

*This opinion will be unpublished and  
may not be cited except as provided by  
Minn. Stat. § 480A.08, subd. 3 (2012).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A12-0860**

City of Preston, Minnesota, petitioner,  
Respondent,

vs.

Vernon W. Ristau, et al.,  
Appellants,

United States of America,  
acting through the Farmers Home Administration, et al.,  
Respondents Below.

**Filed February 11, 2013  
Reversed and remanded  
Collins, Judge\***

Filmore County District Court  
File No. 23-CV-09-430

David A. Joerg, David A. Joerg, P.A., Preston, Minnesota (for respondent City of Preston)

Larry J. Peterson, Brent Kleffman, Peterson, Logren & Kilbury, P.A., St. Paul, Minnesota (for appellants)

Roylene A. Champeaux, United States Attorney, Minneapolis, Minnesota (for respondent below United States of America, acting through the Farmers Home Administration, et al.)

Considered and decided by Halbrooks, Presiding Judge; Stauber, Judge; and Collins, Judge.

---

\* Retired judge of the district court, serving as judge of the Minnesota Court of Appeals by appointment pursuant to Minn. Const. art. VI, § 10.

## UNPUBLISHED OPINION

**COLLINS**, Judge

In this eminent-domain dispute, appellant-landowners contend that (1) Minnesota law does not authorize the disputed recreational trail's creation and (2) respondent-city's use of eminent domain to establish the trail is unauthorized or otherwise improper. Because the basis of the district court's order is unclear, we reverse and remand for further findings.

### FACTS

In 1993, respondent City of Preston (Preston) joined with other cities to form a Joint Powers Board. The board selected Preston to head a project to create an all-seasons, multi-purpose, nonmotorized recreational trail for public use, extending from Preston to Forestville State Park. In 1996, the Minnesota Department of Natural Resources (DNR) became involved with the project and advised Preston of its intent to purchase the trail and maintain its upkeep after completion. From 1998 through 2003, Preston and the DNR obtained option agreements from affected landowners to secure the necessary property for the trail route. The State of Minnesota paid to acquire seventeen of the nineteen parcels necessary to create the designated trail. The remaining two parcels, belonging to appellants Vernon and Kathleen Ristau and John and Jane Snyder (the landowners), are the subject of this appeal.

In 2007, when it became apparent that the landowners were unwilling to sell their parcels for the project, Preston assigned a city-council member to pursue a negotiated settlement to acquire the parcels. Preston commissioned fair-market-value appraisals of

the two parcels, but the landowners rejected Preston's purchase offers. On March 2, 2009, Preston passed resolution 09-02, which authorized the use of eminent domain to acquire the landowners' parcels.

Following a bench trial on the landowners' challenges to Preston's petition for condemnation, the district court determined that the disputed trail was authorized under Minn. Stat. §§ 85.015, subd. 7(b), and 86A.05, subd. 4 (2010). The district court also determined that Preston's exercise of its power of eminent domain was proper under both Minnesota constitutional and statutory provisions.<sup>1</sup> This appeal followed.

## **DECISION**

### **I.**

To support its determination that the recreational trail extending from Preston to Forestville State Park is authorized by Minnesota law, the district court specifically concluded that "[t]he Preston to Forestville segment of the Blufflands Trail system is authorized by Minn. Stat. §§ 85.015, subd. 7(b) and 86A.05, subd. 4." But beyond listing these statutes as authority for creation of the proposed trail segment, the district court provided no explanation of its analysis or interpretation of the statutory language applied to the facts presented.

---

<sup>1</sup> The district court noted that Carimona Township passed a resolution opposing the construction of the state trail in 2002. The township passed a second resolution in 2008, specifically opposing the use of Preston's eminent-domain power for the purpose of acquiring the landowners' parcels. The township is not a party to this action, and the district court determined that Preston's exercise of its power of eminent domain was proper notwithstanding the township's resolutions.

Application of a statute to undisputed facts involves a question of law, which we review de novo. *Davies v. W. Publ'g Co.*, 622 N.W.2d 836, 841 (Minn. App. 2001), review denied (Minn. May 29, 2001). Statutory interpretation requires that we first determine whether the statute's language, on its face, is clear or ambiguous. *Am. Family Ins. Grp. v. Schroedl*, 616 N.W.2d 273, 277 (Minn. 2000). Language is ambiguous only when it is subject to more than one reasonable interpretation. *Id.* We interpret statutes to give effect to all of their provisions, and "no word, phrase, or sentence should be deemed superfluous, void, or insignificant." *Id.* (quotation omitted). We construe statutes in their entirety and interpret each section in light of its surrounding sections to avoid conflicting interpretations. *Id.*

The district court cited Minn. Stat. § 85.015 (2010) to support its determination that the disputed trail segment is authorized by statute. Section 85.015 governs the location and management of various state trails. The statute's subdivisions designate specific locations of authorized trails and grant the DNR the authority to "establish, develop, maintain, and operate the trails designated in this section." Minn. Stat. § 85.015, subd. 1. This case involves the Blufflands Trail system, which is governed by section 85.015, subdivision 7. Under subdivision 7, the Blufflands Trail system originates in the City of Chatfield. *Id.*, subd. 7(a). From this point of origin, additional trails may be established to extend the trail system. *Id.*, subd. 7(b). The district court relied on subdivision 7(b) as authorization for the Preston-to-Forestville segment of the trail system. Minn. Stat. § 85.015, subd. 7(b), provides:

Additional trails may be established that extend the Blufflands Trail system to include La Crescent, Hokah, Caledonia, and Spring Grove in Houston County; Preston, Harmony, Fountain, Wykoff, Spring Valley, Mabel, Canton, and Ostrander in Fillmore County; Rochester, Dover, Eyota, Stewartville, Byron, and Chester Woods County Park in Olmsted County; and Winona, Minnesota City, Rollingstone, Altura, Lewiston, Utica, St. Charles, and Elba in Winona County.

*Id.* This explicit exclusive list is subject to only one interpretation and is unambiguous. *Schroedl*, 616 N.W.2d at 277. The list of authorized locations for expansion does not include Forestville State Park or the unincorporated area sometimes referred to as “Forestville.”<sup>2</sup>

The other statute the district court cited as authorizing the disputed trail segment is Minn. Stat. § 86A.05, subd. 4.<sup>3</sup> This subdivision is a part of much broader legislation, entitled the Minnesota Outdoor Recreation Act of 1975 (ORA). 1975 Minn. Laws

---

<sup>2</sup> At oral argument before this court, Preston pointed to Forestville State Park’s location between Preston and Ostrander. The argument was made that the disputed Preston-to-Forestville segment might someday be further extended to become the Preston-to-Ostrander segment of the Blufflands Trail system, a trail that would be authorized under Minn. Stat. § 85.015, subd. 7(b). But because no such argument was presented to and considered by the district court, we decline to consider it for the first time on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 852 (Minn. 1988).

<sup>3</sup> We note that Minn. Stat. §85.015, subd. 7(b), includes a reference to Minn. Stat. § 86A.05, subd. 4: “In addition to the criteria in section 86A.05, subdivision 4, [the trails authorized by this section] must utilize abandoned railroad rights-of-way where possible.” It is clear by the language’s placement within Minn. Stat. § 85.015, subd. 7(b), that its intent is to place conditions on any expansions authorized by the section. *See Schroedl*, 616 N.W.2d at 277 (holding that we interpret unambiguous statutory phrases to ensure that no term or phrase is superfluous.) We determined above that section 85.015, subdivision 7(b), does not authorize the Preston-to-Forestville segment of trail. Thus, this statute’s reference to section 86A.05, subdivision 4, does not require our further analysis because any condition that section 86A.05, subdivision 4, may impose presupposes trail authorization under section 85.015, subdivision 7(b).

ch. 353, § 1. Section 86A.05, subdivision 4, provides that state trails shall be established to provide recreational travel routes connecting units of the outdoor recreation system, so long as the new units satisfy various criteria. Minn. Stat. § 86A.05, subd. 4. Again, we interpret statutory sections in light of their surrounding provisions to ensure consistent application. *Schroedl*, 616 N.W.2d at 277. Here, our review is hampered because the district court omitted any analysis addressing the ORA as a whole and did not explain how it found Minn. Stat. § 86A.05, subd. 4, to be an independent authorization for a “unit” within the ORA.

To facilitate meaningful appellant review, we require that a district court’s findings enable us to determine whether the court properly considered statutory requirements. *See Stich v. Stich*, 435 N.W.2d 52, 53 (Minn. 1989). To ensure effective appellate review, the district court’s findings must “provide insight into which facts or opinions were most persuasive of the ultimate decision, or to demonstrate the trial court’s comprehensive consideration of the statutory criteria.” *In re M.M.*, 452 N.W.2d 236, 239 (Minn. 1990). When a district court reaches a determination without revealing the analysis applied in reaching that decision, appellate review becomes problematic, and a remand to ensure an opportunity for all arguments to be considered is appropriate. *Bio-Line, Inc. v. Burman*, 404 N.W.2d 318, 321 (Minn. App. 1987).

The district court concluded that the disputed trail is authorized by Minn. Stat. §§ 85.015, subd. 7(b) and 86A.05, subd. 4, but no explanation or analysis is set forth to show how the district court determined that the statutes interrelate or how their provisions apply. The record contains argument regarding the application of the ORA, which

includes the relied-upon Minn. Stat. § 86A.05, subd. 4. However, the district court should articulate how it resolves the parties' arguments pertaining to the ORA and how it is that Minn. Stat. § 86A.05, subd. 4, can independently authorize the creation of a state trail "unit" within the broader definition of the "system." It is not for us to speculate as to which facts or opinions the district court found most persuasive or approximate the district court's application of statutory factors. Therefore, both to ensure that the parties will have had the merits of their arguments fully considered by the district court and to enable effective future appellate review, we reverse the district court's order and remand for further findings. *See Burman*, 404 N.W.2d at 321.

## **II.**

The propriety of Preston's exercise of its eminent-domain power to procure the land required for the disputed trail route is an issue only if creation of the trail is authorized. Legal issues that exist only in "the realm of future possibility," which in this case would stem from a fully analyzed conclusion that the disputed trail has statutory authorization, "are purely hypothetical and are not justiciable." *Federated Mut. Ins. Co. v. Litchfield Precision Components, Inc.*, 456 N.W.2d 434, 439 (Minn. 1990). Therefore, we decline to address the issue as it is premature.

**Reversed and remanded.**