

Environment Committee

Meeting date: November 13, 2018

For the Metropolitan Council meeting of November 28, 2018

Subject: Minnehaha Park Area Sewer Improvements Real Property Acquisition and Condemnation

District(s), Member(s): District 8, Cara Letofsky

Policy/Legal Reference: Policy 3-3, Expenditures; Minnesota Statutes 473.504, Chapter 117

Staff Prepared/Presented: Chris Remus, 651-602-4538

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

Proposed Action

That the Metropolitan Council adopt Resolution 27 authorizing the acquisition and condemnation of permanent and temporary easements for Emergency Relief Structure 04 & 1MN344 Tunnel Rehabilitation, MCES Project No. 807629.

Background

The Minneapolis emergency relief structure and interceptor 1-MN-344 tunnel project will rehabilitate approximately 1000 linear feet of interceptor and associated structures that are over 60-foot deep as well as cleaning 2000 linear feet of interceptor.

The Metropolitan Council staff have been working with the Minneapolis Park and Recreation Board to acquire permanent easements through park property for existing interceptors through Minnehaha Park. Staff are also establishing temporary easements within the park to rehabilitate and convert the Regulator R04 into an Emergency Relief Structure and to slip-line the existing tunnel 1-MN-344.

The Metropolitan Council will also need a temporary easement from one property owner for temporary conveyance of wastewater around the facilities being rehabilitated. The privately-owned business located on this property is currently closed. The property is adjacent to the 50th Street light rail station of the Blue Line Light Rail. Numerous attempts have been made to contact the property owner, all of which have been unsuccessful.

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 Outcome of Stewardship. Public financial resources will be invested efficiently and effectively to maintain and restore existing wastewater infrastructure, which protects the region's natural resources.

Funding

Funding for this project is included in the 2019 Capital Program.

Known Support / Opposition

Known Support: Minnehaha Creek Watershed District, US National Park Service, City of Minneapolis, Minneapolis Parks.

Known Opposition: Friends of Coldwater Springs, Mendota Mdewakanton Dakota Tribal Community.

RESOLUTION NO. 2018 - 27

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 807629.

WHEREAS, Metropolitan Council Project No. 807629 (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 28th day of November 2018

Alene Tchourumoff, Chair

Emily Getty, Recording Secretary