

## Environment Committee

Meeting date: April 26, 2016

For the Metropolitan Council meeting of May 25, 2016

**Subject:** Authorization to Acquire and Condemn of Real Property for Metropolitan Council Project 802827, Mound Area Improvements

**District(s), Member(s):** District 3, Jennifer Munt

**Policy/Legal Reference:** Policy 3-3, Expenditures; MN Statutes 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 pass Resolution 2016-12 authorizing the acquisition of real property necessary for MCES Project 802827 and directing its attorneys to initiate condemnation proceedings for those parcels that cannot be acquired by direct negotiation.

### Background

The Mound Interceptor Improvement Project will construct 12" gravity sewer from Brighton Commons to the new proposed L39 lift station site, while providing the ability to abandon existing L40 when complete. A new dual 10" forcemain will be constructed from L39 to the existing discharge manhole. MCES will install a 16" watermain on behalf of the City in Wilshire Blvd via cooperative agreement.

Portions of the dual 10" forcemain and a 16" watermain cross under Cooks Bay. These utilities will be installed by using directional drilling methods.

Four (4) permanent utility easements are needed from private residents to facilitate construction and protect the long term rights of pipes below

To date, parcels 1 – 3 have accepted offers for easements on their property, with only parcel 4 with no agreement from negotiations and would need to proceed to condemnation.

### Rationale

Land acquisition is necessary for implementation of this project. 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 included in the 2016 MCES Authorized Capital Program.

### Known Support / Opposition

No known opposition

**METROPOLITAN COUNCIL**

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**RESOLUTION NO. 2016-12**

**RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 802827.**

**WHEREAS**, Metropolitan Council Project No. 802827 (the "Project") requires the acquisition of real property.

**NOW THEREFORE BE IT RESOLVED:**

The Metropolitan Council finds and declares:

- (1) that the Project is a valid public project with a valid public purpose;
- (2) that the real property needed for the Project will be more particularly identified in the Project Plans or on the Project Work Map (the "Property");
- (3) that the Property is necessary for the Project and must be obtained before the filing of an award by the court-appointed commissioners;
- (4) that, in the judgment of the Metropolitan Council, the acquisition of the Property will further the public health, safety and welfare, and will be undertaken in accordance with Minnesota Statutes and the Real Property Acquisition Policy of the Metropolitan Council;
- (5) that, under Minnesota Statutes Section 473.504, the Metropolitan Council has the authority to acquire the Property by condemnation, and that the Council directs its attorneys to acquire the Property by condemnation if the Property cannot be acquired by direct negotiation; and
- (6) that the condemnation of the Property will be done in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117.

Adopted this 25<sup>th</sup> day of May 2016

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Adam Duininck, Chair

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Emily Getty, Recording Secretary