, window shades, blinds (including venetian blinds), curtain rods, traverse rods, drapery rods, lighting fixtures, plumbing fixtures, hot water tanks and heating plant (with any burners, tanks, stacks and other equipment used in connection therewith) water fixtures (if the property of seller), exterior television antenna, refrigerator, dishwasher and garbage disposal, if any, used and located on said premises and including also the following listed personal property:

all of which property the undersigned, as agent for the owner, has this day sold to the buyer for the sum of Sixty-five Thousand and no/100 \$65,000.00 DOLLARS, which the buyer agrees to pay in the following manner:  
Down payment herein paid \$1,000.00 and \$64,000.00 cash, on or before September 1, 1968

Down and Mary Down have the option to occupy said property for a period of one year from closing, if they so desire.

The current agreement with Ray Murphy to continue through 1969 and 1970 with cash payment of \$10.00 per acre per year for tillable land from Mr. Murphy to the purchaser.

Subject to performance by the buyer the seller agrees to execute and deliver a Warranty Deed (to be joined in by spouses, if any) conveying marketable title to said premises subject only to the following exceptions:  
(a) Mortgages and zoning laws, ordinances, state and Federal regulations.  
(b) Restrictions relating to use or improvement of premises not subject to subdivision forfeiture.  
(c) Reservation of any minerals or mineral rights to the State of Minnesota.  
(d) Utility easements.  
(e) Rights of tenants as follows: (names specified, not subject to tenants). See above.  
The buyer shall pay the real estate taxes due in the year 1968. The balance of the assessment whether due now or later shall be paid by buyer.

The seller further agrees to deliver possession not later than See above, provided that all the conditions of this agreement have been complied with. The purchaser shall not be liable for the balance of the purchase price until the closing date.

In the event this property is destroyed or substantially damaged by fire or any other cause before the closing date, this agreement shall become null and void, and all monies paid hereunder shall be refunded to him.

The buyer and seller also mutually agree that any rate adjustments of rent, interest, insurance and city water (and in the case of business property current operating expenses) shall be made up of See above.

The seller shall, within a reasonable time after approval of this agreement, furnish an abstract of title certified to date by a certificate of Title and Registered Property Abstract both also to include proper searches covering backsplices, and State and Federal judgments and liens. The buyer shall be allowed 10 days after receipt thereof for examination of said title and the making of any objections thereto, said objections to be made in writing or deemed to be waived, if any objections are not made the seller be allowed 120 days to make such title marketable. Pending correction of title the payments hereunder required shall be postponed, but upon correction of title and within 10 days after written notice, the buyer shall perform this agreement according to its terms.

If said title is not marketable and is not made so within 120 days from the date of written objections thereto as above provided, this agreement shall be void, and neither principal shall be liable for damages hereunder to the other principal and all money therebefore paid by the buyer shall be refunded; but if the title to said property be found marketable, or be so made within said time, and said buyer shall default in any of the agreements and covenants in default for a period of 10 days, then and in that event the seller may terminate this contract, and on such termination all the payments made upon this contract shall be retained by said seller and said agent, and their respective attorneys may appear, litigate damages, then using of the advance hereof, but this provision shall not deprive and constitute the right of enforcing the specific performance of this contract provided such contract shall not be terminated as aforesaid, and provided action to enforce such specific performance shall be commenced within six months after such right of action shall arise.

It is understood and agreed that this sale is made subject to the approval by the owner of said premises, in writing which approval is given on this day to the undersigned agent in no manner liable or responsible in account of this agreement, except to return or account for the advance money paid under this contract.

This agreement is assignable by purchaser.

WE, the undersigned, consent to the above sale, do hereby approve the above agreement and the sale thereby made.

Samuel J. Cook (SEA) Seller

Mary L. Cook (SEA) Seller

By \_\_\_\_\_ Agent

I hereby agree to purchase the said property for the price and upon the terms above mentioned, and subject to all conditions herein expressed.

MINNESOTA PARKS FOUNDATION (SEA)  
Agent & Minnesota Corporation

By Samuel J. Cook Buyer  
Buyer The President

By Samuel J. Cook

The acquisition of the Dosé and other holdings nearby for a park was so dependent on securing substantial cash that a major fundraising effort had to go hand-in-hand with securing the Dosé properties at least. Broad public support would be vital in meeting likely opposition from other quarters.

On July 17, 1968, in a letter to Albert Marshall, copied to Hella and the other trustees, I noted a meeting with the St. Croix people to be held at the home of Ray Humphries (Lakeland) to discuss the following proposal for Afton Park:

*The  
situation  
was getting  
desperate.*

- A. Set out advantages of site and established past support for some such designation by the National Park Service, the Midwest Planning and Research Institute, and the Minnesota Division of Parks and Recreation and propose inclusion of the site in the 1968–69 state park program or alternatively as a metropolitan park to be administered by the Metropolitan Park District proposed by the Metropolitan Council.
- B. Describe the purchase money contracts with the Dosés as in-effect options that with available financing should make possible acquisition with only a bit more than the \$100,000 cash required at the closings scheduled for September 1.
- C. Advance the reasonableness of the price so that “if within a reasonable period no public agency is ready to acquire this property for park purposes, the owners should be able to dispose of it at a very substantial advance.”
- D. Set out the proposals for acquisition. The proposal began by recognizing that in the short time available gifts alone were not likely to be sufficient; so interested parties would have the choice of making charitable gifts to the foundation or investing in a business corporation—Afton Land Company.

I further stated: “In view of the shortness of time to close this transaction, we have ordered abstracts and are prepared to organize the appropriate corporate entity and prepare definitive subscription agreements without delay.” Finally I expressed my hope to “have preliminary declaration of intent for at least \$100,000 so we can be confident that this exciting challenge will ‘go’.”

So we went forward with the twin jobs of completing all the legal steps and obtaining at least \$100,000 cash in hand by September 1—barely six weeks away.

In the letter of July 17, I had stated that with the \$3,000 paid in by the Minnesota Parks Foundation and preliminary commitments of \$35,000, I hoped soon to report \$50,000 in hand to our St. Croix friends. Ideally, they would be inspired to commit another \$50,000 so we could meet the September 1 commitment.

The situation was getting desperate. Finally on August 23 (a week before the Dosé deadline), a letter on Minnesota Commissioner of State Parks stationery went out over the signatures of S. H. Morgan, President of Minnesota Parks Foundation, and Ray Humphries, President of the St. Croix River Association, inviting all recipients to a meeting at the Minnesota Club

on Wednesday, August 28, 1968. We stated that of the \$300,000 approximate purchase price some \$200,000 could be financed through secured loans and the \$100,000 remainder paid by investments (stock or notes) in a title-holding corporation.

Never will I forget the awful moment of complete silence after we made our presentation. Unless someone came forward then and there, our effort was doomed. But after perhaps a minute—it seemed forever—Kennon Rothchild got up and announced that H & Val J. Rothschild, Inc., would lend \$10,000 toward the project. With that commitment, we felt we would succeed (even though no one else spoke up then and there).

Time was fast slipping away. After the July meeting, a full month passed before Ray Humphries and I sent out a proposal on August 23 to a selected list of prospective investors. We invited them to a meeting we considered crucial, on August 28, at the Minnesota Club.

While we secured abstracts and received title opinions on both the Dosé properties from A. Lawrence Davis of Briggs and Morgan on August 28, we still did not have the funds in hand, and we needed more time. Paul Villaume recalled how hard it was to persuade Roy Dosé to agree to any extension. But by emphasizing how close we were to the goal, he convinced Roy that the only way to get the cash he expected was to grant us a little more time. The Dosés finally agreed.

Still we had to get the cash in hand. We turned to Russ Johnson, vice president of First National Bank, who was on several occasions a true friend indeed. On September 9 I delivered to Johnson:

1. checks payable to Afton Land Company for \$36,000 (Savage \$20,000, Rothschild \$10,000, and \$6,000 total from two others)
2. a 30-day note from Afton Land Company with my guaranty
3. a 60-day note from Afton Land Company guaranteed by the four incorporators of Afton Land Company—Trennery, Rothchild, Savage, and me.

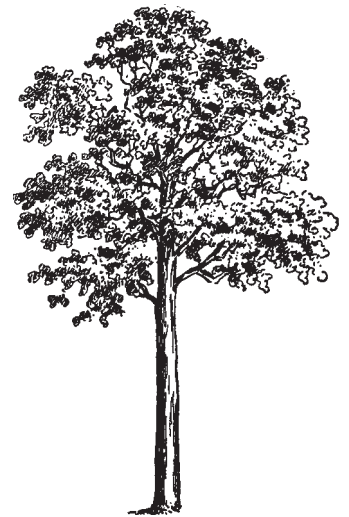
These items were in addition to \$5,000 already deposited by Afton Land Company to open its account with the bank.

So Afton Land Company on September 9, 1968, delivered to Roy Dosé a cashier's check for \$55,000. This allowed the company to take title to all his property at Afton, subject to its assuming the balance on Roy's mortgage to Northern Federal Savings and Loan Association—originally \$55,000.

Ultimately (according to Roy's affidavit of May 22, 1969), the Afton Land Company paid the \$220,000 purchase price in the following manner:

Cash	\$ 57,000
Assumption of Dosé's existing mortgage	43,000
Purchase money mortgage	<u>120,000</u>
Total	\$220,000

Now what about Donn Dosé's property, for which, initially, \$65,000 was to be paid in cash on September 1? First, Donn agreed to extend the closing by 60 days to November 1. This gave us more time to secure more cash. Second, we did close on November 1. How? Acting through Walter





Trennery, W. L. McKnight, doing business as the Scottish Company, lent Afton Land Company \$50,000 as evidenced by a promissory note at 6.25 percent interest due on or before November 1, 1971. This was secured by a first mortgage on the Donn Dosé property.

Likewise, on November 1, 1968, H & Val J. Rothschild, Inc., lent Afton Land Company \$23,000, secured by a second mortgage on the Roy Dosé properties. This was a way to obtain the cash to pay in full the \$66,000 (less \$1,000 earnest money) due Donn Dosé, plus \$20,000 to pay off two \$10,000 notes of Afton Land Company to secure the First National Bank loans.

How much in gifts, investments, stock, or notes of Afton Land Company (including the “extra” mortgage-secured loans from Rothschild and McKnight) had our fundraising efforts produced before the end of the year 1968? By November 1, 1968, we had acquired title to both the Dosé properties—more than 400 acres and close to a mile of shoreline on Lake St. Croix—for \$85,000, with gifts to the Minnesota Parks Foundation of \$8,000, loans to Afton Land Company of \$65,000, largely from W. L. McKnight, and purchases of 600 shares of Afton Land Company for \$60,000. The total was \$133,000.

We paid Donn Dosé in full in cash. Roy, as noted, received \$57,000 cash. A combination of Afton Land Company’s assumption of the balance of his existing mortgage to Northern Federal Savings and Loan Association, plus a \$120,000 purchase-money mortgage covered the rest of his \$220,000 purchase price.

The above transactions show how it was possible to secure a valuable and critical pair of properties through creative financing—with gifts of less than 3 percent of the total purchase price. This never would have happened without the dedicated support of a score of individuals sharing an interest in seeing the transaction through. The group included the 11 investors, most of whom forwarded the suggested \$5,000. Only Tom Savage, Kennon Rothchild, and William L. McKnight, acting through Walter Trennery, were responsible for substantially higher amounts—as loans on stock purchases.

This critical financial help, however, depended on the support and hard work of others, including the seven trustees of the foundation, the officers and directors of Afton Land Company, Ray and Marge Humphries and Bob and Audrey Kelley on the St. Croix, Paul Villaume and Pat Kelly, the realtors who obtained the Dosés’ collaboration, and my dedicated secretary, Mary Johnson. She typed all the letters and documents, kept the financial records, and, for posterity, kept and organized the files. And how could we forget Judge Hella, who helped us through? Neither the Minnesota Parks Foundation nor the Afton Land Company had any paid staff.

### **Options**

With the Dosé purchases accomplished, the 1969 session of the Minnesota legislature was about to begin. Legislative support, we knew, depended in part on our securing options on a substantial amount of the land needed for the 2000-acre park then proposed by the state’s Division of Parks.



So on December 12, 1968, the shareholders of Afton Land Company met with the noteholders and members of the Afton Park Committee, to decide whether it should try to secure options or enter into contracts of purchase for additional lands within the revised, proposed Afton State Park boundaries. After electing directors Howard Olson, Peter Popovich, and Raymond Humphries directors to serve along with Thomas C. Savage, Samuel H. Morgan, Walter H. Trennery, and Kennon V. Rothchild, the shareholders authorized the officers to retain Paul E. Villaume Company. The firm was to secure options on land within the Trout Brook area of Afton and to research ownerships—provided that:

1. payment not exceed funds advanced by the foundation for this purpose
2. compensation to Paul E. Villaume Company be fixed at 5 percent of the purchase price of lands for which options were secured, and
3. payments be contingent on ultimate exercise of the options.

Just a week later, we received this letter from Earl Swanson for the Bayport Foundation, dated December 19, 1968:

In line with our conversation of Tuesday afternoon, we are enclosing check in the amount of \$5,000.00 as a grant to the Minnesota Parks Foundation.

To confirm our understanding with you, this grant is to be used as payment for options on such parcels of land lying along either side of Trout Brook between the county road and the Afton Alps Ski area, the acquisition of which may be desirable in the judgment of your group, to be added to the Dosé properties and to complete an area which would create a highly desirable park.

It is, of course, understood that if some part of this grant is not used for option purposes, it is to be used for the acquisition of such lands.

We are pleased to confirm our previous commitment that our Foundation would make a further grant of \$25,000.00, making a total of \$30,000.00 to be used in the furtherance of Trout Brook Park. More specifically, the \$25,000.00 would be given with the thought that it would be used along with other funds for the acquisition of lands above described.

With this fine “Christmas present,” we were in business. Paul went to work to find out who owned the tracts of land to the north, south, and west of the Dosé properties. Hella’s Division of Parks started to draw preliminary boundaries. No one could be certain of park boundaries until the legislature established a park at Trout Brook and designated the land to be included.

After developing ownership information for the general area of the proposed park, Villaume and Kelly asked me to accompany them on their calls. At first, we gave consideration even to land along Trout Brook west of County Highway 21. But we gave up on that as soon as the Division of Parks made plans excluding land for a park west of that highway.

*Villaume  
and  
Kelly  
asked me  
to accompany  
them  
on their calls.*

*I recall  
many trips  
in the winter  
of 1968–69,  
often  
over icy roads.*

We made contact with every property owner within the proposed park area except for John and Grace Stoltz, owners of river frontage north of the Dosé property. We understood they were opposed to a park.

I recall many trips made in the middle of the winter of 1968–69, often over icy roads. We developed interesting, pleasant acquaintanceships with the property owners. Oliver Charley, a farmer just north of the Dosé property, was known far and wide for the many bluebird houses he set up to help to bring those beautiful songbirds back to the St. Croix valley. Tom Keen, paralyzed from a diving accident, was a strong park supporter, full of information on land ownership in the southern area of the proposed park. I discovered that Harold Shugard, retired manager of advertising at the *St. Paul Pioneer Press*, had converted to year-round use the summer cottage that my friend from schooldays, the late William West, had built years before. Natalie and I had visited when it was under construction. Later, after the state's acquisition of the Shugard property, the home served as the initial park headquarters and meeting place.

Some property owners were not ready to sell or grant options on their property. But we were able to purchase or secure options on hundreds of acres of the land within the proposed boundaries of the proposed park. The options and grantors included Harold Shugard, Doris Beedle, and several others. By the time a bill to establish Afton State Park came before the 1969 legislative session, so much of the proposed park was held by or optioned to Afton Land Company (more than 800 acres in all) that a viable park was assured. This success owed a great deal to the thorough work of Paul Villaume and Pat Kelly in discovering the owners of the parcels, in arranging meetings, and above all, in the impression they made on landowners. Owner Doris Beedle wrote:

Monday, April 19

Dear Sam:

Thank you for your help in getting me up to date on our land statements and payments. You are such a nice person to know and to do business with. Afton Park will always bring to mind the pleasure of meeting and getting to know you, Paul and I'm not sure of her name but I think Pat Kelly.

Sincerely,

s/ Doris Beedle

So the fierce opposition to the creation of Afton Park came not from those we approached about selling their land but from others opposed to any park as "people pollution."

### **Afton Park Legislation**

Rep. Howard Albertson and Sen. Robert Brown, through their dedication to the cause, made passage of the Afton Park bill possible. While these two were our stalwart principal authors, well-respected coauthors were important,



## Afton State Park



too. Dick O'Dea from the White Bear Lake area coauthored with Albertson on H.F. 2443, and in the Senate Henry McKnight and Bob Ashbach were coauthors with Bob Brown on S.F. 1690.

With bills introduced for establishing and financing the purchase of the land for Afton State Park, the time was ripe for referring the bills to the appropriate committees. The bills' opponents, however, were ready to take any steps to stop the park. On March 8, 1969, they secured resolutions by the Washington County and Afton township boards that called for a thorough feasibility study. Following on the resolutions, I received a call from Bob Edmond, executive secretary of the Legislative Committee on Outdoor Natural Resources (predecessor to the Legislative Commission on Minnesota Resources, or LCMR ), to the effect that no legislative action would be taken until a feasibility study was done. Such studies were costly and generally took a year. The existing options would expire if the 1969 session did not pass the bill.

*How could  
we get  
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How could we get a quick study? Aware that Howard Dahlgren's Midwest Planning and Research organization had done studies in Washington County, I called on Dahlgren for help. He believed he could have a study ready for us by the end of March. In view of our financial situation, he agreed to do the job for half his usual price. The result was the due receipt on March 31, 1969, from Midwest Planning's Howard Dale of *A Study of the Proposed Afton State Park* in a pink binding, with enough copies for every legislator. Paul Villaume and I immediately went to the capitol to stuff a copy in the individual message cubbyhole of every member of both Senate and House. Another hurdle jumped! Now the bills could be referred to committee.

By early April 1969, the Minnesota Parks Foundation, directly or through its Afton Land Company, held by purchase or options 827 acres worth \$876,000 on the St. Croix, at the mouth of Trout Brook. A study was in the hands of every legislator. It was time for the legislative battle to begin. First, the committees involved in finance and environment held hearings in both the House and the Senate. We had to be prepared to answer every objection. These included that the land was too expensive, the quality of land poor; and waste management prohibitively expensive. Taxes would be lost, the opponents said, noting that highway-access upgrades, fencing, and litter as well as waste removal costs would be high. They cited the railroad as a barrier to the river, beach areas full of dangerous quicksand, and finally, that the shareholders of Afton Land Company were simply out to make a financial killing.

We answered the objections with carefully prepared pro-park presentations. For example, at the House hearing on April 16, 1969, after introductions by the House authors, I, as chairman of the Minnesota Council of State Parks and vice president-secretary of Afton Land Company, showed slides demonstrating the beauty of the site. I pointed out that it surely would be lost to development if the legislature did not act immediately.

Milt Krona, park planner for the Minnesota Department of Conservation showed the proposed park's boundaries and its location related to other metro-

area parks proposed in the governor's \$10,000,000 bonding bill: Carver, Sunrise (on the upper St. Croix), and Pine in Isanti County. He explained how the Afton site was part of the recreational development of the lower St. Croix. The Metropolitan Planning Commission and U.S. Senator Walter Mondale's bill to add the lower St. Croix to federal Wild and Scenic River legislation had envisioned exactly that. He also explained generally the department's development plans for the proposed park.

Next, I explained how substantial funds for acquisition had already come from dedicated citizens, making it possible to acquire or hold options on nearly half the total proposed park area. This was just one example of the citizen support given our state park system.

Then Reuel Harmon, in his capacity as chair of the Governor's Advisory Commission for Economic Development, pointed out the importance of parks particularly in the metropolitan area not merely for tourism but as an aspect of Minnesota's quality of life, necessary to promote industry in Minnesota. He closed with a plea to seize this opportunity *now* or see it slip from our grasp forever.

Ray Humphries, as president of the nearly 60-year-old St. Croix River Association and chair of the Afton Park Committee, rebutted the opponents' objections. After addressing the cost, highway congestion, and tax-loss issues, he stated the real reason for opposition to the park. Some residents near the proposed park had been sold on the idea that outsiders would overwhelm the area, change its rural character, and threaten adjacent property with snowmobiles, teenage parties, and irresponsible acts.

Ray said: "When Bruce Brink [a spokesman for opponents] told you he regarded the area as 1,700 acres of corn and hay with 400 acres of steep slopes, I couldn't believe my ears." He said this did not jibe at all with private conversations in which Brink had stated: "The only way to preserve this magnificent area for future generations is to restrict its use by the masses rather than encourage it."

Humphries added that we were equally interested in preserving this magnificent area for future generations. He offered, as proof of the compatibility of parks and rural communities, the village of Marine on St. Croix near O'Brien State Park. James Taylor Dunn, a summer resident there for more than 50 years, had made a personal survey there, which found the park and its visitors welcome.

In summary, Humphries stated that the opposition's demand for an extensive feasibility study was only a device to stall legislative action so that the financial holding action of the Minnesota Parks Foundation would fail. He said the hope for the area to remain undisturbed was not founded on reality.

Our next witness was John Currell, a Washington County resident and a member and past president of the Institute of Land Realtors. He emphasized the rapidly increasing sales price of land in Washington County. He said people who could not afford to buy land should have a place to go, specifically to enjoy the St. Croix River.

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Chester Wilson, 12 years Commissioner of Conservation, emphasized:

1. The proposed park site was close to the state's center of population and was in one of the fastest-growing areas in the metropolitan area. It would give working people who couldn't afford to travel and take vacations a nearby place for outdoor recreation;
2. This was the only site between Stillwater and Prescott with beaches and river access equal to this one; and
3. If the state did not act now, the site would soon be in the hands of developers.

In closing, he pointed out from experience that the very people opposing the park would one day *love* it!

The hearing for park proponents closed with short presentations by a representative of St. Paul's Mayor Tom Byrne, Clement Springer for the Citizens League, Sen. Robert Brown, and coauthor of the bill in the House, Richard O'Dea.

While not all the hearings involved presentations as lengthy as this one, at least three of them did. Although such presentations were convincing enough to ensure favorable committee action, we knew further contacts with legislators were essential to passage. So on April 22, 1969, in a meeting at the Minnesota Club, we made the following assignments:

- Elmer L. Andersen would talk personally with old Senate friends
- We would arrange for legislators a tour of the park followed by dinner at Afton House
- We would acquire data from the Corps of Engineers to contest claims that there was no beach, etc.
- Reuel Harmon would call Gov. Harold Le Vander
- Chester Wilson would contact Sen. Don Wright
- Sam Morgan would visit Senator Grant
- Tom Savage would visit Senator Hanson
- Thomas Ellerbe and Reuel Harmon would call Senator Ashbach
- Sam Morgan and Paul Villaume would visit Senators Herren and Rosenmeier
- We would distribute *Issues and Answers* pamphlets to legislators in key counties and committees.

Some 30 years later, I can't report how completely the assignments were carried out, but I can say that immediately after that meeting, Paul Villaume and I met with Senator Rosenmeier at the Minnesota Club. The senator was generally supportive and said he would read his copy of our "feasibility study" to familiarize himself further with the site for the proposed park. In that era, the support of powerful key legislators like Rosenmeier generally ensured a clear run for passage.

But with passage so near, we could expect another roadblock. Sure enough, on May 22, at 5:00 P.M., the end of an exhausting day for my secretary, Mary Johnson, the telephone rang. Our chief House author, Howard Albertson, asked to have in his hands by 9:00 the next morning an affidavit to rebut evidence that the shareholders of Afton Land Company

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were purposing to resell the Roy Dosé property to the state for a price far above the amount it had paid him. I realized immediately that the apparent discrepancy was based on the exclusion of Dosé's mortgage from the price indicated by the stamps on the deed from Roy to Afton Land Company.

We had the records needed, and a surprise call from CBS Radio for information on Warren Burger lightened our evening work. When I asked why, the caller answered, "Don't you know President Nixon has nominated Burger for Supreme Court Chief Justice?" After giving the caller what information I could, working out the affidavit to save Afton Park seemed easier. One more hurdle surmounted!

What next? Word that, if we hoped for passage, we would have to cut back the size of the park. So another late night's work. This time Mary Johnson and I met with Chester Wilson and Judge Hella in the DNR engineering office. We preserved the slopes of the Trout Brook ravine by means of scenic easements. We cut back on the non-Dosé riverfront properties, including 27 acres on the north end with a fine beach owned by John and Grace Stoltz. They used it simply as an anchorage for their boat on occasional weekends.

By Monday morning we thought we had the perfect revised bill to deliver to our authors. Did we indeed? When we walked into Senator Brown's office, he took one look at the bill and exploded. "I can't support this bill! You're just trying to give in to rich lumbermen . . . It's outrageous." Before we could respond, he stormed out and headed straight for Governor Le Vander's office. He barged right in on the governor in a tirade, an experience later recalled by Le Vander.

How should we meet this outburst from one of our chief authors? Back to the drawing board again. We put the Stoltz property back in with the tacit understanding that no attempt would be made to buy the property as long as the Stoltzes lived. Then, by cutting back some of the nonriparian parcels, including several pieces already purchased on the north, we were able to satisfy the legislature, and we assumed, assure the passage of the bill.

The state kept its word as long as the Stoltzes lived. Years later, after the death of both John and Grace Stoltz, we helped the state purchase the property from the estate by raising the \$140,000 difference between the asking price and what the state could pay. How easy it was—just a letter to our original "investors" or their heirs. Why weren't they more ready to make substantial gifts back in 1968 or 1969? As we have since learned, it is hard to get gifts for a park when no one knows whether there will even be one.

So, as the legislative session drew to a close, both houses passed the Afton bill as amended and sent it to the governor for signature. At last all was well. Victory was ours, wasn't it?

Days passed. Why didn't we hear of a signing? Soon the ten days the governor had to sign bills, or in effect give them a pocket veto, would expire. What was wrong? Finally, I received a call (not from the governor's office) that letters and telegrams were flooding the governor with news that Savage, I, and others would pocket a profit from reselling to the state the lands we had acquired for the park. Governor Le Vander would not sign.

Ellen Green



*Afton State Park*



*Restored prairie at Afton  
State Park*

We immediately arranged a meeting with the governor. Chester Wilson, Ray Humphries, I, and one or two others explained the situation. We presented the record of gifts, showing that rather than profiting from the transaction we had made gifts totaling more \$100,000.

So—signed at last! What did it matter that as we celebrated victory at the St. Croix River Association meeting at River's Edge near Stillwater, I was being burned in effigy in Denmark township?

With funding available, the state in due course purchased the land that the Minnesota Parks Foundation as Afton Land Company had acquired—except for the pieces on the north tract that were cut out in the final legislative compromise. This north strip was added back in by legislation passed at the 1973 session. Already, then, the prices for land in the Afton area were up substantially. As noted elsewhere, the early purchases were beneficial to the Minnesota Parks Foundation.

The state was reimbursed by federal funds for close to half its initial land costs. I recall so well going with the federal HUD (Housing and Urban Development) people from Chicago to view the Afton Park properties. After-wards we stopped at Luerk's in Afton Village for beer and the famous Luerkburgers. So it might be said that the State of Minnesota received a gift of about \$400,000 from the federal government for the price of a few Luerkburgers and some beer.



## 5 The O'Brien State Park Expansion

The Minnesota Parks Foundation had just recently recovered from the battle for Afton Park and begun routine activities when it decided to take on another major project—the 1973 O'Brien Park expansion.

The first state park in the entire seven-county metropolitan area was not Afton, not Fort Snelling, but William O'Brien State Park on the St. Croix, at the northern edge of Marine, nearly halfway up the river from Stillwater to Taylors Falls. Its namesake, William O'Brien, was a wealthy St. Croix Valley lumberman who had a home in Marine on St. Croix. Some years after World War I, William gave his daughter Alice, who had driven an ambulance in that war and never married, a beautiful pine-covered property just north of Marine. There she built a seasonal residence of her own.

After years of enjoyment, Alice felt the time had come to dispose of this property. A series of meetings with Judge Hella, director of Minnesota State Parks, led her to donate the property for a park named in honor of her father. By 1970, through a series of acquisitions including the gift of Greenberg Island, the state developed a park based on the river but including a campground west of State Highway 95.

By 1971 the DNR conceived of another expansion, an extension of the park west of the Soo Line to take in hilly land ideal for cross-country ski trails. Hella presented the plan at one of the foundation's informal Athletic Club luncheons. I was not able to attend, but I have been told that Tom Savage said to Judge, "Be sure Sam learns about this before a bill is introduced as he has such intimate knowledge of the St. Croix." In any event, the DNR went charging ahead on its own with a bill to extend the park's statutory boundaries to various Marine streets, including the residences of two or three of the members of the village council. *That* park expansion bill went nowhere.

We all got on board for a new try at the 1973 session. A number of Marine residents strongly favored an expansion. To ensure no mistakes, we invited a representative of the Planning Commission of New Scandia Township (where most of the expansion would occur) to a gathering at our Tanglewood Farm at Marine. Following Natalie's delicious lunch, we pored over maps and eventually drew boundaries that we felt would raise no opposition.

In due course, a bill was drawn, introduced, and seemed to be on the way to passage. Then Lowell Bengston, who had approved inclusion of his

Ellen Green



*William O'Brien State Park, near Marine on St. Croix*

property, threatened to kill the bill. It turned out that Bengston was entering into a contract to sell a piece of his property included in the proposed addition and that the purchaser had phoned Steven Ladd, chair of the Marine Planning Commission. Ladd told Bengston the commission might raise questions about granting a building permit since the plot in question was within park-addition boundaries. Our legislative supporters wanted to know whether the foundation would agree to an amendment to exclude the Bengston property—"Or do you want to hang in there and risk losing everything?" It took me about five seconds to say, "The Bengston property must come out." And so to this day, on the map of O'Brien State Park, a long finger of non-parkland extends into the park, just east of the railway where Highway 4 turns west to go under the track.

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Although we saved the project from the Bengston problem, the delay incurred in getting legislation through very nearly cost the state any chance ever to acquire key parts of the land west of the railway. In 1971 when the state first tried to get its bill through, the owner and occupant of key acreage west of the tracks assured everyone that he planned to farm and live on the property the rest of his life. Presumably there was no need for the state to call in the Minnesota Parks Foundation to save the day. Not so.

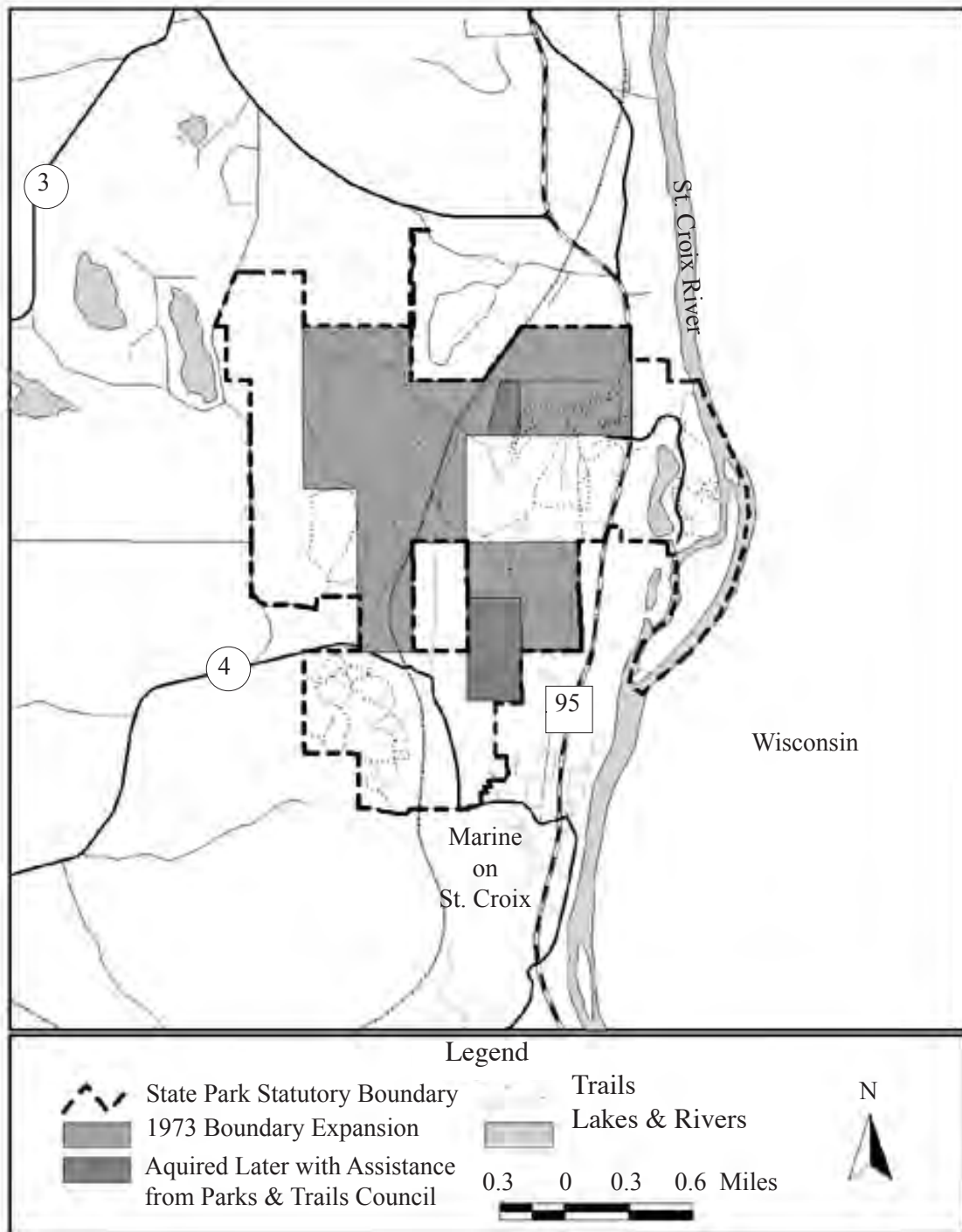
While the state was missing its first chance to get a bill through and so be in a position to purchase, the "lifelong resident" sold his entire property to local partners Sandager and LaBelle. Proceeding to develop the property for home sites they soon built a road through the northerly portion of their purchase. The situation constituted a call for action by the Minnesota Parks Foundation. The state could do nothing until it a bill was enacted at the next legislative session. By then, it would be too late.

The foundation was still without any substantial land acquisition fund, but it did have an asset in the land acquired at the north end of the proposed Afton State Park but cut out of the bill before approval. So we moved. On August 21, 1972, we were able to report to the board that Sandager and LaBelle had generously agreed to hold off from immediate development the southerly portion of their property. They further agreed to give Minnesota Parks Foundation the option until October 2, 1972, to purchase that southerly 197 acres, for \$137,000. The down payment would be a minimum of \$40,000.

The foundation exercised its option on the key Sandager and LaBelle property, purchasing it for \$137,000 with a down payment of about \$60,000. The balance of \$75,970 was payable in 12 installments over three years.

Where did the foundation get the wherewithal? By great good fortune, the Ober (now Mardag) Foundation made a grant of \$100,000. Of this, \$25,000 went to the Metropolitan Park Foundation and the remaining \$75,000 to the Minnesota Parks Foundation for its O'Brien Park expansion effort. In addition to this \$75,000, there became available \$5,000 from the Alice O'Brien Foundation, \$4,000 from the Minnesota Parks Foundation's available cash resources, \$2,000 from a couple of Marine residents, plus \$4,000 (half the commission on his sale of the Sandager and LaBelle property) from Jack Jordan, a Marine resident and real estate agent.

## William O'Brien State Park



The Minnesota Parks Foundation soon had some \$90,000 toward exercise of the Sandager and LaBelle option plus other properties needed to complete the O'Brien Park expansion. So the foundation could exercise its option and still acquire options on most of the remaining parcels. This may give the picture of a risky project, but after Afton, O'Brien was a breeze.

With the Sandager and LaBelle property secured, we felt it essential to follow our Afton precedent. That is, we wished to acquire or have under option as much of the proposed 850-acre addition as possible before going to the legislature for approval.

With Paul Villaume again on board as our purchasing agent, we succeeded in securing options and purchase contracts on almost all the tracts included in the proposed addition. The following summary shows the prices paid by the foundation and the amounts received from the state.

These tabulations are not absolutely precise, but they are close enough to give a picture of how the project turned out. In summary, Minnesota Parks

### **Summary of O'Brien Park Expansion Purchases**

Sandager and LaBelle, 197 acres	Price Paid	\$137,000
Option July 1972	Price Rec'd	<u>122,850</u>
Contract for Deed October 9, 1972	"Loss"	\$14,150
Corrigan, 80 acres	Price Paid	\$117,200
Option October 25, 1972	Price Rec'd	<u>114,000</u>
Purchase Agreement October 31, 1973	"Loss"	\$ 3,200
Jannach	Price Paid	\$50,000
Option October 30, 1972	Price Rec'd	<u>42,625</u>
Election to Purchase November 13, 1973	"Loss"	\$ 7,975
Carl Louis Anderson, 175 acres	Price Paid	\$45,000
Option October 16, 1972	Price Rec'd	<u>54,53</u>
Election to Purchase May 31, 1973	"Gain"	\$ 9,530
Alice Reed	Price Paid	\$13,200
Option November 13, 1972	Price Rec'd	NA
Election to Purchase November 13, 1973	"Loss"	NA
Janz	Price Paid	\$120,750
Option January 2, 1973	Price Rec'd	<u>110,291</u>
Election to Purchase November 13, 1973 (4-year contract, 7 percent interest)	"Loss"	\$ 10,459
Swing	Price Paid	\$27,072
Option January 22, 1973	Price Rec'd	<u>20,302</u>
Election to Purchase November 1, 1973	"Loss"	\$ 6,770

Foundation purchased the proposed additional 750 acres for O'Brien Park, with one or two exceptions, for a total purchase price of about \$510,000. It did so using available funds totaling no more than \$90,000, then reselling the land to the state for about \$40,000 less than its total purchase price. Considering the rising prices generally and the prices of land around Marine on St. Croix in particular, we probably would have to pay more than \$10,000 an acre today. This compares to an average of less than \$1,000 per acre paid in the early 1970s. The state's bargain is evident. Even then I felt some of the state's appraisals were low—particularly for the small piece we bought from Alice Reed for \$13,200. The state's appraisal was much less.

Keep in mind that we solicited gifts, including the \$75,000 gift from the Mardag Foundation, with the understanding that the entire grant might well be paid out. Only perchance it was not fully spent by the time the state repurchased the property would anything be left for the Minnesota Parks Foundation's land-acquisition fund. On that basis we could say that more than half the \$75,000 Mardag grant became available for future projects. All this ignores the costs incurred in taxes, interest, commissions, title examinations, and the like—and at the time, we had no paid staff or rentals.

Several experiences during the O'Brien Park expansion stand out. I certainly enjoyed the weekend at Tanglewood Farm when several of us including Ray Humphries, who played such a part in the Afton Park project, went skiing through the DNR's proposed expansion area. It immediately struck us as a potential public cross-country-ski area. The experience provided us special incentive to do everything possible towards its acquisition.

I'll never forget when Pat Corrigan, son of an Episcopalian bishop, refused to deliver a deed to his property without at the same moment receiving a check for the purchase price. Everyone else I had dealt with, ever, had accepted that the state would not deliver its warrant for a land purchase until *after* the deed was recorded, the abstract updated, and its title found in order. What could we do? We went to Russ Johnson at First National Bank of St. Paul. He immediately lent us \$114,000, secured by a short-term mortgage. In those days, we were able to get from the bank the kind of service the Parks & Trails Council of Minnesota currently receives from the Kirchners' Richfield Bank and Trust Company.

On another occasion I received a telephone call from Paul Sharood, then chair of the Ramsey County Bar Association Ethics Committee, which handled possible disbarments. He had just received a complaint from a former owner of one of the O'Brien Park expansion tracts. The owner claimed that while it was still in private ownership I had ordered her handicapped nephew off his own property. I knew nothing of the incident. Apparently, a park officer thought the land had already been acquired (though record title was still in private ownership pending a probate-court order authorizing the sale).

Then there was our sale of the charming Carl Louis Anderson house to the Dunn brothers. The house should have been left for the DNR to burn, as it normally did with old farmhouses on property acquired for parks. This particular property was not just an ordinary farmhouse but an early Marine

Ellen Green



O'Brien State Park



*The Samuel H. Morgan Trail/Interpretive Center at William O'Brien State Park, near Marine on St. Croix, Minnesota*



Ellen Green

home that many years before had been moved onto the C. L. Anderson land. The ceilings on the second floor were so low that those of us over six feet had to stoop, but this only added to its charm. In response to our ad, the three Dunn brothers—Jack, Montfort, and Jim—marched into our office and delivered a check to Minnesota Parks Foundation for \$500. Today this house forms part of Montfort's home in Marine. I hope that at this late date no demand will be made on the Parks & Trails Council for the \$500 plus interest.

Since the 1972–74 O'Brien project, the expansion area west of the railroad has become a key part of the course for the annual Marine cross-country-ski race. After once doing that course, I was for several years called on to participate in awarding prizes to the winners. The biggest surprise for me occurred in 1985, when I suddenly learned of a ceremony naming the O'Brien State Park trail/interpretive center for me. Now it is called the Samuel H. Morgan Trail/Interpretive Center. Also, Gov. Arne Carlson declared August 11, 1992, "Samuel H. Morgan Day" in honor of my work to improve the environment.

Further acquisitions, such as the Kingston 80, which the Parks & Trails Council negotiated, and a series of gifts by Peter Anson from his extensive holdings west of Highway 4 have enlarged the park since the early 1970s. I have had the satisfaction of playing some part in all of those additions.

## 6 After Afton

The battle for Afton Park and the O'Brien Park expansion in due course resulted in the Minnesota Parks Foundation having enough cash to remain active in acquisition matters and to support several publication projects. Between the gifts of Afton Land company investors, the "profit" made on resale of lands to the state—especially after 1974—and the excess of gift values over "losses" in the O'Brien Park expansion, the foundation accumulated well over \$100,000 of "capital." Thus it had the wherewithal to finance modest land projects and publication ventures. The Minnesota Parks Foundation was fortunate to develop a helpful relationship with the Bush Foundation, particularly through its senior associate Stanley Shepard.

### Post-Afton Land Projects

An addition to Minneopa State Park near Mankato was one of the first projects for which the Minnesota Parks Foundation assisted with or supplemented local fundraising. This case involved the purchase by the foundation of 25 acres for the park from Williams Pipeline Company. The foundation helped the local group put on a fundraising banquet that raised \$15,000, just \$6,000 short of the \$21,000 asking price. In due course all the money was raised, the option was exercised, and the property was transferred—on December 1, 1970, from Williams Pipeline to the foundation. In June 1972, the foundation transferred the property to the state as a gift. As a 501(c)(3) nonprofit corporation, the foundation could act for the local group.

A crisis occurred at Blue Mound State Park in southwestern Minnesota when the state appraisal for Frederick Manfred's residence, clearly worth more than \$60,000, came in at just \$34,000. Our foundation could not prudently contribute the \$30,000 shortfall, but we were able to persuade the Bush Foundation to contribute the money needed.

The Nature Conservancy, though a much larger land-acquiring agency than Minnesota Parks Foundation, occasionally called on the foundation, primarily because of its policy of never selling acquired prospective parkland at a loss. In 1974, for example, the foundation agreed to cover a potential shortfall of \$4,200 on a Sibley State Park tract that conservancy was purchasing for resale to the state. In the end, however, there was no shortfall.

Ellen Green



*Myre-Big Island State Park, near Albert Lea*

The opportunity to back The Nature Conservancy on a large scale came with an addition to Banning State Park. As I recall, the state was eager to include a small addition there. The park already included the Kettle River above Sandstone with its major rapids and reminders of the quarrying there a century ago. The proposed addition included a tributary stream with unique features, including a natural stone bridge that greatly impressed me.

John Driscoll, the owner, had put the property in the hands of Taylor Development Company. The developer proposed platting it into lots without any regard for the stream or its unique features. This 360-acre tract had been appraised for Driscoll at \$220,000 compared to a state appraisal of \$135,000. The Nature Conservancy asked us for help as the asking price was substantially above the state's appraisal. I prepared a memorandum of alternatives including a bargain sale by Driscoll. The foundation ultimately decided not to guarantee The Nature Conservancy against possible loss. The Driscolls eventually sold the entire property to the state for \$148,000, just 10 percent over its \$135,000 appraisal.

In 1977 the foundation made a substantial loan, \$25,000, to the Bayfront Association, a project supported by Albert Marshall's two sisters in Duluth. This project involved converting disused commercial shipping facilities in Duluth harbor to environmentally attractive pleasure-boat docking and other appropriate uses. Eventually the loan was paid off with a \$1,000 gift from the foundation to the Bayfront Association.

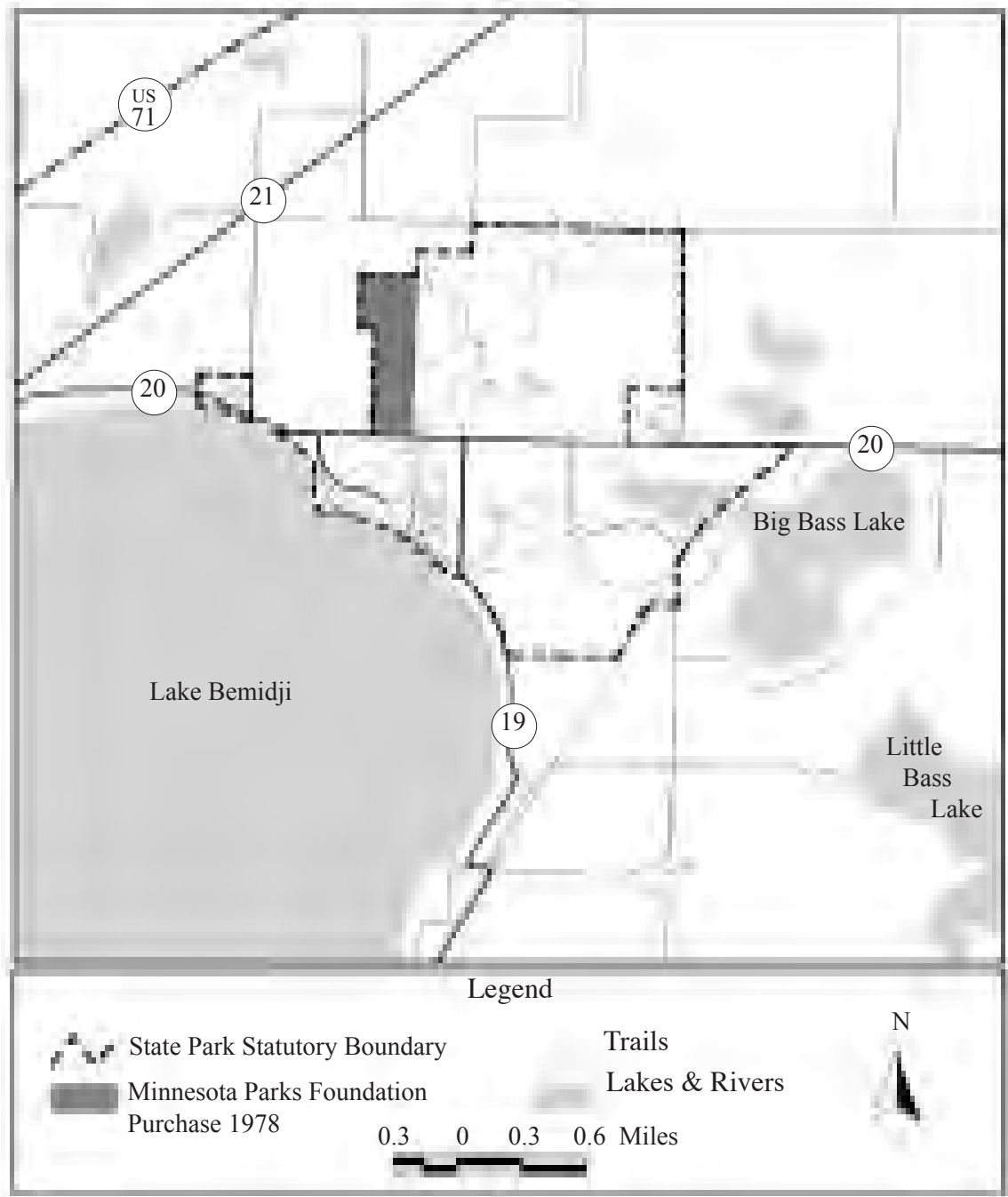
The Lake Bemidji State Park addition is the best illustration of the way Minnesota Parks Foundation could act quickly in an emergency, through its seven-member board. On June 15, 1978, Tom Savage and I got word from State Parks Director Don Davidson that a crucial strip of land lying between the Bemidji Golf Course and Lake Bemidji State Park was to be sold at public auction two days later. There were rumors of an interested developer. We didn't know what price we should be prepared to pay, but we put a top figure at an even \$100,000, all we could afford. We secured telephone authority from the other directors. The nearest Council of State Parks member was Wes Libby, Grand Rapids. He agreed to go to Bemidji for the bidding. We entrusted Don Davidson as the bearer of our check, already signed but with the amount left blank. The result was a winning bid for a bit under our \$100,000 limit.

The 1979 legislative session authorized inclusion of the tract in Lake Bemidji State Park. On February 27, 1980, Minnesota Parks Foundation received \$97,800 for its sale to the state. We computed the foundation's "profit" after out of pocket expenses at \$26.42. A real success!

Sometimes a minor purchase has its lessons. In the 1930s the state had erroneously built its equipment shed for Flandrau State Park on land actually in private ownership. After learning of its mistake, the state couldn't seem to finalize a purchase with the original owner. Alas, he left many heirs, and the matter became a foundation project. We purchased at \$4,500 a parcel of land, for which finally, on September 24, 1985, the foundation received from the state \$4,950. But "profit" is hard to conceive as I recall dealing

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## Lake Bemidji State Park



with DNR representatives in Rochester and in St. Paul at both the Warner Road office and Lafayette Street state headquarters. We must have dealt with at five different DNR park personnel, managers, district managers, and attorneys. I cited this project in response to a survey about streamlining government!

The first Helmer Myre-Big Island State Park project was unique in the foundation's agreeing to work with private parties through matching funds. On July 19, 1976, the foundation's board voted that up to \$25,000 would be donated for land acquisition for the park, based on matching private donations dollar-for-dollar, over three years. In 1978, 1979, and 1980, donors pledged \$11,785 toward park acquisition. A few years later, in 1986, the foundation acquired 61 acres with 4,360 feet of frontage on Albert Lea Lake for \$61,000, from the William Atchison daughters. But when the foundation sold the property to the state on May 6, 1987, it received only \$54,780.

When the state wanted to purchase the site of a long esker at Helmer Myre-Big Island and the asking price seemed too high, it resorted to condemnation with a jury trial. Incredibly, the jury brought in a verdict just \$100 over the state's offer. Likely the seller was a professional developer.

Morrison County's 18th-century French fur-trading wintering post (M020) and its adjacent early-18th-century Methodist Mission comprised a fascinating project. Our foundation acquired the fur-post property with grants from the Bush Foundation. For the mission site, we purchased two groups of lots for \$25,000 and \$30,000 respectively, with gifts from the Irrevocable Trust of Sarah Maud Weyerhauser Sivertsen.

The foundation gave all these properties on December 29, 1987, to the Minnesota Institute for Archeology with the proviso that if the county ever purchased these properties from the institute, the foundation would received 20 percent of the net proceeds. This project was unique for its primarily historical and archeological rather than environmental importance.

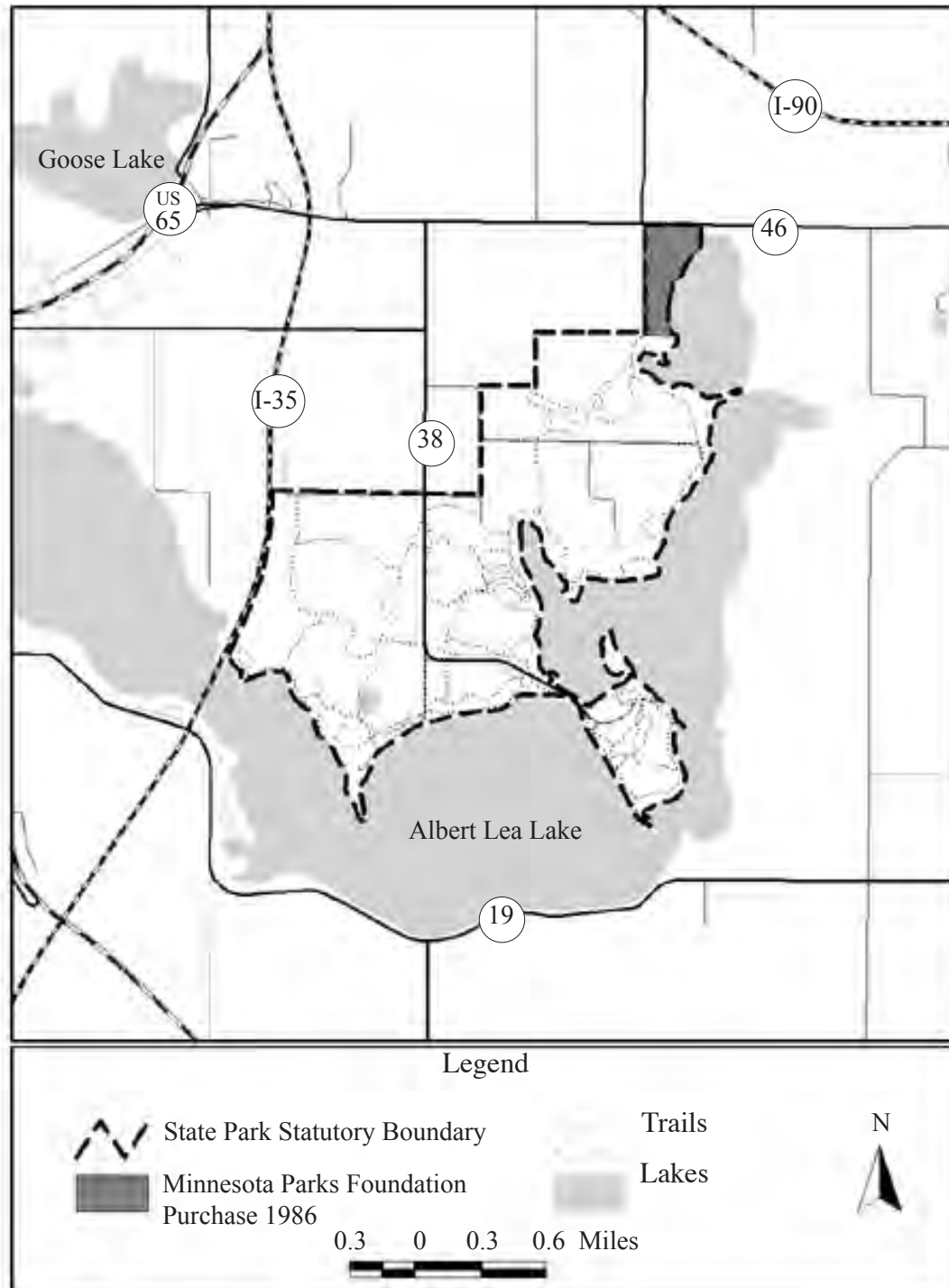
Ellen Green

*Myre-Big Island State  
Park near Albert Lea*





## Myre-Big Island State Park



*Myre-Big Island State  
Park*

Ellen Green



The foundation's first venture in a county-administered regional park involved acquisitions for Harriet Island–Lilydale Regional Park. Earl Marlow asked the foundation for help in acquiring land, particularly the bluff properties along Sibley Highway. (Metropolitan Parks Foundation had been liquidated, with its remaining cash assets in large part turned over to the Minnesota Parks Foundation.)

The most important bluff property was that of Twin City Brick Company, formerly an enterprise of the Ted Koch family. The mining of clay on the property had exposed extensive beds of prehistoric fossil seashells now 100 feet or so above the Mississippi. I remember being taken there with a class of Summit School elementary students before I was ten years old. This was my first exposure to evolution, and I have never even thought of being a creationist since then.

The Bush Foundation approved a grant to the foundation of \$130,000 toward purchase of the Lilydale tracts, so we felt in a position to bid on the brick company's land. While options were obtained for \$92,000, Twin City Brick's bankruptcy finally resulted in a sale to the foundation for only \$70,000. Other, smaller tract purchases included properties of Mathew C. Madsen, C. E. VanFelt, Ione Swanda, and Robert Brackey (who had operated a junker-car and used-parts business in lower Lilydale and later bought 710 Linwood, our family home from 1918 to 1958). Eventually, Brackey's Lilydale property was condemned by the Minnesota Highway Department, so the foundation lost the money it had paid for an option.

Economics Laboratories (Ecolab), which had its research facility on Sibley Highway, agreed to donate its vacant land on the bluff side for the park. During this transaction, I became well acquainted with Eco's Bill Podas, father of Christine Podas-Larson, the sparkplug behind Public Art St. Paul.

### Our Publication Ventures

When we incorporated the Minnesota Parks Foundation, Judge Hella particularly envisioned publications as something of lasting importance for our organization. So, from its beginnings, the foundation became so involved.

On October 22, 1970, Hella wrote the foundation to request funding of a state park film by Maxham Film Productions. On November 13, 1970, the foundation put up \$7,500 so Maxham could begin. The next summer, the foundation advanced to Maxham second and third investments, bringing the total to \$21,485. The foundation never received reimbursement from legislative appropriation or from LCMR, but on April 30, 1974, we received a \$13,989.99 partial reimbursement from the DNR's service center.

The foundation's next "publication" assistance occurred in 1973 when it committed \$6,513 to the printing of 50,000 additional copies of the May-June *Conservation Volunteer*, featuring Minnesota's state parks.

We got into the publishing business on November 16, 1974, when we authorized \$9,000 for what we hoped was the beginning of a permanent, revolving publications fund. At its 1975 meeting, the board approved its first parks booklet—*Tower-Soudan Mine State Park* by Mike Eliseuson. At the December 3, 1976, meeting, commitment was made for *Whitewater State Park* by Newell Searle. In 1977 *North Shore Parks* was authorized. The last booklet was *St. Croix Valley Parks* by James Taylor Dunn.

While all these booklets were well written and attractive, we had not realized the distribution problems we would encounter. We expected the DNR would take an active part in offering them for sale in state park visitors' centers. We had no staff to handle this work. I remember stopping at the popular Gooseberry Falls Visitors' Center and finding that the staff there had never even heard of our North Shore Parks booklet, though it offered many other books for sale. Even when the DNR began working with us, the complexities of fixing royalties, applying for tax exemptions, and the like made it evident foundation trustees had neither the time nor inclination to engage in a project of this kind. Eventually, the DNR agreed with us on a price for the entire remaining stock of park booklets, and both parties said, "a job done."

One expense for which we never requested reimbursement was \$2,000 for the publication of Judge Hella's *Quest for Excellence: A History of Minnesota Council of Parks 1954–1974*.

The lesson we learned from these publication endeavors was that while making a grant for a publication or film related to parks may be appropriate, expecting reimbursement or becoming involved in continuing distribution other than membership promotion may be a mistake.

Ellen Green



*Myre-Big Island State Park*

## 7 From Rails to Trails

*Cross-country  
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In the 1980s the most important activities of the Minnesota Parks Foundation involved the acquisition of abandoned railroad right-of-ways for trails. The large-scale abandonment of railroad branch lines as well as competing main lines as a result of trackage agreements and mergers coincided with a great interest in “linear sports.” Cross-country skiers, snowshoers, snowmobilers, cyclists, joggers, and in-line skaters—all wanted more and longer trails than conventional parks could provide.

### **The Soo Line Trail**

The Soo Line Trail, which eventually made legal history, began with the abandonment of the easterly ten miles of the Soo’s little-used Wisconsin Central track running from Trout Brook Junction in the “railroad avenue” in St. Paul to Carnelian Junction in Washington County. In 1911, the Soo Line took over the Wisconsin Central between the Twin Cities and Chicago (now the reincarnated Wisconsin Central Limited) and built a connection between its main line at Withrow and its Wisconsin Central line at Carnelian Junction. Though Twin Cities-to-Chicago freight trains used the line between Withrow and Carnelian Junction, daily passenger trains ceased operating by 1970, and Soo Line abandoned the tracks.

As soon as the state declared interest in acquiring the initial ten miles of abandoned track for a trail, several abutting owners opposed to a trail raised \$450,000 to buy the right-of-way from the Soo. At this point the foundation stepped in. Ray Black, personally acquainted with the president of the Soo Line, arranged a meeting. We found the Soo favorably disposed toward development of the abandoned line as a recreational trail and agreed to sell it to the state for the same price the opponents were offering. But the maximum figure the state could pay pursuant to its appraisal was \$8,000 short of what the Soo Line asked. The foundation contributed that balance. On August 22, 1980, the State of Minnesota received a quitclaim deed for the ten-mile right-of-way from North St. Paul to Carnelian Junction, to be developed as a recreational trail pursuant to *Minn. Stat.* §84.029.

The objecting property owners thereupon organized themselves as Washington Wildlife, Inc., and brought suit in Washington County District



Court. They claimed that the individual plaintiffs held all right, title, and interest in the abandoned right-of-way by operation of law.

As in many such cases, the railroad's predecessor had acquired its right-of-way in various ways, some by deeds in form giving outright title, some expressly giving only an easement, and for at least one section of the line, only a prescriptive easement with no documentation.

The abutting-owner plaintiffs moved before Washington County District Judge Esther Tomjanovich for a partial summary judgment in their favor on their claim to the right-of-way upon the end of railway use. The District Court ordered *partial* summary judgment declaring that:

1. 13 deeds by the original landowners conveyed a fee title to Soo Line's predecessor,
2. the deed from one of the original grantors conveyed only a right-of-way easement, and
3. the Soo Line acquired a prescriptive easement only and not a fee title to the section where there was no deed.

Both parties, the state and the foundation, appealed the portions of the court's order adverse to their claims. The Minnesota Supreme Court took the opinion, written by Justice George Scott, that the railroad had acquired only an easement. Furthermore, the court held, such easement was for public travel, *not* simply for operation of trains. The public travel easement was not abandoned with the end of railway use but continued with use of the right-of-way as a recreational trail. This case—*State by Washington Wildlife Preservation Inc., v. State*, 329 N.W.2d 543 (Minn. 1983)—ended the battle. Most of the objectors now enjoy the use of this beautiful section of the gateway segment of the Willard Munger Trail. In due course, the DNR also acquired the rest of the line between Trout Brook Junction and North St. Paul. The trail now continues right to the edge of downtown St. Paul.

I acted as counsel for the Minnesota Parks Foundation in developing and arguing before the Supreme Court the case for a continuing public trail easement. So far as I know, it was the first in the nation in which an appellate court so held. Its holding has since been followed by about half of the appellate courts dealing with the issue. The finding has been cited in several U.S. Supreme Court cases, especially in a long-running Burlington, Vermont, case.

### The Cannon Valley Trail

Not long after the Soo Line Trail case, I received a telephone call:

"This is Chuck Steinert in the property office of the Chicago and Northwestern here in St. Paul. We are officially abandoning our line along the Cannon River between Cannon Falls and Red Wing. Both I and my superiors in Chicago feel this is too scenic a line to be abandoned with the right-of-way reverting to abutting property owners."

He continued: "We have been trying to find someone who might be interested in acquiring this right-of-way for a recreational trail. So far we have had no success. We have talked to the people at the Minnesota DNR, but they tell us they cannot take it on as a trail. When the Cannon became

Ellen Green



The Cannon Valley Trail



a State Scenic River, the DNR agreed it would *not* develop any trail in the Cannon River Valley. They had no idea of any other organization that might be interested.”

Finally, he said, “But I have been working on a similar possible project in Iowa, and someone there mentioned your name as president of the Minnesota Parks Foundation. They said it might be worth calling you.”

I was elated! But why didn’t anybody at the DNR suggest someone call me? Didn’t they know we existed in part to act when the state could not?

Anyway, I wasted no time. I knew that founding member Albert Marshall

of Red Wing had urged many years ago that other abandoned lines in the Red Wing area be taken over for trail use. But he was just too foresighted, and no others came forward. So I immediately called Al. Though in failing health, he suggested I call his young attorney Chuck Richardson, whom he felt could take on this project. I did call Chuck, with the result our most happy relationship not only with Chuck but with many others in the outstandingly public-spirited town of Red Wing.

Without delay we took an option to purchase the 18-mile Chicago and Northwestern Cannon River line for



*Cannon River at Cannon Falls*

\$100,000. On hearing that the railroad already had a contract with a wrecking company for removal of all the trestles, we arranged to include the trestles for \$12,500 more.

We needed some time to arrange for an appropriate entity to take and develop a trail and to raise money to purchase it. So after obtaining one or two option extensions, we ended up with a contract requiring payment in full by March 15, 1984. The foundation advanced the \$112,500 purchase price, completing the purchase in due course. It contributed \$5,000 outright, the balance eventually coming from the citizens of Red Wing and Cannon Falls. In early 1985, we conveyed the former railroad line to Goodhue County for \$112,500. Chuck Richardson’s hard work eventually resulted in a joint-powers agreement between Goodhue County and the municipalities of Red Wing and Cannon Falls. This entity was able, under long-time superintendent Bruce Blair to develop a trail with amenities unknown to any other in the State of Minnesota. Modest seasonal and single-trip user fees plus grants including LCMR have helped meet maintenance and development costs.

So in Red Wing we had success—for once without a battle!

## 8 Toward a New Era

The Minnesota Parks Foundation began in 1967 with just \$3,500 of capital contributed by its seven trustees. Mary Johnson, my legal secretary at Briggs and Morgan, was its entire staff. It grew gradually over the next 20 years to have \$600,000 in assets—cash and land—and a full-time executive in the person of Judy Erickson. She is now the Parks & Trails Council’s legislative representative.

After serving for the better part of two decades as the foundation’s president, I was delighted to turn over the position to C. Robert (Bob) Binger. I’ve also enjoyed seeing new volunteers, including Martin Kellogg and Peter Seed, come to the forefront.

The last major acquisition of Minnesota Parks Foundation before its merger with the Parks & Trails Council was the High Falls of the Pigeon River. The owner of this “priceless” property, and more in northern Minnesota and adjacent areas of Ontario, Canada, was Lloyd Johnson. I had become acquainted with this local attorney many years earlier while working to reduce the taxes on the property of a Lake County property client.

The report (or rumor) that Lloyd Johnson was optioning his High Falls property to Harry Wirth (once prospective developer of the old Milwaukee Road Depot in Minneapolis) made the proposed acquisition of High Falls critical. Wirth apparently planned restaurants, hotels, and other “improvements” to the High Falls area. Bob Binger was initially quite impressed with Wirth. Our contacts with him over the High Falls property led to the “Winterers” (a group of male friends) ending one of their occasional weekends at Albert Lindeke’s Wendigo Lodge on the Brule with a sumptuous Sunday dinner at Harry Wirth’s place near Cable, Wisconsin. But Lloyd Johnson said he never intended to sell to Wirth. Lloyd



*The High Falls on the Pigeon River*



*Myre-Big Island State  
Park*

ended up working closely with Martin Kellogg to negotiate a fair price with the foundation.

Sometime before the end of 1987, Martin Kellogg secured incorporation of the Minnesota Council of State Parks and its conversion from a small, by-invitation-only to a large, unlimited membership like that of organizations such as The Nature Conservancy. So the time was right for the Minnesota Parks Foundation and the Council of Parks to merge into one entity—the Parks & Trails Council of Minnesota. It did so on December 31, 1987.

## 9 Metropolitan Park Reserve Board

I did not limit my environmental activity to the Minnesota Parks Foundation but also participated in the projects listed in this and following chapters.

### **The Metropolitan Park Reserve Board**

Judge Magney's Minnesota Council of State Parks dealt strictly with state parks. When we incorporated the Minnesota Parks Foundation, however, we had no such limitation. So, as we have seen, the foundation became involved in metropolitan as well as state parks. I first became heavily involved with metro-area parks right after the end of the Afton State Park battle, in part because of its successful outcome. I may also have been asked to chair this new "park board" because of my involvement in the Clay and Springer committees of the Citizens League, which had recommended establishment of a separate, single-purpose park district for the Twin Cities metro area.

After the signing of the Afton Park bill in 1969, I received a call from Jim Hetland, chairman of the recently established Metropolitan Council. He asked me to chair the just-established Metropolitan Park Reserve Board. He explained that the statute establishing this seven-member entity had been deliberately included in half a dozen bills passed on the last (120th) day of the regular legislative session. This was meant to determine whether they were legal in light of Article 4, paragraph 1 of the Minnesota Constitution establishing a 120-day legislative session and paragraph 22 providing that "no bill shall be passed by either house of the legislature upon the date prescribed for the adjournment of the two houses."

Hetland also explained that the statute as finally passed excluded original provisions making it an operating agency with a budget. Now it was essentially an advisory park board to the Metropolitan Council.

In spite of the limitations on the Metropolitan Park Reserve Board (MPRB—we gave ourselves this name), the chairmanship was for me a happy and satisfying one. When in July 1970 the Minnesota Supreme Court, not unexpectedly, declared the statute creating the MPRB unconstitutional, we simply continued as an agency advisory to the Metropolitan Council under the same name. We had just seven members, all from Ramsey and Hennepin Counties. Ray Black, an officer of Xerox Corporation and former first secretary of the Citizens League from Hennepin County, was vice

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chairman. The secretary, Orville C. Peterson, a fellow member of Unity Church-Unitarian, was just retiring as executive secretary of the League of Minnesota Municipalities and a professorship at the School of Public Affairs at the University of Minnesota. The other board members were developer and former state senator Marvin Anderson of Bloomington, first vice president of the Minneapolis Central Labor Union Donald G. Jackman of Minneapolis, former Minneapolis Park Commissioner David H. Kenitz, and naturalist and photographer Leslie Blacklock of Eden Prairie. All were most congenial. I have considered the Blacks and the Blacklocks among my dearest friends.

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We established a regular schedule of biweekly afternoon meetings beginning sharp at 2:00 P.M. at the Met Council offices, then in the Capital Square Building (formerly headquarters of Webb Publishing). For staff we had at first a series of planners lent by the Met Council. Eventually, Gerald Hegstrom became our permanent staff.

Early on, we excluded open space from our consideration, limiting ourselves to selecting general locations for “Regional Park Reserves” modeled on those already established by the Hennepin County Park Reserve District. Its criteria provided for parks of around 2,000 acres, of which no more than 20 percent could be intensively developed for beaches, picnicking, parking, and games. The remaining 80 percent was to be preserved in an untouched state. I especially enjoyed our visits, generally on Saturdays, to prospective park sites (some of which swarmed with wood ticks).

The MPRB had a “Waspish” bias (I believe an actual majority were Unitarians)—not only were there no women but also no one from the five outlying suburban metropolitan counties—Anoka, Carver, Dakota, Scott, and Washington—that would necessarily supply most of the park sites. We concentrated on these counties because Hennepin already had a well-developed system of large parks. Ramsey County, the smallest in the state, already was so built up that it could furnish little if any undeveloped land area that qualified as a large metropolitan park reserve.

In due course we furnished a report to the Metropolitan Council, concentrating on the east metro area with the aim of bringing it up to the west metro area in parkland. Almost all the sites we recommended have been established or are on the way to establishment with land acquisition going steadily forward. The one exception is lower Grey Cloud Island in south Washington County (at this writing its future is still up in the air).

### **A Battle Lost**

From the beginning the Metropolitan Park Reserve Board understood that its aim was to secure legislative establishment of a seven-county operating metro park district. In effect the Hennepin County Park Reserve District would become the Seven County Park Reserve District. Looking back 30 years, I see it as a miracle that we surmounted so many obstacles but a tragedy we came so close and failed to establish a permanent metropolitan park district.



In early 1967 (January 5) a policy statement adopted by the Board of the Hennepin County Park Reserve District declared “that this commission . . . [will] work for the ultimate establishment of a Twin City area Metropolitan park and recreation system.” Eight days later, on January 13, 1967, the Metropolitan Park Foundation was incorporated with purposes similar to those of the Minnesota Parks Foundation. Though it secured some grants, including \$25,000 from the Mardag Foundation, and assisted in some acquisitions, it had a relatively short life. Eventually it was liquidated, its remaining assets turned over to the Minnesota Parks Foundation, which assisted metropolitan as well as state parks.

Even before the 1969 establishment of the Metropolitan Park Reserve Board as recommended by the Citizens League Committee chaired by Clement Springer, I had been developing contact with Fred King, chair of the Hennepin County Park Reserve District Board (1965–1975). By 1971, when the ultimate effort was made to secure legislative approval for an operating seven-county park reserve district that would include resources as diverse as those of Ramsey and Hennepin County, Fred King and I had become dedicated to working together for the same cause.

The groundwork for the 1971 legislative effort was laid in the immediately preceding years. By 1968, after creation of the Metropolitan Council by the conservatively controlled legislature in its 1967 session, the Citizens League, the Metropolitan Council, and the Hennepin County Park Reserve Board came to near-consensus that a functioning Metropolitan Park Reserve District must be established by the 1969 legislature. The bill that came out in the last day of that session, however, was the truncated law described earlier. We operated basically as a park planning agency and certainly not as a metro park operating agency. So, even if that legislation had not been declared unconstitutional, we would have worked toward securing passage of a satisfactory metropolitan park bill at the 1971 session. (The legislature then met only every other year.)

On July 30, 1970, right after the court decision invalidating the metro-park law, the Metropolitan Council adopted a resolution establishing an “advisory board for metropolitan parks and open space.” It reappointed all seven members and officers of the old statutory board to the new board and retained the name Metropolitan Park Reserve Board. The council included in its directives to the board legislative proposals “to make a comprehensive metropolitan parks and open space program possible.”

The July 24, 1970, decision rendering the 1969 act unconstitutional was really a blessing; it cleared the decks. Now, as the Metropolitan Council’s advisory park committee, we could move full steam ahead to secure establishment of an operating Metropolitan Park Reserve District. This would reconcile the planning, financial, and operating needs of both Ramsey County and Hennepin County Park Reserve Boards as well as give representation to the five outlying metro counties.

As the 1971 session approached, the new board, with the help of vice chairman Ray Black and executive Gerald Hegstrom, worked to reconcile

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the concerns of the Hennepin County Park Reserve Board with those of the other counties, particularly Ramsey, with its already limited open space.

As the work of drafting new legislation proceeded, Hennepin County Park Reserve District's enabling legislation was used as a guide. For example the phrase "open space" was deleted so as to make clear the new district would be acquiring parkland only.

Commissioner Larry Haeg (WCCO Radio) early surfaced as a member of the Hennepin County Park Reserve Board with concerns about keeping the status quo in his county. The Metropolitan Council on January 13, 1971, agreed there should be appropriate assurances against sales of Hennepin County Park District lands and continuance of established policies, plans, park systems and programs, levels of operation and maintenance, power to hire and fire, to own property, and so forth. The Metropolitan Council's minutes made clear that during the interim before formal merger the new Metropolitan Park Reserve Board would contract for the services of the Hennepin Park Reserve District's staff. This ensured retention of its staff, "except that the top executive position would be broadly advertised."

As the time for introducing a bill in the 1971 legislate session approached, many potential stumbling blocks remained. The Hennepin County Park Reserve Board members, particularly its legislative committee chairman Larry Haeg, wanted to be sure all their concerns would be addressed.

Ramsey County had its own park and open-space scheme developed by Bernard Edmonds and strongly supported by Ramsey County's auditor, Bob Kelly. Ramsey's plan involved linear parks to be centered on drainage ways, which would obviate the need for expensive underground storm sewers. Could the Hennepin County Park Reserve Board with its 2,000-plus-acre park reserves, accept having linear parks as part of a metro park system?

Outlying counties, working through the Intercounty Council, opposed a separate park agency. They favored each county having responsibility for establishing park reserves within its boundaries. They objected to any power of condemnation in many quarters, but author Howard Albertson said, "Eliminate power of eminent domain only over my dead body."

Finally, the 1970 elections brought major political change. The 1969 Metro Park bill had passed. Harold Le Vander, a moderate Republican, was governor. The conservatives, with moderate, progressive Republicans in leadership, controlled both legislative houses when the Metropolitan Council was created and the Afton Park bill passed. But in 1971 a Democrat, Wendell Anderson, became governor, and the liberals (DFL) took control of the House.

In those days, however, the state had strong park supporters in both parties. So when it came to introduction of a metro-park-district bill, Sen. Herman T. Ordahl, a conservative from Minneapolis, agreed to be SF 1237's chief author. Coauthors of this Senate version of the metro park bill included John C. Chenoweth, St. Paul liberal, and George E. Pillsbury, a newly elected conservative from Wayzata.

In the House, Howard Albertson, conservative from Washington County, our Afton Park bill hero, was the chief author and dedicated supporter of HF

1678, the companion to SF 1237. Coauthors in the House included Fred C. Norton, a liberal from St. Paul, and John W. Johnson from Minneapolis.

On April 19, 1971, HF 1698, the metro-park bill, passed its first test in the House Metropolitan Park and Urban Affairs Committee by a 17–13 vote, before referral to the House Governmental Operations Committee. After further hearings, HF 1678, amended to conform to SF 1237, was released from committee on May 12, 1971, and placed on the calendar of the House.

In the meantime, Ramsey County legislators introduced House and Senate companion bills to establish a Ramsey County park and open-space system with \$15,000,000 of bonding for parkland acquisition. This was based on the unique cost-saving drainage system developed by Bernie Edmonds.

As the end of the 1971 session approached, Hennepin and Ramsey Counties began to squabble. Hennepin insisted its bonds be part of the financial responsibility of the seven-county metropolitan park reserve district. Ramsey wanted the costs of its linear system to be part of it as well. Could these positions be resolved? In a statement distributed on April 30, 1971 to Ramsey County legislators, I had said:

The Metropolitan Park Reserve Board's primary responsibility is to provide large parks for people. The primary purpose of the Ramsey County bill is to preserve stream valleys and similar open space for amenity, scenery, and above all, flood protection and avoidance of heavy storm sewer expense . . . Only the Metropolitan Park Bill will give the citizens of Ramsey County the large park preserves that the citizens of Hennepin County already have through the acquisition of 16,000 acres of park preserves by the Hennepin County Park Reserve District. As a first step in this direction appraisals have already been initiated and options taken on parcels in the large Lake Elmo Park Reserve which, though located just east of St. Paul in Washington County, will be largely used by Ramsey County residents. Since the "Minneapolis side" of the Metropolitan Area already has a nearly completed system of park reserves, it is certain that most of the reserves to be acquired by the Metropolitan Park Reserve Board will be located on the "Ramsey side" of the Metropolitan Area.

In short, the key reason above all others that I, a long-time resident of Ramsey County, and others have worked for the past five years to help establish an effective metropolitan or multi-county park agency has been to make it possible to bring parks and people together—to give Ramsey County citizens the open space they need and which, due to the accident of county boundaries, they have been unable to have in their own county.

Could the positions be reconciled? Larry Haeg's position was, in substance: "If Ramsey County succeeds in excluding itself from the financial provisions of the Metropolitan Park Reserve bill, then we oppose it." I was working to persuade Ramsey County that it should take on appropriate



financial responsibilities because its citizens would be major users of the parks that would be mostly in east metro but outside Ramsey County.

Finally on May 12, 1971, a meeting at the Ambassador Motor Lodge in Golden Valley brought together the major negotiators of the regional park bill in an effort to reconcile diverse interests. Attendees included (in addition to myself as chairman of the Metropolitan Park Reserve Board and Gerard Hegstrom, its acting executive) executive director of the Metropolitan Council Robert Jorvig, Ramsey County Commissioner Larry Cohen, Sen. John Chenoweth of the Ramsey County legislative delegation, and vice chairman of MPRB Ray Black. From Hennepin County were superintendent of the Hennepin County Park Reserve Clifton French, chairman of the board of the Hennepin County Park Reserve District Fred King, as well as Hennepin County Park Reserve District commissioners John Pike, Russell Zakapeasen, and Edwin Rapacy. Missing was Larry Haeg, the commissioner chairing the legislative committee. He was tied up in WCCO labor negotiations. We thought we had enough representation from the Hennepin County Park Reserve District to approach resolving our differences.

*I had  
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I felt that all concerned had agreed that with debt still due from the Hennepin County Park Reserve District to be assumed by a seven-county Metropolitan Park Reserve District that would include Ramsey County, the new district would assume portions of Ramsey County’s park debt and include certain components of its linear parks in the new system. I had no doubt that we had reached “a gentlemen’s agreement” and that all representatives of the Hennepin County Park Reserve District so understood. I recall no dissents. Likewise, Senator Chenoweth felt consensus had been reached.

But in interviews some years later, Clifton French said he and the other Hennepin County park representatives viewed the meeting differently. They were attempting only to seek understanding of Chenoweth’s amendment; they were not authorized to take an official position on its merits.

With adjournment fast approaching, John Chenoweth secured Senate approval of the following amendment:

The open space areas designated in the Ramsey County plan, dated February, 1971, shall be incorporated in the metropolitan open space plan, and property acquired as park reserve pursuant to the Ramsey County plan shall be incorporated in the metropolitan park reserve system in the amounts and upon the terms established by agreement made in accordance with the provisions of subdivision 3.

SM, *Journal of the Senate*, 67th Sess. (1971), pp. 2659–2660, Subdivision 3, as indicated in Senator Chenoweth’s amendment, required local governments to prepare comprehensive long-range plans for acquisition and development of parks and open space. Each plan would be subject to review by the Metropolitan Park Reserve Board and the Metropolitan Council, and, if determined appropriate, would be incorporated in the regional park system.

All amendments were voted down except a requirement that each of the seven counties in the metro area have at least one representative on the 14-member board. On the final vote the Metro Park Reserve District bill passed in the Senate 39–28. On May 20 the House substituted this just-passed, as amended SF 1237 for House File 1678. Then Minneapolis representative John W. Johnson, one of the House bill authors, served notice that he would move on May 22, 1971, the last day for passing bills, for special consideration for Senate File 1237. Under House rules a two-thirds vote, or 90 affirmative votes, was needed for hearing.

During this time, I was off to New York City to handle two client matters; my wife, Natalie, accompanied me. I remember Howard Albertson saying to me: “Sam, you shouldn’t go. Though everything may seem in order in the legislature, you just never can tell. Anything can happen. You should stay here.” But I went, even knowing that Ray Black, our able vice chairman would also be away. We did have there our secretary, Orville Peterson. And I counted on Fred King, chairman of the Hennepin County Park Reserve Board, to see that the revised bill was considered.

So off I went. I finished up the legal matters by Friday evening. If I had had no New York weekend plans I probably would have taken a plane home to be on hand for the vote on Saturday. But we were staying at the Plaza, with plans for a special dinner with a dear college friend and his wife. (This was, I believe, the last time I saw this friend, who died not long afterwards.) On Sunday we passed the time with a drive up the Hudson that beautiful spring day.

When we arrived at the Twin Cities airport Sunday evening, the first thing I did was pick up a newspaper. At first I thought it said our park bill had passed. As I read more carefully, I learned the devastating truth. It had by a few votes failed to get special consideration. How had this happened?

On Saturday morning Hennepin County Park Reserve commissioner Larry Haeg, freed of his WCCO labor problems, had arrived at the Minnesota Capitol with one objective—to persuade enough members of the House of Representatives to vote against special consideration of S.F. 1237. He succeeded. Representative Johnson’s special-consideration vote failed with only 84 affirmative votes to 50 negative (just like the U.S. Senate’s failure to get the two-thirds needed to approve a nuclear-test-ban treaty in the fall of 1999). Eight suburban Hennepin County legislators cast negative votes, enough to kill the bill.

Why did Larry Haeg, former state representative, leading voice in the passage of Minnesota’s first county park legislation, charter member of his park district’s board of commissioners, longtime proponent of a seven-county park system, use all his energy and political skills to kill this once-in-a-lifetime opportunity to establish a seven-county park district growing out of and based on the policies of his Hennepin County Park District?

For nearly 30 years that question remained for me unanswered. Then in 1998 I got a call from Jim Parsons, who was doing publicity for the Metropolitan Council. He asked for an interview and a picture. He lent me a

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huge bound volume telling in detail the story of metro park proposals through the years. There I found the answer. Larry Haeg was indignant that the Metro Park bill would incorporate “linear parks” along parkways and drainage ways. If I had been on hand that fateful Saturday, I surely would have asked every legislator he worked on, “How can you ask Ramsey County, now so largely urbanized, to do the impossible, to clear away acres of houses (perhaps in North Oaks), to create large Hennepin County-type regional park reserves?”

By hindsight, probably I should have taken Howard Albertson’s advice and stayed in town that week, or at least arranged for Ray Black to be my substitute (his trip was not essential) as I had with Tom Savage the night for passage of the Fort Snelling park bill. Would a personal visit with Larry Haeg have persuaded him to support the bill? Why couldn’t Fred King clear up Haeg’s concerns? So far as I know, he did not lift a finger to help us.

Thinking back, as I so often do, to this one disappointment, I can’t help but feel that Minneapolis, as the dominant partner of our Twin Cities, does not take seriously St. Paul and Ramsey County and their efforts for parks, the arts, and the like. I’d like to be proven wrong. Let’s see whether we can get help from across the river for getting lower Grey Cloud Island into the metro park system. It is the one major site designated by the Metropolitan Park Reserve Board for regional park reserve that is not yet secure.



### **One Last Chance**

As expected, Gov. Wendell Anderson called an extra session of the Minnesota legislature commencing May 25, 1971, specifically for enactment of essential tax and finance legislation. Hopes for passage of the regional park bill renewed as both chief authors introduced the bills so narrowly lost by failure to get on special orders in the House. On May 26, the bill passed in the Senate, 36–26. In the House the bill was referred to the Committee on Rules and Legislative Administration, chaired by the conservative Ernest A. Lindstrom, from Richfield in Hennepin County.

Not unexpectedly, there was now further Hennepin opposition to the bill. I spent hours with David Durenberger, waiting to see Ernie Lindstrom. Dave had served as Governor Le Vander’s chief of staff and was to serve shortly as chair of the reconstituted 14-member open-space advisory board to the Metropolitan Council. Eventually, he served in the U.S. Senate.

Well, when we did finally state our case to Ernie Lindstrom, he was adamant in his position not to open up the extra session to bills not included in the tax-and-finance issues for which the governor had called it. Years later Ernie told me he had come to realize he made a great mistake in denying us the opportunity to bring up our bill at the 1971 extra session!

So ended our chance for creating a seven-county metropolitan park district. The cause for parks *and open space*, however, went forward in different ways. As a result of county, state, and federal action and the support of dedicated citizens acting sometimes alone but primarily through organized entities—especially the Minnesota Parks Foundation, now Parks & Trails Council of Minnesota—we nevertheless can say “mission accomplished.”

## 10 Kettle River State Scenic River Case

Most of us are familiar with the federally financed and managed Scenic and Recreational St. Croix River, including its Namakagon Wisconsin tributary. For that the federal government has spent millions not only in outright purchases of the fee title but also in the acquisition of scenic easements. It has limited tree cutting and required setbacks for existing seasonal residences. The State of Minnesota, however, has been able to use its police power to protect land bordering its state and scenic rivers without cost to the state.

The case that confirmed this power was *County of Pine and John Scanlon v. State Department of Natural Resources*, 280 N.W.2d 625 (1979). My involvement came not through actions by the Minnesota Parks Foundation, but as the result of a call from state solicitor general Richard Allyn. He asked me to participate in the appeal to the Minnesota Supreme Court by representing pro forma certain of the land owners along the Kettle River who supported DNR designation of the waterway as a wild and scenic river. The District Court of Pine County had enjoined the state from enforcing its regulations, which were more stringent than existing county zoning.

The Minnesota Supreme Court clearly wanted to use this case as a chance to deal with the constitutionality of the state Wild and Scenic Rivers Act. The justices indicated their intention when they scheduled the oral arguments to be held at the University of Minnesota Law School.

Those of us supporting the act devoted most of our briefs and arguments before the court to the act's constitutionality. One point I made in my oral remarks, as well as in my brief, was that the large-lot and setback requirements were like city-zoning regulations, just applied to a different setting.

After disposing of the case brought by Scanlon, the court stated at the outset of its opinion: "Furthermore we hold that the Kettle River Ordinance represents a valid exercise of the police power and is fully authorized by the enabling statute."

The court had to deal with the issue of constitutionality because the county staff opposed adopting the broader provisions of the state ordinance. That ordinance as applied to the Kettle River established a zone of limited uses averaging 1,213 feet back from the high-water mark of the river. It also established minimum lot sizes and required setbacks not only from the river but from the bluff line. The court recognized police power, giving the state a

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*The Kettle River*

*The Kettle River, near its  
confluence with the Dead  
Moose River*



tool that was valid when it did not prevent appropriate uses of the property. The court said (p. 630):

The Kettle River Ordinance represents no radical departure from traditional zoning. It merely reflects the increasing complexity of society and the realization that property must be viewed more interdependently. Taking the Kettle River ordinance as a whole it clearly represents a valid exercise of the police power.

This case came before the Minnesota Supreme Court at just the right time, when U.S. Supreme Court precedents were favorable. Several of that court's most recent cases have somewhat muddled the waters.

The section of the Kettle River in question, from Sandstone to the St. Croix, is as beautiful a stretch of unspoiled wild river as I have known. In about 1950, I canoed it in our ancient Oldtown canoe with my two preteen sons. The mosquitoes were ferocious, the rocks hard on the canoe, and the boys, in their pre-Camp Widjiwagan years, left plenty of work for me in setting up camp. Now nearing my 90th year, I will not again canoe the Kettle River. But I hope those who do will see no sign of the Scanlons' concrete-block basement 16 feet from the bluff edge, their A-frame and mobile home near the bluff edge, their two railroad boxcars, or their "several vehicles in various states of repair" (the Supreme Court's language). Let us hope that by now the state has acquired the Scanlon property and removed the "development."

# 11 Voyageurs National Park Association

Elmer L. Andersen, more than anyone else, may be credited with the establishment of Voyageurs National Park. Let us hope he tells that story in his soon-to-be-published autobiography. Here are some recollections of my own involvement.

Elmer likely was behind my assignment to draw articles of incorporation for the Voyageurs National Park Association and secure for it 501(c)(3) tax-exempt status as an educational foundation. This not only exempted the association from income tax but also permitted its receipt of tax-deductible gifts from individuals and foundations. After I filed the appropriate papers, everything sailed smoothly through the Internal Revenue Service. In due course we received the Internal Revenue Service letter giving the association 501(c)(3) status.

To our astonishment several years later, the association received a notice that the its 501(c)(3) status had been revoked. Gifts to it were no longer deductible. And foundations that had made donations to Voyageurs National Park Association could lose their favorable tax status.

How did this happen? Some of the minutes drawn up by the association's secretary had included the requests of officers, directors, and others to urge congressmen X and Y to support the Voyageurs National Park bill in Congress. Apparently the association had violated the then-strict rules prohibiting tax-exempt organizations from spending appreciable amounts on lobbying (a timber company could deduct its expenditures in opposition, however). Did the Internal Revenue Service have nothing better to do than pore over exempt organizations' minutes?

Possibly, but I recalled a directors' meeting of the Voyageurs National Park Association at the historic Kettle Falls Hotel. While Sigurd Olson stood quietly in the doorway, a representative of timber interests had shook his fist at Sigurd and shouted: "I'd rather see this land turned over to Russia than let it become a national park." Did certain members of the opposition look through Voyageurs National Park Association's minutes and suggest to the Internal Revenue Service that the association appeared guilty of illegal lobbying?

For a year or more, the Voyageurs National Park Association's status was 501(c)(4), applicable to organizations such as social clubs. The Internal Revenue Service agreed not to use donations to Voyageurs National Park

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*Voyageurs National Park*

*Voyageurs National Park*

Ellen Green

Association to affect the status of private foundations. And, after this relatively short period, the IRS restored 501(c)(3) status to the association. So far as I know all has gone well since. The lesson? You cannot be too careful.

So far as corporate activity in Voyageurs National Park Association is concerned, I recall suggesting at its first meeting that if we were to be effective park supporters we had to know the region. We had a wonderful meeting that included a trip down Rainy Lake for luncheon at the Kettle Falls Hotel in one set of boats and a return trip on Lake Kabatogama in another.

I became familiar with this area, however, from many visits there. In about 1961, Bob Binger arranged for the Winterers to stay part of a long weekend in an M&O Paper Company cabin on the Kabatogama Peninsula. I especially recall our visit on snowshoes to Shoepack Lake on the peninsula. This “remote” lake was full of snowmobiles, now a continuing park problem.

Other memorable visits include a summer visit to the pre-restored Kettle Falls Hotel with Paul Villaume. We shared one narrow bed right over the Wurlitzer in the sloping-floored pool room below. The Winterers spent one weekend at a YMCA camp; sled dogs proved transportation to the camp. Recently, an association weekend featured a new visitors’ center. I greatly enjoyed my Sunday-night stay on the *Pride of Rainy Lake*, on Rainy Lake. With the engine shut down, the captain strummed guitar tunes under a full moon.



## 12 The Minnesota Land Trust

We Minnesota environmentalists have good reason to be proud of the parks, trails, and rivers that have been preserved from obliteration or development and are the most scenic features of our state. When all the parks are put together and superimposed on a map of the state, however, they add up to no more than one of the 87 counties, and a small one at that.

We see suburban sprawl “eating up” some of our best farmland, particularly near major centers of population. Washington County, long and narrow, wedged between growing suburbs like Woodbury and the St. Croix National Scenic Riverway may soon have no open space—farmland or woodland—left between.

One person concerned about this was Anthony L. (Tony) Andersen, Marine on St. Croix resident and superintendent of the St. Croix Scenic Riverway. Tony worried that his riverway jurisdiction extended only to the top of the bluffs. Other protections were essential. Realizing the limited part he could play in any plan for wider protection of Washington County’s still undeveloped land, Tony got together a small group including Lee Ronning, myself, and others. We decided to organize the Washington County Land Trust, similar to such trusts already operating in other states. In the fall of 1991, shortly before my transfer from “of counsel” to “retirement” status at Briggs and Morgan, I completed my last incorporation—organizing the Washington County Land Trust. We soon put several properties, including Cedar Cliff in Scandia township, under the terms of such a tract.

Under a land trust, the owner of a piece of property—home, farm, or simply vacant land—in effect donates or sells the development value to the trust. The owner retains the fee ownership subject to the scenic easement. This limits development to a use such as farming.

After a few years of operating as the Washington County Land Trust under the leadership of David Hartwell, grandson of Charles Bell who founded Belwin Nature Center in Afton, the trust changed its name to Minnesota Land Trust. As such, it has several thousand acres under protection. The trust’s several full-time employees operate out of an office on University Avenue in St. Paul’s Midway.

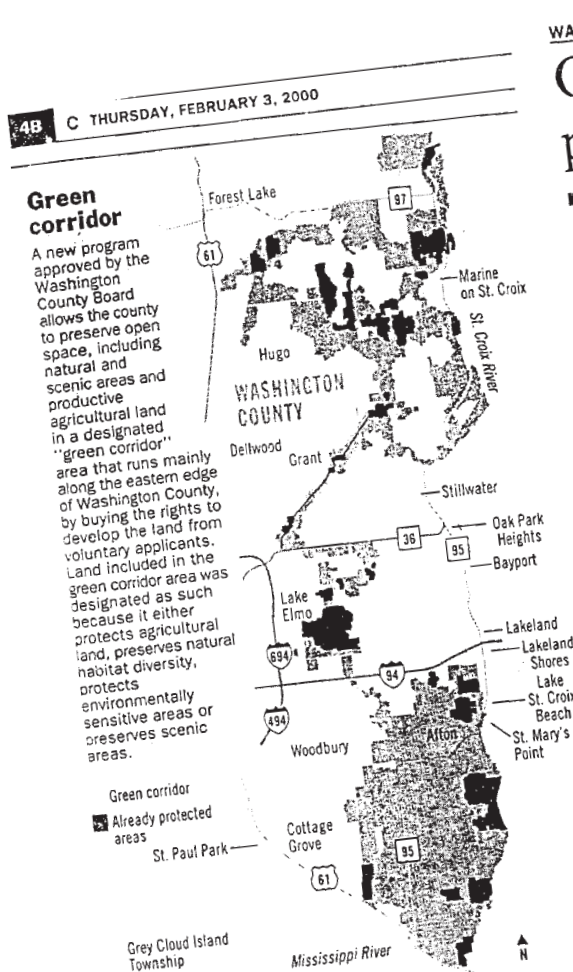
The land trust has not yet been able to preserve large blocks or corridors of land such as envisioned, particularly for the Denmark township farming

*All the parks  
put together  
add up  
to no more  
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of the state’s  
87 counties.*

area in southern Washington County. Such area protection will not be possible through mere donations of development value as so far has been done.

The Washington County Board of Commissioners is now engaged in the possible creation, along with Chisago County to the north, of a "green corridor." While the action taken (see *Pioneer Press* article below) is a good start, the county probably should also issue bonds so as to purchase the 82,000 acres in the corridor before further increases in the price of the land.

Clearly, millions of dollars are necessary to purchase the development rights for such a corridor. In some parts of the country, such as outer Long Island in New York and Marin County in California, public entities have successfully used such public and private funding. Here a combination of foundation gifts, legislative appropriations and bonding backed by a modest special tax levy could raise enough to make purchase of development rights possible. A much less costly but more complicated means of permanent protection might occur through the transfer of development rights. Indeed, the very county board that a generation ago voted against a state park at Afton is today using the land trust to save the county's best remaining farmland.



#### WASHINGTON COUNTY

## Open-space preservation program wins passage

■ **Willing landowners would agree to eschew developers**

MARY DIVINE STAFF WRITER

**W**ashington County officials have approved a program for preserving undeveloped land that is growing in popularity around the country but has yet to be used on a large scale in Minnesota.

The program allows the county to preserve open space, including natural and scenic areas and productive farmland in a designated "green corridor" that runs mainly along the eastern edge of the county, by buying the rights to develop the land from voluntary applicants. The board voted unanimously Tuesday night to adopt an ordinance to establish the program.

Under the program, property owners would get a onetime payment in return for agreeing to a deed restriction banning development of their land, said Jane Harper, principal planner for the county. The program gives landowners a chance to realize some of the market value of their land without selling it to a developer.

"There are people who want to keep their land, but under the growing development pressure in the county, it's becoming very difficult for landowners who don't want to develop to live on the land and keep it in its natural state," Harper said. "This is a tool that would allow them to do that. They

can cash in now, rather than wait."

The value of the development rights will be determined by the difference between the property's value as developed land and its value as undeveloped land.

County voters will get a chance Nov. 7 to decide if they are willing to tax themselves to fund the program. If the referendum passes, property owners would be charged up to \$18 per \$100,000 in property value annually so the county could buy development rights in the green corridor area.

Taxpayers have supported similar programs in several states, including New Jersey, Maryland, Pennsylvania and Oregon. The states have earmarked millions of dollars in public money to buy development rights to open land or buy the land outright.

Washington County already has received \$150,000 in state money to buy development rights and has pledged another \$150,000 in matching county money.

County Board Chairman Dick Stafford said it makes sense for the county to provide a coordinating role in developing the program and a plan to finance it.

About 82,000 acres in the county, mostly along the St. Croix River Valley, has been identified as being in the green corridor.

Mary Divine, who covers Washington County, can be reached at [mdivine@pioneerpress.com](mailto:mdivine@pioneerpress.com) or (651) 228-5443.

## 13 Tanglewood Nature Preserve

This memoir would not be complete without reference to what my wife, Natalie, and I have done to protect the environment with some of our own land.

About 40 years ago, we acquired a 200-acre farm of woods and worn-out cropland partly in and partly adjoining the southwest corner of the village of Marine on St. Croix in Washington County. After remodeling the old farmhouse to make it more comfortable as a personal dwelling, we concentrated on replanting most of the open land on the northerly part of the farm with conifers. Eventually, we sold off this part of the farm for house lots of three to six acres each, retaining for a time some 12 acres on which stood the farmhouse and barn.

Before all this had happened, Natalie had pointed out some of the rare plants on the southerly hundred acres of woods in the May township part of the farm. She said it would be a shame to divide up this wooded area into house lots. Seeing how an adjacent landowner, immediately south of our property, was trying to divide his land, I concurred. The Nature Conservancy agreed that this wooded area qualified for its natural area preservation program. So, over five years, we donated all of our 100 acres in May township to the conservancy.

The Nature Conservancy was not in a position to retain and manage this property, however, so we arranged for it to transfer the land to the Science Museum of Minnesota, which with the Wilder Foundation owned or managed large land areas just a mile to the west. The deeds to The Nature Conservancy provided that the land would be kept as a nature preserve. The science museum shortly established its St. Croix Watershed Research Station on the river just east of the Tanglewood Nature Preserve. Thus the museum administers the facilities of the research station.

As a result of our donation, I have served for the past ten years as a member of the Science Museum's St. Croix Watershed Research Station's Steering Committee. The station's first director, Ron Lawrenz, has built the station into an outstanding research facility in its new Reuel Harmon building. (Reuel and I, original members of the Minnesota Parks Foundation board, many years later also worked on this new aspect of environmental preservation—riparian research by the Science Museum of Minnesota on

Ellen Green



the St. Croix.) When we sold our farmhouse, we donated some of our beds and bedding to the Research Station for its cabin used to house visiting researchers.

I still hope that, perhaps as part of the proposed Washington County greenbelt discussed in the previous chapter, the mostly wooded area south of Tanglewood Nature Preserve will be made part of a 200- to 300-acre woods. So have my environmental activities (and others including membership in Friends of St. Paul and Ramsey County Parks) in recent years has been both personal and pleasant.

Ellen Green




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All in all, I have accomplished what I set out to do in working to save our natural environment. I can look around and see many people enjoying beautiful places that would have disappeared without our intervention. I'm most proud of the establishment of Afton State Park. And, yes, we had doubts and one big disappointment along the way. But considering the obstacles, I can only wonder at the great success we had.

Still, other areas needing preservation remain—especially now, lower Grey Cloud Island. I leave that, dear readers, to you.

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## For Further Reading

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**Samuel Huntington Morgan** worked as an advocate for public parks for 40 years. He conceived the idea of using donations as down payments to hold private acres until state and federal funds could purchase them for parklands. As president of the Minnesota Parks Foundation, he played key role in establishing Afton State Park, in enlarging O'Brien State Park, and in fashioning a unique regional park system that honors the smaller agencies owning and operating the parks and trails. In these environmental recollections, Sam recalls his dream of sprinkling the Twin Cities metropolitan area with parks—complete with woods, streams, and lakes—and remembers how it became reality.

### **Metropolitan Regional Leadership Award**

Presented to Samuel Morgan  
In Recognition of  
Your Extraordinary Vision and Leadership  
in Establishing the Regional Park System  
of the Twin Cities Metropolitan Area.

Your foresight and determination were decisive in creating  
a regional system of parks, park reserves, and trails  
that is renowned across the nation  
and preserves the scenic beauty of the region  
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