

Environment Committee

Meeting date: December 8, 2015

For the Metropolitan Council meeting of December 9, 2016

Subject: Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions, 2016 Trenchless Rehabilitation Program

District(s), Member(s): District 2, Lona Schreiber; District 3, Jennifer Munt; District 5, Steve Elkins; District 7, Gary Cunningham; District 10, Marie McCarthy; District 11, Sandy Rummel; and District 14, Jon Commers

Policy/Legal Reference: Minnesota State Statute 473.504 and Metropolitan Council Policy 3.3-Expenditures

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

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

Proposed Action

That the Metropolitan Council pass Resolution 2015-33 that authorizes acquisition of permanent and temporary easements necessary for the 2016 Trenchless Rehabilitation Program 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 found throughout the metropolitan area. These areas exhibit severe corrosion damage of pipes and structures. It is proposed that approximately 10 miles of interceptor pipe and associated structures will be lined or replaced. The 2016 Trenchless Rehabilitation Program consists of nine projects.

Project Number	Project Description
802885	Chanhassen/Minnetonka Int. Rehab. (District 3)
807635	Minneapolis 1-MN-320 (District 7)
808060	Bloomington 3-BN-499 Rehabilitation (District 5)
808690	North Area Phase 9 (District 2)
808695	North Area Phase 10 (District 11)
808710	Richfield Int. Rehab. (Airport – District 5)
808810	St. Paul Area Int. Rehab. Vadnais Heights/Maplewood (District 11)
808820	St. Paul Area Int. Rehab. Phalen & St Paul Facility Plan (District 11 & 13)
808830	St. Paul Area Int. Rehab. Roseville/St Paul (District 10 & 14)

Permanent and/or temporary easements are required from approximately 60 property owners to facilitate the construction. All phases of the project will be advertised in 2016.

Rationale

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



Funding

Funding is provided in the 2016 authorized Capital Programs.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL

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**RESOLUTION NO. 2015-33
RESOLUTION AUTHORIZING ACQUISITION
OF PERMANENT AND TEMPORARY EASEMENTS,
2016 TRENCHLESS REHABILITATION PROGRAM: PROJECT NO'S 802885, 807635, 808060,
808690, 808695, 808710, 808810, 808820, AND 808830**

WHEREAS, the Council requires acquisition of permanent and temporary easements for construction of the 2016 Trenchless Rehabilitation Program,

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire permanent and temporary easements for construction of the 2016 Trenchless Rehabilitation Projects 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 2016 Trenchless Rehabilitation 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 2016 Trenchless Rehabilitation 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 2016 Trenchless Rehabilitation projects 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 2016 Trenchless Rehabilitation projects as indicated in the appraisals submitted to the Council.

Adopted this 9th day of December, 2015.

Adam Duininck, Chair

Emily Getty, Recording Secretary