

Environment Committee

Meeting date: July 9, 2013

For the Metropolitan Council meeting of July 24, 2013

Subject: Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions, Minneapolis 1-MN-341 and 1-MN-344 Interceptor Improvements, Resolution 2013-10

District(s), Member(s): District 6, James Brimeyer; District 8, Adam Duininck

Policy/Legal Reference: Minnesota Statutes 473.504

Staff Prepared/Presented: Scott Dentz 602-4503

Division/Department: MCES c/o Leisa Thompson, 602-8101

Proposed Action

That the Metropolitan Council pass Resolution 2013-10 that authorizes acquisition of permanent/temporary easements necessary for the Minneapolis 1-MN-341 and 1-MN-344 Interceptor Improvements; and authorizes Council legal staff to initiate condemnation proceedings for those parcels staff cannot acquire by negotiation.

Background

Interceptor improvements are required to improve the integrity of the 1-MN-341 and 1-MN-344 in the Lake Harriet - Lake Calhoun area and work adjacent to and under Hiawatha Avenue at Minnehaha Parkway E. all in Minneapolis. Work on 1-MN-341 is from Thomas Avenue South at Lake Calhoun Parkway to Bryant Ave. South at 36th St. W. and includes Lyndale Park area. Work on 1-MN-344 is from France Avenue at 49th St. W. to Minnehaha Avenue and Godfrey Parkway and includes work at the south edge of Lake Harriet and along Minnehaha Creek. These interceptors were constructed between 1917 and 1935, and exhibit corrosion damage, cracking, settlement, root intrusion, and other forms of deterioration. It is proposed that approximately 24,000 lineal feet of interceptor will be lined and approximately 1,250 lineal feet will be replaced. Maintenance structure rehabilitation and/or replacement and odor control will be included in the proposed improvements. Permanent and/or temporary easements are required from approximately ten property owners to facilitate the construction. Initial work will be advertised in late summer or fall of 2013 and subsequent work advertised in winter 2013/2014.

Rationale

Land acquisition is necessary to implement the proposed interceptor improvements. This action delegates authority to staff to acquire property rights for the project and to use the condemnation process if necessary to ensure timely project delivery.

Funding

Funding is provided in the 2013 Authorized Capital Program.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL

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RESOLUTION NO. 2013 - 10

RESOLUTION AUTHORIZING ACQUISITION
OF FEE TITLE OWNERSHIP, PERMANENT/TEMPORARY EASEMENTS
1-MN-341 and 1-MN-344 Interceptor Improvements

WHEREAS, the Council requires acquisition of permanent/temporary easements for construction of the 1-MN-341 and 1-MN-344 Interceptor Improvements,

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire permanent and temporary easements for construction of the 1-MN-341 and 1-MN-344 Interceptor Improvements prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of permanent/temporary easements identified in the Minneapolis 1-MN-341 and 1-MN-344 Interceptor Improvements plans and specifications is reasonably necessary and convenient for the furtherance of the construction of the project and in the judgment of the Metropolitan Council such acquisition will further the public health, safety and welfare, and be undertaken in accordance with Minnesota Statutes and the Real Property Acquisition Policy of the Metropolitan Council; and
2. That the Council hereby directs its Regional Administrator to acquire the permanent/temporary easements necessary for construction of the Minneapolis 1-MN-341 and 1-MN-344 Interceptor Improvements by negotiation; and
3. That, pursuant to Minnesota Statutes Chapter 473, the Council has the authority to acquire the property interests by eminent domain, the permanent/temporary easements necessary for construction of the Minneapolis 1-MN-341 and 1-MN-344 Interceptor Improvements, if the property cannot be acquired by direct negotiation and that such acquisition be in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117, including, specifically, 117.042; and
4. That the Council hereby approves and certifies that the total just compensation for the permanent/temporary easements acquired for construction of the Minneapolis 1-MN-341 and 1-MN-344 Interceptor Improvements to be as indicated in the appraisals submitted to the Council.

Adopted this 24th day of July, 2013

Susan Haigh, Chair

Emily Getty, Recording Secretary