

## Environment Committee

Meeting date: June 11, 2013

For the Metropolitan Council meeting of June 26, 2013

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**Subject:** Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions, Seneca Interceptor System Rehabilitation, Project Number 808000, Resolution 2013-6

**District(s), Member(s):** District 5, Steve Elkins; District 15, Steven T. Chávez

**Policy/Legal Reference:** Minnesota Statutes 473.504

**Staff Prepared/Presented:** Scott Dentz 602-4503

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

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### **Proposed Action**

That the Metropolitan Council pass Resolution 2013-6 that authorizes acquisition of permanent/temporary easements necessary for the Seneca Interceptor System Rehabilitation, Project 808000; and authorizes Council legal staff to initiate condemnation proceedings for those parcels staff cannot acquire by negotiation.

### **Background**

System improvements are required to improve the integrity of the Burnsville Interceptor 3-BV-39, Eagan Interceptor 3-ET-37; and Bloomington Interceptors 3-BN-499, 7031, 3-BN-496, and 7084. These interceptors presently exhibit moderate to severe corrosion damage. It is proposed that approximately 32,500 lineal feet of interceptor will be pipelined and 16,400 lineal feet will be replaced in the first three phases of work. Maintenance structure lining and replacement will be included in the proposed improvements. Permanent and/or temporary easements are required from approximately 120 property owners to facilitate the construction. Phase 1 work will be advertised in the fall of 2013.

### **Rationale**

Land acquisition is necessary to implement the proposed interceptor improvements. This action delegates authority to staff to acquire property 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.

**RESOLUTION NO. 2013 - 6**

**RESOLUTION AUTHORIZING ACQUISITION  
OF FEE TITLE OWNERSHIP, PERMANENT/TEMPORARY EASEMENTS  
Seneca Interceptor System Rehabilitation  
MCES PROJECT 808000**

**WHEREAS**, the Council requires acquisition of permanent/temporary easements for construction of the Seneca Interceptor System Rehabilitation,

**WHEREAS**, the Metropolitan Council hereby finds and declares that it must acquire permanent and temporary easements for construction of the Seneca Interceptor System Rehabilitation 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 Seneca Interceptor System 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/temporary easements necessary for construction of the Seneca Interceptor System 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, the permanent/temporary easements necessary for construction of the Seneca Interceptor System 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/temporary easements acquired for construction of the Seneca Interceptor System Rehabilitation to be as indicated in the appraisals submitted to the Council.

Adopted this 26<sup>th</sup> day of June, 2013

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Susan Haigh, Chair

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Emily Getty, Recording Secretary