

Environment Committee

Meeting date: September 12, 2017

For the Metropolitan Council meeting of September 27, 2017

Subject: Mound Area Improvements Real Property Acquisition and Condemnation

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; Chris Remus, 651-602-4538

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

Proposed Action

That the Metropolitan Council pass Resolution 2017-21 to authorize the acquisition of real property necessary for MCES Project 802829 and direct its attorneys to initiate condemnation proceedings for those parcels that cannot be acquired by direct negotiation.

Background

The Mound 7021 forcemain project will replace nearly 3 miles of existing MCES 24" forcemain with 2-18" forcemains along County State Aid Highway 44, commencing at L38 in Mound and discharging to gravity pipe in Lake Minnetonka Regional Park in Minnetrista. This project includes a Joint Powers agreement with the City of Minnetrista for acquisition of real property; a cooperative agreement with the City of Mound to remove and replace watermain; and a cooperative agreement with Hennepin County to install drainage improvements. The utilities will be installed via open cut construction and tunneling under Halsted Bay Channel.

Both permanent and temporary easements are needed from forty-three (43) parcels, including private property owners, local school district and Three Rivers Park District. These easements will protect the long-term rights of pipes below and to gain access for temporary piping, excavation and construction activities.

To date, appraisals for all parcels are in the process of being completed.

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.

Thrive Lens Analysis

This action advances the Thrive Outcomes of Stewardship, Sustainability, Equity, and Prosperity and the Thrive Principles of Integration and Collaboration.

Funding

Funding is included in the 2017 MCES Authorized Capital Program.

Known Support / Opposition

The Cities of Mound and Minnetrista and Hennepin County are in support of this project.

METROPOLITAN COUNCIL

390 Robert Street North, Saint Paul, Minnesota 55101-1634
Phone (651) 602-100 TDD (651) 291-0904 FAX (651) 602-1550
Metro Info (651) 602-1888

RESOLUTION NO. 2017 - 21

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 802829.

WHEREAS, Metropolitan Council Project No. 802829 (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 27th day of September 2017

Alene Tchourumoff, Chair

Emily Getty, Recording Secretary