

Environment Committee

Meeting date: January 9, 2018

For the Metropolitan Council meeting of January 24, 2018

Subject: Acquire and Condemn Real Property for Plymouth Forcemain Odor Control

District(s), Member(s): District 7, Gary L. Cunningham

Policy/Legal Reference: Council Policy 3-3 Expenditures

Staff Prepared/Presented: Jeff Schwarz, 651-602-1176; Scott Dentz, 651-602-4503

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

Proposed Action

That the Metropolitan Council pass Resolution 2018-1 authorizing the acquisition of real property necessary for project 807637 Plymouth Forcemain Odor Control Project and directing its attorneys to initiate condemnation proceedings for those parcels that cannot be acquired by direct negotiation.

Background

Sewer odors from existing MCES pipe lines have been reported in the area of Summit Academy located at Van White Memorial Blvd and Olson Memorial Highway. Odors released in this area will also affect the light rail stations planned for Penn Avenue and Van White Memorial Blvd as part of the forthcoming Blue Line Light Rail Transit project and new developments planned by the City of Minneapolis.

Rationale

Construction of an odor control system is required to mitigate odors. Land needs to be acquired to construct the odor control facility. Land acquisitions with condemnation potential require Council authorization.

Thrive Lens Analysis

This action advances the Thrive Outcome of Stewardship. Public financial resources will be invested efficiently and effectively to accommodate future regional growth which will protect the region's natural resources.

Funding

2018-2020 MCES Authorized Capital Program, Project 807637

Currently Authorized: \$400,000

Unencumbered Funds: \$390,000

Requested Amount: \$0

Known Support / Opposition

The City of Minneapolis Planning Department, Bottineau Project Office, and Minneapolis Public Housing Authority are supportive of this project.

METROPOLITAN COUNCIL
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RESOLUTION NO. 2018 - 1

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 807637 – PLYMOUTH FORCEMAIN ODOR CONTROL.

WHEREAS, Metropolitan Council Project No. 807637 – Plymouth Forcemain Odor Control (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 24th day of January 2018

Alene Tchourumoff, Chair

Emily Getty, Recording Secretary