

Environment Committee

Meeting date: December 10, 2013

For the Metropolitan Council Meeting of December 11, 2013

Subject: Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions, Elm Creek Interceptor Rehabilitation Phase 1 and Phase 2, Project No. 809062, Resolution 2013-45

District(s), Member(s): District 2, Lona Schreiber

Policy/Legal Reference: Minnesota Statutes 473.504

Staff Prepared/Presented: Karen Keenan 602-4561

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

Proposed Action

That the Metropolitan Council pass Resolution 2013-45 that authorizes acquisition of permanent and temporary easements necessary for the Elm Creek Interceptor Rehabilitation Phase 1 and Phase 2 projects, and authorizes Council legal staff to initiate condemnation proceedings for those parcels that staff cannot acquire by negotiation.

Background

Interceptor improvements are required to improve the integrity of the Elm Creek Interceptor (9004) along 101st Avenue North in Brooklyn Park. This interceptor exhibits corrosion damage and deterioration of the protective lining. It is proposed that approximately 1,600 lineal feet of interceptor pipe will be replaced, and 15,700 lineal feet of interceptor pipe will be lined. Maintenance structure rehabilitation and/or replacement will be included in the proposed improvements. Permanent and/or temporary easements are required from approximately 20 property owners to facilitate the construction. Both phases of the project will be advertised in early 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 2014 Authorized Capital Program.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL

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**RESOLUTION NO. 2013-45
RESOLUTION AUTHORIZING ACQUISITION
OF PERMANENT AND TEMPORARY EASEMENTS,
ELM CREEK INTERCEPTOR REHABILITATION
MCES PROJECT 809062**

WHEREAS, the Council requires acquisition of permanent and temporary easements for construction of the Elm Creek Interceptor Rehabilitation,

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire permanent and temporary easements for construction of the Elm Creek Interceptor Rehabilitation prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of permanent and temporary easements identified in the Elm Creek Interceptor Rehabilitation 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 and temporary easements necessary for construction of the Elm Creek Interceptor Rehabilitation by negotiation; and
3. That, pursuant to Minnesota Statutes Chapter 473, the Council has the authority to acquire the property interests by eminent domain, permanent and temporary easements necessary for construction of the Elm Creek Interceptor Rehabilitation, 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 and temporary easements be acquired for construction of the Elm Creek Interceptor Rehabilitation as indicated in the appraisals submitted to the Council.

Adopted this 11th day of December, 2013

Susan Haigh, Chair

Emily Getty, Recording Secretary