

Community Gardens:  
A Study of Public Policies in Minneapolis and Hennepin County

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*~ Promoting and Preserving Community Gardening across the Twin Cities ~*

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## **Executive Summary**

The Twin Cities Metro Area has a large number of community gardens but no comprehensive city policy regarding community gardening. As vacant or tax-forfeit land is increasingly unavailable, land has become difficult to acquire for establishing a community garden. Gardeners need to increasingly look toward public land to provide the space needed for community gardens. Public agencies also have the capability to provide much needed services such as water and compost and other services that cities and counties can offer community gardens. The purpose of this study is to explore these relationships and enhance the understandings of how community gardens and public agencies interact. This research project identifies and explains public policies in Minneapolis and Hennepin County and provides an inventory of land use, water, and compost policies specific to community gardens.

## Introduction

Minneapolis has one of the highest numbers of community gardens per capita in the nation<sup>1</sup>. Recently, development has threatened existing gardens and reduced the amount of land available for gardens. The high price of land makes garden space hard to establish and difficult to secure in the long-term. Some of the other issues faced by Minneapolis community gardeners are:

- A decrease in the size of buildable lots making more lots available for development and fewer available for public use.
- An increase in land value making it difficult for gardeners to purchase land and development more attractive on public land.
- The perception of community gardening as an interim land-use by public agencies
- The responsibility of government department to make land profitable for the city or county and put land back on the tax roll.
- A misunderstanding about the public benefits of community gardens.
- The lack of a comprehensive city policy or program for community gardens.

Despite these and many other challenges, Minneapolis still enjoys a great deal of community gardening. However, with continued high pressures for development, it is important to look at public land for potential sites for community gardens. It is helpful to have an understanding of the current attitudes and policies of Minneapolis and Hennepin County toward community gardening in order to approach the issue of public land for gardening use and to identify public land available for gardening. This research project identifies the public entities that are involved with community gardens, explains their policies, and explores their relations with community gardens.

Along with city and county agencies, neighborhood groups, such as neighborhood associations and community councils, are included in this report. A number of neighborhood associations are supportive of community gardens and having a strong relationship between a neighborhood and community garden can be mutually beneficial. Included in this report are several examples of neighborhood groups that have worked closely with their community gardens.

The policy information in this report is most useful after a piece of land and its landowner are identified. To identify the owner of a property, contact Hennepin County's Property and Taxpayer Services Department at (612) 348-3011. If this department is provided with an address and description of the property, it can provide landowner and tax information for that property.

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<sup>1</sup> American Community Gardening Association. 1996. *National Community Gardening Survey*. [www.communitygardening.org](http://www.communitygardening.org)

## I. Hennepin County

Hennepin County has two departments that are responsible for allocating land: Taxpayer Services and the Railroad Authority. Both of these departments have worked with gardeners and currently have community gardens on their land.

### A. Hennepin County Regional Railroad Authority

The Hennepin County Regional Railroad Authority is responsible for parcels of land on which railroads existed in the past. Much of this land has since been abandoned and then purchased by the Railroad Authority with the purpose to make it available for future transit projects. The goal of the Authority is to save areas of land specifically for transit use. As of April 2007, it owned fifty-seven miles of rail corridors.

Many of these properties are not used for transit and can be applied to other purposes temporarily. The most common interim use is trails and green space. The Railroad Authority permits organizations to apply for a landscape permit to plant vegetation on its land. The provisional permits cost one dollar and can be canceled by the County at anytime. However, gardeners are not required to remove all the vegetation.

Currently, only native and hardy vegetation can be planted, and no vegetables or food may be grown on railroad land. If granted a permit, the gardeners must agree to maintain the area. Permanent vegetation, such as trees and bushes, may be planted so long as it does not make the land appear to be a part of neighboring property.

Before receiving a permit, a garden plan must be approved by the Railroad Authority. A simple plan will be reviewed by county landscaping experts and then passed along to the Director of Housing, Community Works, and Transit. The Director makes the final decision for approval of the plan. A plan encompassing large areas would also need to be presented to the neighborhood or community organization in which the project would be implemented for their approval.

To submit a garden plan, contact John Tripp at 612-348-9265 or Jessica Galatz at 612-348-2691. See Appendix A for a sample permit.

#### **Resources and Works Cited:**

- Gillette, Andrew. Planner. Housing, Community Works, and Transit. February 7, 2007. Personal communication.
- Hennepin County Regional Railroad Authority. Hennepin County. Last Accessed February 13, 2007. <http://wwwa.co.hennepin.mn.us/portal/site/HCInternet/menuitem.3f94db53874f9b6f68ce1e10b1466498/?vgnextoid=f87e07df789fc010VgnVCM1000000f094689RCRD&vgnnextfmt=default>
- Tripp, John. Senior Planning Analyst, Hennepin County Regional Railroad Authority. February 13, 2007. Personal communication.

### B. Tax-Forfeit Land

Tax-forfeit properties are properties that have been seized from the landowner due to overdue taxes. This type of land is managed by the county through the Department of

Taxpayer Services in the Tax-Forfeiture and Property Revenue Section. These properties are then sold at auctions to return them to the tax roll.

The County has no official policy in regard to gardens on tax-forfeit land, as gardens are considered interim use and in the past have been granted seasonal permits. The county is considering allowing annual permits under which the permittee is responsible for maintenance of the lot. The County may charge a small fee for the permit but as of February 2007 no fee is required.

Tax-forfeited land can be transferred free of charge to a government subdivision, such as Minneapolis Park and Recreation, under a public use deed. To obtain a public use deed, the government subdivision must justify to the County Board that the public will benefit as much or more from the public use than they would from the property being on the tax roll. However, if the government subdivision does not use it for the specified public use, the property transfers back to the state. See Appendix B-D for a further explanation of tax-forfeit property and Hennepin County's policies toward tax-forfeit land.

Two community gardens on tax-forfeit land that sought a more permanent status have been transferred to the Minneapolis Park and Recreation Board under a public use deed. To transfer a garden from tax-forfeit, contact the city department or agency that will hold the deed. To establish a garden on tax-forfeit land, contact the Department Tax-Forfeit and Property Revenue at 612-348-3734. See Appendix E for a sample permit. To inquire about available tax-forfeited lands and auctions visit [www.co.hennepin.mn.us](http://www.co.hennepin.mn.us) and click on Environment, Property, and Transportation at the top of the page. Click on Property and Sales & Auctions. Then click on Tax-Forfeited Land and you will see a list of auctions identifying available properties. This can also be found at <http://wwwa.co.hennepin.mn.us/portal/site/HCInternet/menuitem.14c0cacfe630405b258caf10b1466498/?vgnextoid=a5febe2f09b7c010VgnVCM1000000f094689RCRD&vgnnextfmt=default>

**Resources and Works Cited:**

- County of Hennepin. Board of County Commissioners. Resolution No. 83-5-374. May 24, 1983.  
Minnesota Revenue. Delinquent Tax and Tax-Forfeiture Manual. 2005. Sections 6732-6735. Last Accessed February 7, 2007. [http://www.taxes.state.mn.us/taxes/property\\_tax\\_administrators/other\\_supporting\\_content/redbook\\_complete.pdf](http://www.taxes.state.mn.us/taxes/property_tax_administrators/other_supporting_content/redbook_complete.pdf)  
Strand, Jeff. Public Records Supervisor, Tax-Forfeit and Property Revenue Section of Hennepin County Taxpayer Services. Personal communication. February 2, 2007.

*C. Sentence to Serve*

Sentence to Service is a restorative justice program run by Hennepin County in which adult and juvenile offenders perform community service in lieu of fines or imprisonment. Sixty percent of their funding comes from city agencies that are guaranteed a certain amount of labor. Non-profit organizations, including neighborhood associations, can request assistance from crew of between two and eleven people. There is no charge for this service if it happens infrequently (1 or 2 times a season for gardens).

Crews have aided community gardens in the past. They work seven days a week and can generally provide their own tools. To arrange a crew, an organization should call up to 4 weeks in advance and contact John Donahue at (612) 596-9220.

**Resources and Works Cited:**

Donahue, John. Sentence to Serve, Adult Program Coordinator. Personal communication. February, 16, 2007.

## **II. City of Minneapolis**

The City of Minneapolis contains five departments that deal with land use and other issues affecting community gardens. There are two departments that allow gardening on its land, and the city provides gardens with access to water and compost. However, Minneapolis has no comprehensive community gardening policy and each agency has a very different policy for community gardens.

### *A. Minneapolis Public Housing Authority (MPHA)*

The Minneapolis Public Housing Authority does not presently have a specific policy for community gardening but it does allow for MPHA resident gardens where possible. The ultimate decision rests with MPHA management who will seek input from residents of the building. MPHA currently has one building with a community garden where non-residents may garden.

For residents to establish a resident garden on MPHA land, they would need to first identify a space and get management approval, prior to seeking resident council approval. The manager of the building is responsible for ensuring that the area is suitable for a garden and that it will not interfere with other aspects of the space. Call (612)342-1400 for the MPHA main office to find out this information.

**Resources and Works Cited:**

Blackmon, Yulonda. Resident Initiatives Department, Minneapolis Public Housing Authority. Personal communication. March 30, 2007.

MPHA. Minneapolis Public Housing Authority. Accessed February 9, 2007. <http://www.mphaonline.org/>

### *B. Community Planning and Economic Development (CPED)*

The Minneapolis Community Planning and Economic Development Department was established in August 2003 as a synthesis of several different departments. CPED is split into three sections that reflect its origins: housing policy, planning, and economic development. The Department of Housing and Redevelopment deals with the issue of vacant lots and purchases blighted property with federal money. A blighted property is a property that is in an uninhabitable conditional. (See Appendix F for a further explanation of CPED and its history.)

In 1990, the Minneapolis Community Development Agency (which later became CPED) decided that land that was not immediately resold or unlikely to be developed could be used for community purposes as an interim use. The development potential of land is determined by the size of the property, the current market, and the surrounding area. As

this decision is very site-specific, it is made by a Project Coordinator at CPED who is assigned to the vacant lot.

If a lot is deemed available for public use, an organization may use it for a community garden. However, current city policy states that CPED is to market and sell land and to reduce the amount of land held by the city. The job of CPED is to return property to the tax role so that it generates revenue for the city. This includes lots that house community gardens.

Lots with gardens must be leased to an organization that will use it for a community use. However, these are 30-day note of entry leases which can be canceled at any time. In that case, the organization holding the lease will be notified and the gardeners will have 30 days after notification to clean up their garden and leave the site.

The lease requires that a garden have liability insurance, look neat, and be maintained. CPED has no policy for action to take if the garden is not maintained. However, this has never been an issue. After the gardening season is over, the garden must be cleaned up by the end of October.

If a garden group wanted to create a new garden on CPED land, the Project Coordinator for that neighborhood or lot should be contacted. A list of vacant land and the respective Coordinator is available at <http://www.ci.minneapolis.mn.us/cped/>. Click on Vacant Lots for Sale under Featured Links.

Land can also be transferred to CPED through the county tax-forfeited department for public use or public purposes. CPED receives a limited number of properties for a one dollar conveyance. However, only 20% of net total forfeited properties may be transferred to CPED, which subsequently must pay full price for any property. However, transferring a garden to CPED will then target it for housing development as gardening is regarded as an interim use.

CPED can also transfer their property to another department if there is no interest in developing a lot. However, this is a long process and has not occurred recently. A Project Coordinator would be responsible for facilitating this process.

**Resources and Works Cited:**

CPED. About CPED. Accessed on January 29, 2007.

[http://www.ci.minneapolis.mn.us/cped/about\\_cped\\_home.asp](http://www.ci.minneapolis.mn.us/cped/about_cped_home.asp)

CPED. Vacant Lots for Sale (by Geographic Area, Neighborhood and Address). January 11, 2007. [http://www.ci.minneapolis.mn.us/cped/docs/lot\\_list.pdf](http://www.ci.minneapolis.mn.us/cped/docs/lot_list.pdf)

Oates, Edie. Project Coordinator, Single Family Housing Development. CPED. Personal communication. January 30, 2007.

*C. Department of Water*

Along with land, water is an important resource for gardeners, and the city allows community gardens to access water through fire hydrants. The Department of Public Works' Department of Water manages the city's water and is responsible for assisting gardens applying for hydrant hookups. An organization must apply for a garden to get a

permit for a hydrant hook-up. The permit and equipment costs \$25 which is refunded at the end of the season. An additional \$55 is a fee for the water. Once a permit has been received, the garden can use the hydrant from April 10 – October 15 every season. It is preferable that the hydrant is on the same side of the street but exceptions have been made for gardens with hydrants across the street in the past. To apply for a hydrant hookup, the organization affiliated with the garden should contact Rock Rogers at (612) 673-2865.

**Resources and Works Cited:**

Public Works. City of Minneapolis: Public Works. Last accessed February 9, 2007.

<http://www.ci.minneapolis.mn.us/public-works/>

Rogers, Rock. Public Works Department of Water. Personal communication. March 16, 2007.

*D. Department of Solid Waste*

Community gardens are eligible for free compost provided by Public Works through the Department of Solid Waste. Creekside Soils managed by the City of Hutchinson has a contract with Minneapolis to provide compost to the city. Within that contract, there is a stipulation to provide 200 cubic yards of compost to each community garden. The city of Hutchinson delivers the compost, and there is no fee to the garden for the compost or the transportation. GardenWorks is collaborating with the Department of Solid Waste to coordinate the distribution of compost.

The Department of Solid Waste entered into this contract in April 2003; it will continue until August 2008. The provision to provide free compost to community gardens will be included into any contract as long as the current director of Solid Waste remains at Public Works. To receive compost for a community garden, contact GardenWorks at (612) 278-7123.

**Resources and Works Cited:**

Duntemann, Ila. West Metro Coordinator, GardenWorks. Personal communication. March 23, 2007.

Young, Susan. Director of Department of Solid Waste and Recycling. Personal communication. March 22, 2007.

### **III. Park and Recreation**

*A. Minneapolis*

The Minneapolis Park and Recreation Board (MPRB) is an independent agency created in 1883 by the Minnesota Legislature. It is funded through Minneapolis property tax [see notes below] but is not under the direct authority of the City Council. A semi-autonomous, nine-member elected Board is responsible for formulating policies that govern the park system.

The goal of the MPRB is to provide amenities that can serve many people. The sole community gardening site created within the MPRB park system is the JD Rivers' Children's Garden in Theodore Wirth Park. Gardening at this site encompasses programs specific to children and youth as well as horticulture therapy and intergenerational for participants in other agency programs.

The Park Board has shown its support community gardens not located on park land by agreeing to become the landholder for community gardens that currently exist on tax-forfeit land. This enables gardeners to make permanent improvements to their space such as adding a water line. The original governmental agency that holds the land can transfer land to the Park Board for a nominal fee which will be covered by the Park Board. The gardeners requesting the land transfer must first obtain neighborhood and community support. Gardeners must also negotiate the transfer of ownership of the property from its current owner to the MPRB at no cost to the MPRB. As of April 2007, the Bancroft Meridian Garden and the Common Ground Community Garden had been transferred to MPRB from Hennepin County tax-forfeit land and the Soo Line Community Garden was in the process of being transferred.

The gardeners must use the site only for the non-commercial production of food and/or flowers. The site must be kept free of weeds and not be unsightly. After the growing season is over, the gardeners must clear the site of all plant debris. The garden must have its own insurance and not hold the Park Board liable for any accidents on the site.

If the garden is abandoned, the Park Board will allow one year for another organization to take over maintenance of the space. If no organization will care for the garden, the Park Board will put the land to another use or sell it to recover any expenses they had associated with holding the land.

The first step to requesting the transfer of land (& garden) ownership to the Minneapolis Park and Recreation Board is to contact Judd Rietkerk, Planning Director at (612) 230-6400 or [jrietkerk@minneapolisparcs.org](mailto:jrietkerk@minneapolisparcs.org) See Appendix G for a sample permit and Appendix H and I for some history of MPRB and its policies.

**Resources and Works Cited:**

- Community Gardens Taskforce. Request for Park Board Committee Action. Minneapolis Park and Recreation Board. December 11, 2002.
- MPRB. About MPRB. Last Accessed January 29, 2007.  
<http://www.minneapolisparcs.org/default.asp?PageID=138>
- MPRB. Community Garden Program Maintenance Agreement. 2005.
- Pulscher, MaryLynn. Environmental Education Coordinator, Minneapolis Park and Recreation Board. Personal communication. February 6, 2007.

*B. Eden Prairie*

Eden Prairie Parks and Recreation has taken an active role in supporting community gardens by managing two community gardens available for people who live or work in Eden Prairie. Plots are 20x30 for \$54 a season and 20x60 for \$108. Reduced rates for residents over 54 are \$42 and \$82 respectively. One garden is owned by the Department of Park and Recreation and the other is leased by the City from the Metropolitan Airports Commission. Both gardens are specifically designated by the city as community gardens and managed by the Parks and Recreation Department.

**Resources and Works Cited:**

- Uting, Brenda, Parks and Recreation Department, City of Eden Prairie. Personal communication. April 3, 2007.

### *C. St. Louis Park*

St. Louis Park Department of Recreation has taken on a similar role as Eden Prairie. Three community gardens are available for residents of the city with a \$25 yearly fee. Their purpose is to “provide opportunities for [St. Louis Park] residents who don’t have access to gardening” (Vaughan 2006). The city provides insurance as well as mowing, tilling, delivery of wood chips and mulch, and hauling away weeds. The Department of Recreation is responsible for administration of the garden such as collecting money and allocating plots. The city also installed underground pipes and spigots to provide water to the garden.

#### **Resources and Works Cited:**

Corzine, Christy. Garden Coordinator, St. Louis Park Community Garden. Personal communication with Ila Duntemann. September 12, 2006.

Vaughan, Jim. Community Garden Inventory Survey. St. Louis Park Community Garden. 2006. On file with GardenWorks.

## **IV. Minneapolis Public School District**

The Minneapolis Public School District has no overall policy toward land use or community gardening, and individual schools are responsible for making decisions about grounds. Any building manager or principal may develop a plan for a building or school grounds and the Facilities Department will work with them to achieve their goal. The school and volunteers must develop up a plan and a list the plants that they would like to use. The plan needs to include a blueprint of the buildings, the approximate area, scale of the project, and the types of vegetation that will be included.

The planners in the Facilities Department would then review this internally to ensure that it will not disrupt the utility of the school. The plan is also reviewed by the Department of Environmental Health and Safety. After approval, Facilities may help with the construction of a site. However, to start a community garden, gardeners should contact a teacher or principal at the school that they are interested in gardening on and develop a plan with the school. It is ideal that the students be involved with the development and maintenance of the garden.

### *Case Study: Loring Elementary School Garden*

One such garden is located at the Loring Elementary School. Until 2004, Loring had portable classrooms on school grounds. These were removed leaving behind bare ground. The principle approached the Victory Neighborhood Association to see if the neighborhood was interested in starting a garden on the newly available space. The neighborhood association put an ad in the paper calling for volunteers. Several neighbors responded and began to dig garden beds in the fall of 2004, creating the Loring Schoolyard Garden. Since that time, a butterfly garden, a vegetable garden for Kids Cook, and other gardens have been added to the Loring Elementary School grounds.

The principal of the school was largely responsible for spearheading the gardens located at the Loring Elementary School. She worked directly with the volunteers to plan the

space and is responsible for approval of any major changes that would be made by volunteers.

**Resources and Works Cited:**

Chapman, Amy. Garden Coordinator, Loring Schoolyard Garden. Personal communication. April 3, 2007.  
Lindberg, Grant. Manager of Facilities. Minneapolis Public Schools. Personal communication. February 22, 2007.

Spartz, Pete. Director of Plant Operations, Minneapolis Public Schools. Personal communication. February 6, 2007.

## V. Neighborhood Groups

Minneapolis has thirteen wards and eighty-one neighborhoods. Communities in Minneapolis are made up of several adjacent neighborhoods and some have a community council instead of a neighborhood organization. Every ward in the city contains at least one community garden, and many are home to several different gardens. Neighborhood associations and community councils are one of the major proponents of community gardening as they can see the local effects of the gardens in their immediate neighborhood. While there are many more neighborhoods that have a strong relationship with their community garden, four are showcased below as examples of ways that gardens and neighborhoods can support one another.

### A. *Hawthorne Neighborhood Association*

The Hawthorne Neighborhood Association (HNA) has one community garden, the Hawthorne Community Garden, which was very independent from the HNA until the garden was threatened by development in 2000. The Neighborhood Association helped to raise funds to purchase it from CPED (then known as MCDA). The HNA donated staff and resources to the effort to purchase the community garden, organizing, filing paperwork, and making phone calls. The garden is now owned by the City Garden Trust, Inc. which is held by the Sustainable Resource Center. The garden is a charming space that replaced a lot that previously attracted illegal activity.

**Resources and Works Cited:**

Hammett, Dick. Garden Coordinator, Hawthorne Neighborhood Community Garden. Personal communication. April 6, 2007.

### B. *Longfellow Community Council*

The Longfellow Neighborhood contains three well-established gardens, which have been supported by the Longfellow Community Council (LCC) in a number of ways. Since 1995, LCC has dedicated a total of \$22,000 for community gardens from the Neighborhood Revitalization Project Funds (NRP). NRP is a program developed and funded by the city to sustain and enhance Minneapolis's eighty-one neighborhoods. One of LCC's goal for the funds was to establish several new community gardens but only one new garden was established, the Minnehaha Avenue Community Garden.

Two-thirds of the money from NRP was contributed to the Dowling Community Garden for various improvement projects. Dowling Community Garden was the only existing garden in Longfellow at that time and has existed since 1943. Dowling is one of the few remaining Victory Gardens created during World War II in a push for self-sufficiency.

A subcommittee of LCC's Environment and Transportation Committee, the Community Garden and Greening Subcommittee, formed to oversee the funds which meets as needed. The Minnehaha Avenue Garden was started with NRP money, and the 32nd Street Garden used NRP funds to make permanent improvements, shortly after establishing individual plots in 1999. Minnehaha Avenue also needed funding to cover operating expenses to purchase insurance and pay rent, and NRP funds went towards both of these .

In LCC's NRP II plan (approved in 2006) \$8,000 was allocated to community gardens but as of April 2007 no proposals had been made. In 2006, LCC added all three community gardens to their liability insurance policy for the first time. Previously, gardens purchased it from the Sustainable Resources Center and The Green Institute.

Minnehaha Avenue Community Garden is supported by the LCC and serves a large and increasing diverse population of renters along Minnehaha Avenue. Dowling School has a large lot which the garden is only a part. Nearby residents use the Dowling Community Garden to walk through and enjoy the gardens.

**Resources and Works Cited:**

Hart, Eric. Garden Coordinator 32nd Street Community Garden and Longfellow Community Council.  
Personal communication. April 6, 2007.

*C. Southeast Como Improvement Association*

The Southeast Como Neighborhood has about seven community gardens largely created and sustained by the Southeast Como Improvement Association (SECIA). The relationship between community gardens and SECIA began with the Neighborhood Revitalization Project (NRP) in 1994. SECIA had a strong commitment to environmental issues prior to 1994 which included an environmental program that focused on tree planting and air quality issues. SECIA created a neighborhood action plan which included allocating NRP funds to the creation of a Community Garden Organizer position. The Community Garden Organizer helps coordinate volunteers, facilitates a tool lending program, and directs people interested in gardening. The Organizer also facilitates other services that SECIA provides such as garden insurance, hydrant hook-ups, enters into agreements with landowners, prints advertisements for gardens, and produces flyers.

The relationship between SECIA and the area's community gardens is mutually beneficial. Among many other benefits of community gardening, the gardens are used by the community for annual events such as annual events and block parties. A small piece of the Como Corner Community Garden is also owned by SECIA.

The Community Gardening Program is part of a larger environmental program run by SECIA that works to improve air quality and increase green space. The Environmental Coordinator works with Minnesota Pollution Control Agency, local industries, neighbors, organizers, and other groups to reduce emissions in Southeast Como. This program has

successfully worked with a wide variety of interest groups to alter emission permits and improve air quality in their neighborhood.

**Resources and Works Cited:**

Hankerson, Steph. Community Garden Organizer, Southeast Como Improvement Association. Personal communication. April 2, 2007.

Como. Southeast Como. Last Accessed April, 10 2007. <http://www.secomo.org/>

*D Shingle Creek Neighborhood Association*

The Shingle Creek Community Garden has existed for about 10 years on tax-forfeit land. In May 2006, it was transferred to the Minneapolis Park Board, a process that took two years to complete. The Shingle Creek Neighborhood Association (SCNA) was instrumental in transferring the Shingle Creek Garden to park land from tax-forfeit status. Staff at the SCNA completed paperwork, organized volunteer groups, and followed-up with government officials. Funding for the staff came from funds from the Neighborhood Revitalization Program<sup>2</sup>. After the transfer, the neighborhood association has continued to be involved by advertising for volunteers in newsletter and website, helping with planting, and providing insurance.

**Resources and Works Cited:**

Luesebrink, Amy. Director, Shingle Creek Neighborhood Association. Personal communication. April 6, 2007.

## **Conclusion**

Community gardening on public land has both its advantages and its disadvantages. Public land can provide a relatively inexpensive space to garden and the city may also provide services necessary for gardening like water and compost for little or no charge. On the other hand, public land is often impermanent with the constant possibility of development. Gardeners are also challenged by policies such as differing land use policies within city departments.

Neighborhood associations and community councils have access to resources which can help support local gardens. Insurance, publicity, volunteers, and funding are all necessary to sustain a community garden in the Twin Cities and can be provided or facilitated by a neighborhood association. A community garden can help a council or association meet the needs of its neighborhood residents, and NRP or other funds go a long way when invested in a community garden.

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<sup>2</sup> For other examples of how NRP supports community gardens, see the documentary “Parade of Community Gardens” on file at GardenWorks.

List of Appendices	
Sample Permit for Railroad Authority Landscape Permit	This sample permit describes the terms and conditions a garden must adhere to in order to garden on land owned by the Hennepin County Railroad Authority. These conditions are also briefly described on page 5.
Explanation of Tax-Forfeit Land	This section provides a longer explanation of what tax-forfeit land is and how the county deals with it. A short description is located on pages 5-6.
Tax-Forfeit Request for Board Action	This document is a request from the Department of Taxpayer Services to the Hennepin County Board of Commissioners to authorize the use of tax-forfeited land for temporary gardens.
Hennepin County Resolution #83-5-374	This resolution was the result of the Request for Board Action described above.
Tax-Forfeit Rental Permit	This is a permit that a garden group would need to fill out in order to garden on tax-forfeit land.
History of CPED and City Regulations	This section provides a short history of CPED and how their policies toward community gardens developed over time.
Sample MPRB Maintenance Agreement	This is a sample maintenance agreement from the Minneapolis Park and Recreation Board. Gardeners must agree to the terms included in order for their land to be transferred to MPRB.
Background of MPRB	This appendix includes a brief explanation of MPRB and their funding sources.
MPRB Request for Board Action	This document is a request that the Park Board become a land holder for community gardens. This request led to the MPRB policy described on pages 9-10.

**Appendix A: Sample Permit for Railroad Authority Landscape Permit**

**MIDTOWN GREENWAY LANDSCAPE AND  
PLANTING PROJECT PERMIT**

File No. \_\_\_\_\_  
Permit No. \_\_\_\_\_

Name of Applicant \_\_\_\_\_,  
Permittee, \_\_\_\_\_, address,  
desires to be a steward of the Midtown Greenway by participating in the Midtown  
Greenway Landscape and Planting Project for the purposes of beautifying the Greenway  
for Permittee’s benefit and the benefit of the Greenway and surrounding community. As  
participants in the Project, Permittee will contribute plantings, landscaping and related  
maintenance activities on the Midtown Greenway on certain property owned by the  
Hennepin County Regional Railroad Authority (HCRRA), hereafter referred to as the  
“Permitted Property” in accordance with the terms of this Permit. Specifically Permittee  
has permission to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**as shown Exhibit; and including the plants listed on Exhibit B**  
 (“Permitted Work”). Permittee is responsible for the manner and method of performing  
the Permitted Work and shall ensure that the Permitted Work is performed in a careful  
and skillful manner and in a matter that does not conflict with the terms of this Permit.  
The Permitted Work, and all materials and labor supplied in regards to said work, shall  
be at Permittee’s sole cost and expense and not that of HCRRA. Upon termination of  
this Permit, all plantings and other property shall be considered part of the Midtown  
Greenway and not the property of the Permittee, unless otherwise specifically stated in  
this Permit. The Permitted Property is marked in pink on the attached Exhibit C and  
described as follows:

**That part of the HCRRA 29<sup>th</sup> Street Corridor right-of-way, said right-of-way being  
depicted on HCRRA Property Map No. \_\_\_\_\_, Sheet of (C.R. NO. ), which is  
between**

\_\_\_\_\_  
**and which is northerly of a line drawn five (5) feet north of the  
Midtown Greenway recreational trail, in the City of Minneapolis, Minnesota, and as  
shown in pink on Exhibit C.**

Exhibits A, B, and C are attached and incorporated by reference in this Permit.

GENERAL REQUIREMENTS

1. No work shall be started until this Permit is approved and issued.

2. During installation and landscaping Permittee shall protect the work site, as necessary, with proper signs and barricades.
3. Permittee must notify HCRRA that work has been completed and ready for final inspection.
4. Permittee shall not make changes in the use of this Permit without the permission of HCRRA.
5. HCRRA retains the right at its sole discretion to revise, relocate or close any entrance to the 29<sup>th</sup> Street Corridor, and to revoke this Permit for any or no reason.
6. Permittee acknowledges and understands that HCRRA at its sole discretion may modify or remove any plantings and landscaping materials placed on the Permitted Property due to future implementation of Light Rail Transit or other transportation improvements, or for any other reason.
7. Permittee is responsible to abide by all local, state or federal ordinances or regulations in the exercise of the rights herein given.
8. Permittee must protect all existing utilities, including fiber optics, waterways and drainage lines.
9. Burning or disking operations and/or the use of chemicals to control or kill trees, brush and other vegetation is prohibited without prior written approval from the HCRRA.
10. Permittee is responsible for correcting any failures due to settlement, erosion, lack of vegetation growth, rutting, or other problems related to the use of this Permit, at the expense of the Permittee.
11. Permittee shall restore all disturbed areas to original or better condition.
12. Permittee shall not use, employ, store, dispose of, or otherwise release any hazardous substance or pollutants or contaminants on HCRRA property.
13. Upon termination of this Permit, Permittee and Permittee's volunteers and employees shall have no claim of right to the Permitted Property. Nor shall they have any claim of right to any property placed upon the Permitted Property except as specifically stated in this Permit or at the time HCRRA grants written permission for installation of the property on the Permitted Premises.
14. The cost of this permit will be **One and 00/100 dollars (\$1.00)**.
15. This Permit shall expire on \_\_\_\_\_ . HCRRA at its sole

discretion may revoke this Permit at any time for any reason without any compensation to Permittee.

### **SPECIAL PROVISIONS**

1. The landscape plan for the Permitted Area between Dupont and Colfax Avenues South (Exhibit B) shall be submitted at a later date. Permittee agrees that planting in this area shall not begin until Exhibit B is approved by HCRRA.
2. Permittee agrees to coordinate its efforts with those of the adjacent development on the two block area between Emerson Avenue South and Colfax Avenue South.
3. The rights granted in this Permit are non-exclusive and Permittee shall not install fences or barricades or make other improvements or install plantings on Permitted Property that restrict the general public from entering and using Permitted Property.
4. Permittee shall design landscaping and planting work to achieve a natural setting benefiting both Permittee and the general public using trail; Permittee shall not plant trees or bushes in a line or other systematic pattern.
5. Permittee shall not remove any trees or other naturally occurring vegetation from Permitted Property without prior consent of HCRRA, unless otherwise stated in this Permit.
6. Permittee shall not plant any trees or large stemmed bushes or install any decorative rock within 5 feet of the edge of the recreational trail, nor shall Permittee plant or disturb natural vegetation occurring within a ditch, including a ditch adjacent to trail (for water drainage purposes).
7. Permittee shall plant only native or hardy plant stock suitable to grow in area with minimal maintenance.
8. It is Permittee's responsibility to construct a landscape plan prior to installing any new plantings or landscape work and Permittee shall not install any new planting or landscaping work without prior approval of the landscape plan by HCRRA; landscape plan shall include location, variety, and number of proposed trees or other plants.
9. Fire pits or bonfire sites are not permitted on Permitted Property.
10. Permittee shall erect no compost bins, sheds, swing sets, or other structures on Permitted Property without prior written approval from HCCRA.
11. Permittee shall not store boats, boat trailers, or other private property on Permitted Property unless otherwise stated in this Permit.

12. Permittee shall not dump waste materials such as branches, grass clippings, or leaves on Permitted Property or HCRRA right-of-way.
13. It is Permittee's responsibility to be certain that all participants in landscaping or other work done by Permittee on Permitted Property are aware of the safety precautions outlined in the attached "Guidelines and Safety Tips". Additionally, it is Permittee's responsibility to be certain that all participants in Permitted Work have sufficient health insurance coverage.
14. Permittee and HCRRA agree and understand that the Permitted Work may be installed in phases as time and funding permit, subject to the termination provisions of this Permit.
15. Permittee and HCRRA agree that the installation of architectural artifacts, sculpture art pieces, or other non-plant hardscape shall be approved on a piece by piece basis and shall be installed only after Permittee receives written permission from HCRRA. Whether said permission will be granted is at HCRRA's sole discretion.
16. Permittee shall be responsible for correcting any unsafe or unsightly condition resulting from Permittee's use of the Permitted Property, including but not limited to, those related to erosion. HCRRA's determination of what constitutes an unsafe or unsightly condition is within HCRRA's sole discretion.
17. Permittee understands that HCRRA owns the 29<sup>th</sup> Street Corridor, of which the Permitted Property is a part, and that HCRRA acquired this right-of-way for light rail transit and other permitted transportation uses. HCRRA has granted the City of Minneapolis permission to use a portion of the right-of-way for trail purposes subject to HCRRA's future use of the property. Permittee shall obtain prior approval from the City of Minneapolis to use its trail for delivery of materials such as dirt, compost, or wood chips by contacting Donald Pflaum, Minneapolis Public Works Department, 612-673-2129.
18. Permittee is aware that underground fiber optic communication cables, in addition to other underground utilities, may have been installed on the Permitted Property, it is the Permittee's sole responsibility, at the Permittee's sole expense, to properly locate and protect these and all utilities.
19. At all times during its occupancy of the Permitted Property, Permittee shall be responsible for 100 percent of the expense of maintaining the Permitted Property and keeping any permitted landscaping in good repair. Permittee shall use reasonable precaution to prevent waste, damage, or injury; and shall modify, repair,

or replace permitted plantings and landscaping as necessary during the term of the Permit.

20. At no time in exercising the rights granted in this Permit shall the Permittee and Permittee's volunteers and employees be considered employees of HCRRA, nor shall they be considered covered volunteers or other covered third parties under the Workers' Compensation Act of Minnesota, nor in any other manner be the obligation or responsibility of HCRRA. Nor shall HCRRA be responsible for the actions of Permittee and Permittee's volunteers and employees.
21. Permittee shall be solely responsible for payment and satisfaction of any claims for work performed on the Permitted Property and any claims for plantings, landscaping, materials and any other equipment or materials furnished pursuant to this Permit and shall promptly remedy any claim for which a mechanic's lien is asserted.
22. Permittee shall defend, indemnify and hold harmless HCRRA, its commissioners, officers agents and employees from any liability, claims, damages, costs, judgments or expenses, including reasonable attorney's fees, resulting directly or indirectly from any act or omission of Permittee, its contractors, subcontractors, officers, agents, employees, volunteers, customers or invitees arising out of the work permitted to be done herein and the continuing uses permitted, including but not limited to the placement, construction, reconstruction, maintenance, relocation and other use of the Permitted Property under this Permit.

(I, We), the undersigned, herewith accept the terms and conditions of the regulations as laid down by HCRRA and agree to fully comply therewith to the satisfaction of the HCRRA.

Permittee \_\_\_\_\_ Date \_\_\_\_\_  
Permittee

HCRRA \_\_\_\_\_ Date \_\_\_\_\_  
Director, Housing, Transit and Community Works

## **Appendix B: Explanation of Tax-Forfeit Land**

Tax-forfeited land is property on which the taxes have not been paid and the property has been seized by the state. The County Auditor then declares that the state owns the property in trust for the local taxing district. Local taxing districts can be a school district, county, city, etc. The local district then must try to lease the property or sell it. The goal is to get the property back on the tax roll.

In the 1980s, many tax-forfeited lands had gardens on them. A grant from the Legislative Commission on Minnesota Resources (LCMR) funded a 5-year lease for several gardens to remain on tax-forfeit land. Some of these gardens are still in existence; however, many have been terminated. In 1983, the Board of County of Commissioners passed a resolution establishing an official policy towards community gardens. This policy stated that tax-forfeited land “is suitable as temporary garden sites, pending sale of the land” (County of Hennepin). It also authorized the county to grant permits to use tax-forfeited land as garden sites temporarily.

Two gardens, the Bancroft Meridian Garden and the Common Grounds Community Garden originally located on tax-forfeit land, have transferred their titles to the Minneapolis Park Board in a two year process. In 2007, the Soo Line Community Garden was working on transferring their site to the Park Board. Any government subdivision may apply for a public use deed. After the title has been transferred, the property must be used for a specified purpose. If it is not used for the specified purpose, it is transferred back to the state.

As of 1999, any government subdivision can acquire a tax-forfeit property for no fee if it is for authorized public use. However, the government subdivision must prove to the County Board that the public will benefit as much or more from the public use than they would from the property being on the tax roll. Cities or townships have first priority to acquire tax-forfeit property for public use if it is within 60 days of the County acquiring the land. After the 60 day grace period, state governmental subdivisions can request the parcel be transferred to them. However, if the government subdivision does not use it for the specified public use, the property transfers back to the state.

This appendix includes the Request for Board Action that initiated the community gardening policy on tax-forfeit land follows as well as the resolution approving it. A sample permit is also included.

### **References and Works Cited:**

Hennepin County. Tax-forfeited Lands. Accessed February 5, 2007.

<http://www.a.co.hennepin.mn.us/portal/site/HCInternet/menuitem.3f94db53874f9b6f68ce1e10b1466498/?vgnextoid=b976d4eb379fc010VgnVCM1000000f094689RCRD&vgnextfmt=default>

LCMR. What is LCMR? Fall 2005. Accessed February 5, 2007.

<http://www.lcmr.leg.mn/pdf/WhatIsTheLCMR.pdf>

# Appendix C: Tax-Forfeit Request for Board Action

FEB-02-2007 11:55 P.05/05

ate. Let. to  
Administration 5/10/83

**REQUEST FOR BOARD ACTION**

SECTION

1. PROPERTIES  
2. Tax Forfeited Land

ITEM  
Authorization for the Director of Property Taxation to issue permits for the use of tax forfeited land as garden sites for the growing season.

DISTRIBUTION  
Property Taxation-Jean M. Bierbaum  
A. J. Lee

Date communicated <u>5-24-83</u> Referred to _____ Committee Originated in _____ Committee Sent to Committee Chairman _____	RBA/Reso. No. <u>83-5-374</u>
Date of Committee meeting <u>5-24-83</u> Committee Action: Approved _____ Laid over _____ Progressed _____ Tabled _____ Other _____	Date of Board meeting <u>5-24-83</u> Board Action: Approved _____ Laid over <u>5-24-83</u> Tabled _____ Other _____
ORIGINATING DEPARTMENT DEPARTMENT OF PROPERTY TAXATION Bureau of Public Service	BACKGROUND DATA: <input type="checkbox"/> Attached <input type="checkbox"/> On file with Clerk to Board AGENDA NO.
AUTHORIZED SIGNATURE _____ DATE _____	_____

**BOARD ACTION REQUESTED**

Authorization for the Director of Property Taxation to issue permits for the use of tax forfeited land as garden sites for the growing season.

**RESPECTFULLY REQUEST IMMEDIATE APPROVAL**

**BACKGROUND**

From time to time individuals seek permission of the County to utilize tax forfeited land as temporary garden sites, and recently such a request was received from a neighborhood group - The Committee on Urban Environment (Green and Growing Committee). Leases are authorized by law at such prices and terms as the County Board may prescribe, however it is recommended that no charge be made for garden sites since maintenance costs for weed control, etc., by the County tend to be reduced if the land is under cultivation. Food produced also supplements low income budgets.

The Director of Property Taxation recommends that he prescribe the conditions of occupancy and change them as necessary, as experience dictates. A copy of the recommended "Garden Permit" is attached.

Administrator's Comments: \_\_\_\_\_ Other: \_\_\_\_\_

Recommend approval  
 Recommend disapproval  
 Reviewed-no recommendation  
 Submitted at Commissioner request

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix D: Hennepin County Resolution #83-5-374**

FEB-02-2007 11:54

P.04/05

00513

RESOLUTION NO. 83-5-374

The following resolution was offered by Commissioner Spartz, seconded by Commissioner Sivanich:

WHEREAS certain tax forfeited land in Hennepin County is suitable as temporary garden sites, pending the sale of the land,

BE IT RESOLVED that the Director of Property Taxation is authorized to issue permits to individuals or groups to use tax forfeited land as temporary garden sites without charge, subject to such conditions as he may deem necessary for the protection of the County and adjoining property owners.

The question was on the adoption of the resolution and there were seven YEAS and no NAYS, as follows:

COUNTY OF HENNEPIN BOARD OF COUNTY COMMISSIONERS	<u>YEA</u>	<u>NAY</u>	<u>OTHER</u>
Jeff Spartz	<u>X</u>	_____	_____
Randy Johnson	<u>X</u>	_____	_____
Richard E. Kremer	<u>X</u>	_____	_____
E. F. Robb, Jr.	<u>X</u>	_____	_____
Sam S. Sivanich	<u>X</u>	_____	_____
Mark Andrew	<u>X</u>	_____	_____
John E. Derus, Chairman	<u>X</u>	_____	_____

RESOLUTION ADOPTED.

ATTEST: Kay Mitchell  
Clerk of the County Board

MAY 24 1983

# Appendix E: Tax-Forfeit Rental Permit

FEB-02-2007 11:54

P. 02/05

**HENNEPIN COUNTY TAXPAYER SERVICES DEPARTMENT**  
***Tax-Forfeited Real Estate Management Unit***  
A-600 Government Center, 300 South Sixth Street, Minneapolis, Minnesota 55487-0600  
Telephone: (612) 348 - 3734 Facsimile: (612) 348 - 9716

## TEMPORARY - ANNUAL GARDEN RENTAL PERMIT APPLICATION

Applicant Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

- Application is hereby made to the HENNEPIN COUNTY TAXPAYER SERVICES DEPARTMENT, Director / County Auditor for the use of the Tax-Forfeited property described as follows for a Community Garden Site during the 200 \_\_\_\_\_ calendar year) commencing on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ and ending on \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

Site Address: \_\_\_\_\_

Property Identification No.: \_\_\_\_\_

This PERMIT is subject to the following conditions and may be revoked without notice if the conditions are not met.

- 1.) The PERMITTEE will use the land only for the production of food, flowers and legal vegetation. No rental or sub-lease fee may exist and no products may be offered for sale.
- 2.) The PERMITTEE will not create unreasonable noise or trespass on adjoining property; will keep the site free of weeds, odors and unsightly nuisance; and will maintain the land in a manner consistent with city code requirements.
- 3.) The PERMITTEE will contact adjoining neighbors to secure permission to garden and will not proceed if there is any objection.
- 4.) The PERMITTEE will clear the site of all debris and plant matter immediately following the growing season.
- 5.) The PERMITTEE will maintain the sidewalk surfaces and boulevards by performing lawn trimming and weed prevention..
- 6.) The PERMITTEE may vacate at any time by making written notice to the Garden Coordinator at the address above and by clearing the site of all debris and plant material.
- 7.) The PERMITTEE, by accepting this permit, agrees to defend, indemnify and hold harmless Hennepin County and the State of Minnesota from any claims, damages, losses, expenses, resulting directly or indirectly from any act or omission of the Permittee arising out of the use of the site.
- 8.) The PERMITTEE assumes full responsibility for checking for underground utility lines, pipes or cables.
- 9.) The PERMITTEE agrees that this permit is subject to revocation 30 days after the sale of subject property and agrees to vacate promptly upon written request.
- 10.) The PERMITTEE will perform a soil analysis test for LEAD to ensure that the soil is safe for gardening purposes, and will supply a copy of said test results document to Hennepin County promptly upon written request. The types of soil analyses that would be required to determine whether a plot is safe for gardening will cost at least one hundred dollars and could cost as much as two hundred dollars. Contact the Tax-Forfeit Real Estate Management Unit Staff at: (612) 348 - 3734, for details on approved testing. Office hours are Monday through Friday, 8:00 a.m. to 4:00 p.m.

11.) The PERMITTEE shall inform their Insurance Agent of this use on someone else's property and thus, have a limited interest in the property, and that an endorsement to the Permittee's Insurance Policy is required to show that the Permittee has liability insurance coverage in the amount of at least \$200,000.00. This endorsement will be sent to the HENNEPIN COUNTY TAXPAYER SERVICES DEPARTMENT, Tax-Forfeit Real Estate Management Unit, directly by the Permittee's Insurance Agent.

12.) In lieu of Number 11 above, a Certificate of Insurance provided by: \_\_\_\_\_

evidencing public liability insurance naming HENNEPIN COUNTY as an additional insured, in the amounts of not less than one hundred thousand dollars (\$100,000.00) with respect to bodily injury or death to any one person, in anyone accident, and in limits of not less than three hundred thousand dollars (\$300,000.00) with respect to bodily injury or death to more than one person in any one accident, and property damage in all instances in the amount of one hundred thousand (\$100,000.00); and furnish the County with a certificate to this affect on or before commencement of this Temporary - Seasonal Annual Garden Permit. All policies shall be endorsed to include a provision that the policy cannot be cancelled, altered or changed until thirty (30) days notice of such cancellation, alteration or change has been delivered to the County. The Individual or Organization listed in Paragraph 11, shall also join as signatory in said permits, where applicable.

Organization: (Print Name) \_\_\_\_\_ Date: \_\_\_\_\_

Permittee / User: (Signature) \_\_\_\_\_ Date: \_\_\_\_\_

Sponsor: (Print Name) \_\_\_\_\_ Date: \_\_\_\_\_

Sponsor: (Signature & Title) \_\_\_\_\_ Date: \_\_\_\_\_

Please return this signed form to:

HENNEPIN COUNTY TAXPAYER SERVICES DEPARTMENT  
Tax-Forfeit Real Estate Management Unit  
A-600 Government Center, 300 South Sixth Street  
Minneapolis, Minnesota 55487-0600  
Attn: Terry Schuhler

**FOR OFFICIAL USE ONLY:  
AUTHORIZATION EFFECTIVE ONLY AFTER ALL AREAS AND SIGNATURES ARE COMPLETED**

Issued by Patrick H. O'Connor, Director of the Taxpayer Services Department / County Auditor

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy County Auditor

## **Appendix F: History of CPED and City Regulations**

The Minneapolis Community Planning and Economic Development Department (CPED) was established on August 24, 2003. A city council ordinance combined the Minneapolis Community Development Agency (MCDA), Planning Department, Minneapolis Employment and Training Program (METP), and the Minneapolis Empowerment Zone (EZ) to create CPED. CPED's mission is to "promote and advance the City's planning and community development goals through strategic partnerships and responsible management of resources, and to support the public interest through implementation of the City's plans and priorities" (CPED).

In the 1990s to 2000, there were around 30 lots with community gardens. However, there was no established policy regarding community gardens. In 2000, the city worked on developing such a policy. Council members Lilligren and Goodman worked with the Green Institute to form some recommendations. However, this policy was never approved by the City Council.

In the 1990s, the established way of dealing with gardens was for CPED to grant a 30-day note of entry release. This allowed for CPED to cancel the lease at any time and the gardeners had to vacate within 30 days. However, no leases were ever canceled during a growing season. The leases required gardens to have liability insurance, look neat, and be maintained. After the gardening season, the garden had to be cleaned up by the end of October. Most gardens obtained their insurance through the Sustainable Resource Council (SRC). SRC had a blanket agreement with CPED and provided insurance to the gardens. There were also a few gardens that never signed a lease and a few of these still exist on CPED land without an agreement.

In 2002, CPED changed their attitude toward gardens. It stipulated that gardeners must either purchase the land or leave their garden. However, many gardens on CPED land have persisted if no one was interested in developing the land. The LaSalle garden is such a case and the land is too expensive for the gardeners to buy. The Philips garden, which never had a lease, is also on CPED land but is a developing area that soon will be developed.

Around this time the definition of a buildable lot also changed. Many lots that remain unsold are unbuildable lots. Before the change, the size of a buildable lot was a lot of around 5,000 ft<sup>2</sup> and a 40ft frontage. The city allowed for a 10% variance without any need for approval. A 20% variance was the most that was acceptable up until 2003. At that time, the city council voted to change the dimensions to allow for 30% variance. This now allows for development to occur if the lot has a 28ft frontage and an area of about 3500 ft<sup>2</sup>. This is most likely due to an increase of financial pressure that the city experienced. The city council was looking to increase density. Before this time, many council members wanted to focus on green space and having uniform lots.

### **Resources and Works Cited:**

CPED. About CPED. Accessed on January 29, 2007.

[http://www.ci.minneapolis.mn.us/cped/about\\_cped\\_home.asp](http://www.ci.minneapolis.mn.us/cped/about_cped_home.asp)

Oates, Edie. Project Coordinator, Single Family Housing Development. CPED. Personal communication. January 30, 2007.

## Appendix G: Sample MPRB Maintenance Agreement

MINNEAPOLIS PARK & RECREATION BOARD  
Community Garden Program  
Maintenance Agreement

The Minneapolis Park & Recreation Board hereby authorizes \_\_\_\_\_  
to use the land described below as a garden site for the 2005 growing season.

Property address:

This permit is subject to the following conditions and may be revoked without notice if the conditions are not met.

1. The user will use the site only for the production of food, flowers and legal plants; no rental or lease fee will be payable.
2. The user will keep the site free of weeds, odors and unsightly nuisance.
3. The user will not create an unreasonable noise or trespass on adjoining property.
4. The user will maintain the land in a manner consistent with city code requirements.
5. The user will contract adjoining neighbors to secure permission to garden and will not proceed if any object.
6. The user will clear the site of all debris and plant matter after the close of the growing season.
7. The user may vacate at any time by making written notice to the Minneapolis Park & Recreation Board and by clearing the site of all debris and plant material.
8. The user, by accepting this maintenance agreement, agrees to hold Minneapolis Park & Recreation Board and the State of Minnesota harmless from all contractual or tort liability arising from this property.
9. The user assumes full responsibility for checking for underground utility lines, pipes or cable.
10. The user assumes liability for any damage to plants, thefts on site, and any injury to gardeners or other persons resulting from user's occupancy and use of the premises.
11. The user will perform a soil analysis to ensure that the soil is safe for gardening purposes and will supply a copy to Minneapolis Park & Recreation Board. A soil

testing kit can be obtained by calling the University of Minnesota Soil Testing Laboratory at 612.625.3101 or visit the website: <http://soiltest.coafes.umn.edu>.

12. The user shall inform their insurance agent of this use on someone else's property and thus, have a limited interest in the property, and that an endorsement to the user's Homeowners policy is required showing that the user has liability insurance in the amount of at least \$200,000.00. This endorsement will be sent to the Minneapolis Park & Recreation Board by the user's insurance agent.

13. In lieu of Number 13 above, a Certificate of Insurance provided by \_\_\_\_\_, evidencing public liability insurance naming Minneapolis Park & Recreation Board as an additional insured, in amounts not less than One Hundred Thousand Dollars (\$100,000.00) with respect to bodily injury or death to any one person in any one accident, and in limits of not less than Three Hundred Thousand Dollars (\$300,000.00) with respect to bodily injury or death to more than one person in any one accident, and property damage in all instances in amounts no less than One Hundred Thousand Dollars (\$100,000.00) and furnish Minneapolis Park & Recreation Board with a certificate to this effect on or before commencement of this maintenance agreement. All policies shall be endorsed to include provision that the policy cannot be canceled or changed until thirty (30 ) days after written notice of such change or cancellation has been delivered to the Minneapolis Park & Recreation Board. Shingle Creek Neighborhood Association shall also join as a signatory in said agreement where Paragraph 14 is applicable.

User(s) Signature: \_\_\_\_\_ Date \_\_\_\_\_

---

Issued by Minneapolis Park & Recreation Board, Judd Rietkerk, Director of Planning

By: \_\_\_\_\_ Date \_\_\_\_\_

Any questions, please call 612-230-6400.

PLEASE RETURN THIS FORM SIGNED TO:

Minneapolis Park & Recreation Board  
2117 West River Road  
Minneapolis, MN 55411

## **Appendix H: Background of MPRB**

The mission of the Minneapolis Park and Recreation Board (MPRB) is to permanently preserve, protect, maintain, improve and enhance the City's parkland and recreational opportunities on behalf of all current and future citizens of the City of Minneapolis. Established in 1883, it owns and operates over 6,000 acres of land and water. A semi-autonomous, nine-member elected Board is responsible for formulating policies that govern the park system. Board policy is implemented by MPRB staff, which includes divisions of Administration, Special Services, Planning, Recreation, Maintenance, Environmental Operations, Forestry, and Police.

The MPRB currently receives 69% of its annual operating budget through property taxes, 22% in local government aid, 3% in state grants, and 5% in other revenues and transfers. The MPRB serves over 1.5 million park users each year in supervised activities, and more than 16 million park visitors are served by the MPRB through self-directed recreation in Minneapolis regional parks (as documented by the annual park user count conducted by the Metropolitan Parks and Open Space Commission (MPOSC) in 2005).

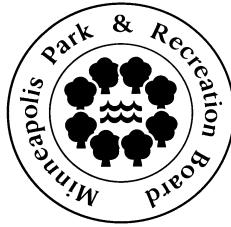
### **Resources and Works Cited:**

MPRB. About MPRB. Last Accessed January 29, 2007.

<http://www.minneapolisparcs.org/default.asp?PageID=138>

Pulscher, MaryLynn. Environmental Education Coordinator, Minneapolis Park and Recreation Board. Personal communication. February 6, 2007.

## Appendix I: MPRB Request for Board Action



### *Request for Park Board Committee Action*

**TO:** Operations Committee

**PREPARED BY:** **Community Gardens Taskforce**

**SUBJECT:** Community Gardens Program

**COMMITTEE ACTION DATE:** December 11, 2002

**FULL BOARD ACTION DATE:** To Be Determined

**ACTION:**

THAT THE BOARD DIRECT STAFF TO IMPLEMENT A COMMUNITY GARDENS PROGRAM THAT SECURES LAND FOR COMMUNITY GARDENS THAT ARE OPERATED AND MANAGED BY NON-PROFIT ORGNIZATIONS ACCORDING TO PROCEDURES OUTLINED IN THIS REPORT.

ACTION REQUESTED BY: Planning Department

STAFF RECOMMENDATION:

Implement the Community Gardens Program as described without incurring additional operating costs to the Park Board.

---

### **Project Scope and History:**

Program Description:

Community Gardening Organizations need a secure method of holding and protecting gardens developed and maintained by non-profits committed to providing this opportunity to inner city residents. The Community is requesting that the Park Board facilitate an arrangement to hold land for said groups and organizations. Staff has reviewed their request and recommends the following procedure for implementing the proposed program.

Recognized community and non-profit organizations will identify potential garden locations in various communities. Organization must be able to provide operating funds and insurance for a proposed garden project.

Implementing organization will obtain neighborhood and community approval in the form of a resolution or action of the appropriate representative organization.

Implementing organization will negotiate the transfer of ownership of the property from its current owner to the MPRB at no cost to the MPRB.

MPRB and the implementing organization will schedule a closing for the transfer of the fee title to the MPRB and sign appropriate maintenance agreement. Maintenance agreements will include terms for insurance, indemnity and hold harmless requirements. Upon execution and delivery of the maintenance agreement, the Park Board will assume ownership responsibility for the proposed garden. The MPRB will hold lands acquired by this program exclusively for community garden as long as maintenance agreements are in place for each garden.

If a garden is abandoned, the MPRB will allow adequate time for a new organization to step forward and provide the appropriate maintenance agreement. After one year without the necessary maintenance agreements in place, the MPRB will identify an alternative use or sell the property to recover any cost associated with holding the property.

## **FUNDING**

**Project Cost: The Park Board is not providing funding for this program.**

## **PLANNING PROCESS:**

How did the need for improvement come to attention of staff?

Council Members referred community gardening organizations to the Park Board for assistance in meeting the land needs of the gardening groups.

Summarize Community Participation

A taskforce that included park maintenance, planning and representatives from \_\_\_\_\_.

Related Board Actions

Referred to staff at November 6, 2002, meeting.

## **ANALYSIS:**

The Park Board's mission to hold and develop lands for park and open space is a better match for this program than that of a development agency such as the MCAD.

Gardening is a valuable recreation experience for residents of the city. By partnering with gardening organizations that have the financial means, the Park Board can facilitate the necessary land holding security that is required for the long-term financial commitments

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