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For sale: Pontliana Woods

by John Ramos

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On April 16, 2015, the Park Point Community Club (PPCC) voted unanimously to pursue the preservation of about four acres of forested land on the bay side of Park Point. The land, which the PPCC wants to call Pontliana Woods, is located between the Bayshore Nursing Home and Harbor Point Circle. It is the largest unprotected parcel of public property remaining on the Point. It is owned by the State of Minnesota and administered by the county, which has held it in so-called “conservation status” since the 1970s.

Conservation status, contrary to what it sounds like, has nothing to do with conservation or the environment. It is a legal term used to describe parcels of county-managed land that are not for sale. There are no legal protections associated with conservation status; if the county decides to sell such parcels, they simply re-designate them as non-conservation.

An upcoming county land sale is what prompted the PPCC’s vote. In recent years, the county has been actively trying to get out of the land-management business by selling off its tax-forfeit holdings in the city of Duluth. “Tax-forfeit” describes land on which nobody pays property taxes; such land often takes the form of weirdly shaped, oddball parcels that nobody could do anything with if they wanted to. The woods on Park Point are quite large for a tax-forfeit parcel in the middle of the city. The county has proposed auctioning them off for a starting bid of \$789,000 at its land sale in October.

According to Dave Johnson, Park Point resident and spokesperson for the PPCC on this issue, people have been interested in preserving the woods for a long time. In 1977, when a developer wanted to build apartment buildings on the bay side of Park Point at 19th Street, many citizens objected to the loss of green space. Then-Mayor Robert Beaudin brokered a compromise between developers and preservationists. In a letter to both groups, Beaudin said that if preservationists dropped their opposition to the apartments, “the city would agree to discourage

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use of the existing tax-forfeited lands lying south of Global Nursing Home and north of the [proposed development] for use other than open space or marina purposes.”

The city Planning Commission followed this up with a formal resolution on March 14, 1978, which stated, in part, “Be it resolved that the Planning Commission hereby establishes the policy that all tax-forfeited property on the St. Louis Bay side of Park Point shall remain in the ‘conservation’ category.”

The compromise was accepted. The Baypoint Apartments were built, the forest remained intact, and for a long time it seemed the matter was settled.

The idea of naming the forest Pontliana Woods first surfaced in the mid-1990s, when the PPCC was pursuing preservation for another forested area farther down the Point. That area, a seven-acre wetland, they were proposing to call Southworth Marsh, to recognize Mira Southworth, a teacher and photographer who lived on Park Point in the early to mid-twentieth century. Anyone who drives down Park Point today will see that the effort was successful; a sign near 41st Street identifies Southworth Marsh on the bay side.

Tom and Ella Pontliana were more contemporary Park Point residents, well-known for their extensive gardens. Johnson told me that the Pontlianas were famous for giving away a tomato plant to any child who came to their home with a cut-open milk carton in the spring. Noticing the unifying effect that naming Southworth Marsh after a Park Pointer had had on that effort, the PPCC proposed to do the same for the forest at 19th Street.

“The idea was that we were going to protect two spots at once,” Johnson told me, “—both Southworth Marsh and Pontliana Woods. It was nice to do it this way, because we [wanted] to preserve the memory of these significant Park Pointers.” After the creation of Southworth Marsh, however, the Pontliana Woods effort fell by the wayside. Given the earlier Beaudin compromise, the forest may have been perceived as unlikely to be developed.

At that time, twenty years ago, the forest was three times the size of the parcel being proposed for preservation today. It was not all public land, however: Several undeveloped, privately owned lots were located in the middle of the woods. In 1996, when a developer proposed building townhouses on the private lots, the city agreed, over the objections (and litigation) of the PPCC. The private lots were built up with gravel and fill, the city built a road and utilities to serve them, and the forest was essentially cut in half. Today, if you stand on Harbor Point Circle, the woods to either side are the two parcels of forest; the larger piece, to the north, is the one the PPCC would like to preserve.

Johnson seemed very optimistic about their prospects. Noting the many contentious issues that have divided Park Pointers in recent years—the issue of public access to the beach, proposals for new hotels—Johnson said that the Pontliana Woods issue was uniting people, rather than dividing them. He was very happy with the PPCC’s unanimous vote on the issue.

“I’m not sure we could get a unanimous vote for changing burned-out light bulbs on Park Point, and yet we got a unanimous vote for this,” he said. “We’ve got people from all different sides of the political spectrum down here unified behind this. People loved the Pontlianas, and people are really concerned about the wetlands and the green space down here.”

Looking ahead

The process by which Pontliana Woods—or, as the county refers to them, Tract 9—came to be on the county auction block has been a convoluted affair, which culminated at the county board meeting of May 5, 2015, where discussion of the issue went on so long that I plugged my parking meter twice and still got a damn

ticket. I will endeavor to unravel the various strands of the story as best I can.

It all started with garden plots. When the county decided to sell its tax-forfeit property in the city of Duluth, many Park Point residents were dismayed to find out that land they had always considered to be their own backyards, and that many of them were using for gardens, was, in fact, tax-forfeit property. If the land went to auction on the open market, many property owners were worried about who might buy it and what type of development might occur.

To address their concerns, the Duluth city council passed a resolution in August of 2014 urging the county board to let Park Point property owners have the “right of first refusal” to tax-forfeit property that was adjacent to their own. In other words, homeowners would be given a chance to purchase the tax-forfeit property before it went to the open auction. This was an unusual arrangement that was not permitted under existing statute, which held that nobody should be given preferential treatment at land auctions. What the city wanted the county to do was ask the state Legislature to write special legislation specifically for the Park Point residents.

Not all county commissioners were happy about this, feeling that it was unfair to other residents of the county and that it would cut into the revenue that an open sale might generate. As a compromise, Commissioner Keith Nelson agreed to support the special legislation if two additional parcels, Tracts 8 and 9, were added to the auction—Tract 9 being Pontliana Woods. This compromise was accepted. In February of 2015, the county board unanimously approved a formal request asking the state Legislature to give Park Pointers the right of first refusal. At that time, nobody seemed to be aware of the promises that the city had made in the 1970s. The Park Point Community Club, finding out that the woods were going to auction, produced the letters from Mayor Beaudin and other government officials that talked about preserving the forest from development. They also produced letters from various agencies, including a 1994 letter from the St. Louis County Soil and Water Conservation District, expressing the opinion that the Pontliana Woods property had wetlands on it.

Wetlands, of course, would restrict the type of development that could take place—but the property has never been officially designated as wetlands. When the city of Duluth was working on its Comprehensive Plan for development in 2006, they asked the state Department of Natural Resources to identify wetlands in the city. In the DNR’s report, Pontliana Woods were not identified, which is why the county was able to offer them for sale in 2015.

At the county board’s May 5 meeting, Commissioner Frank Jewell introduced an amendment to the county land sale that removed Tract 9 from the June auction. A long, long debate ensued that you will thank me for not repeating here.

Commissioner Keith Nelson, the most vocal opponent of the amendment, initially said that he did not want to “compromise on the compromise,” but by the time the smoke finally cleared, he did compromise. Tract 9 was removed from the June auction, with the understanding that it would return to the auction block in October if no specific, concrete plan was offered by the city or the PPCC or another group for its preservation.

That’s the issue in broad strokes. One thing is certain: The county will not designate the land as a county park. Dave Johnson had thought this might be a possibility when we spoke, but a number of commissioners made clear that they would not support such a thing. They wanted somebody to pay for the land.

For those who would like to preserve the woods, the ball is now in their court.

October is not far away, and it seems clear that whatever happens, somebody will

need to come up with a million dollars or so. The city, as we all know, is not exactly bursting with extra cash. It will be interesting to see what transpires.

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