

Environment Committee

Meeting date: March 8, 2016

For the Metropolitan Council meeting of March 23, 2016

Subject: Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions for 2016 Blue Lake Interceptor Rehabilitation, Project No. 802880, Resolution 2016-5

District(s), Member(s): District 4, Deb Barber

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 2016-5 that authorizes acquisition of permanent and temporary easements necessary for the 2016 Blue Lake Interceptor Rehabilitation Project 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 Interceptor 6903 and 6904. This interceptor shows corrosion damage of its pipes and structures. It is proposed that approximately 5,300 lineal feet of interceptor pipe and associated structures will be lined or replaced. Permanent and/or temporary easements are required from approximately seven property owners to facilitate the construction. This 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. 2016-5
RESOLUTION AUTHORIZING ACQUISITION
OF PERMANENT AND TEMPORARY EASEMENTS,
2016 BLUE LAKE INTERCEPTOR REHABILITATION: PROJECT NO. 802880**

WHEREAS, the Council requires acquisition of permanent and temporary easements for construction of the 2016 Blue Lake Interceptor Rehabilitation Project,

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire permanent, temporary easements and file condemnation petitions for construction of the 2016 Blue Lake Interceptor Rehabilitation Project 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 Blue Lake Interceptor Rehabilitation Project 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 Blue Lake Interceptor Rehabilitation project 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 Blue Lake Interceptor Rehabilitation project 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 Blue Lake Interceptor Rehabilitation project as indicated in the appraisals submitted to the Council.

Adopted this 23rd day of March, 2016

Adam Duininck, Chair

Emily Getty, Recording Secretary