

Environment Committee

Meeting date: August 12, 2014

For the Metropolitan Council meeting of August 27, 2014

Subject: Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions of the North Area Interceptor Rehabilitation Improvements Phases 5-8, Project No's 808650, 808660, 808670 and 808680, Resolution 2014-12

District(s), Member(s): District 2, Lona Schreiber and District 10, Edward Reynoso

Policy/Legal Reference: Minnesota State Statute 473.504

Staff Prepared/Presented: Karen Keenan, 651-602-4561

Division/Department: MCES c/o Leisa Thompson, 651-602-8101

Proposed Action

That the Metropolitan Council passes Resolution 2014-12 authorizing acquisition of permanent and temporary easements necessary for the North Area Interceptor Rehabilitation Improvements Phases 5-8 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 corroded pipe in the north area of the Metro Plant service area in the cities of Moundsview, New Brighton, Fridley, Coon Rapids, Champlin and Brooklyn Park. This interceptor exhibits severe corrosion damage of the pipe and structures. It is proposed that approximately 3.6 miles of interceptor pipe will be lined or replaced. Maintenance structure rehabilitation and/or replacement will be included in the proposed improvements. Permanent and/or temporary easements are required from approximately 30 property owners to facilitate the construction. All phases of the project will be advertised by early 2015.

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 and 2015 Authorized Capital Programs

Known Support / Opposition

No known opposition

RESOLUTION NO. 2014-12
RESOLUTION AUTHORIZING ACQUISITION
OF PERMANENT AND TEMPORARY EASEMENTS,
NORTH AREA INTERCEPTOR REHABILITATION IMPROVEMENTS PHASES 5-8, PROJECT NO'S
808650, 808660, 808670 AND 808680

WHEREAS, the Council requires acquisition of permanent and temporary easements for construction of the North Area Interceptor Rehabilitation Improvements Phases 5-8,

WHEREAS, the Metropolitan Council hereby finds and declares it must acquire permanent and temporary easements for construction of the North Area Interceptor Rehabilitation Improvements 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 North Area Interceptor Rehabilitation Improvements Phases 5-8 projects 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 North Area Interceptor Rehabilitation Improvements Phases 5-8 projects 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 North Area Interceptor Rehabilitation Improvements Phases 5-8 projects if the property cannot be acquired by direct negotiation and 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 the total just compensation for the permanent and temporary easements be acquired submitted to the Council for construction of the North Area Interceptor Rehabilitation Improvements Phases 5-8 projects as indicated in the appraisals

Adopted this 27th day of August, 2014

Susan Haigh, Chair

Emily Getty, Recording Secretary