

Environment Committee

Meeting date: July 27, 2021

For the Metropolitan Council meeting of August 11, 2021

Subject: Lake Elmo West Connection Real Property Acquisition and Condemnation

District(s), Member(s): District 11, Susan Vento; District 12, Francisco J. Gonzalez

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

Staff Prepared/Presented: Tim Wedin, 651-602-4571

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

Proposed Action

That the Metropolitan Council adopts Resolution 20 authorizing the acquisition and condemnation of real property for the Lake Elmo West Connection, MCES Project No. 806325.

Background

The southwestern portion of Lake Elmo currently receives sanitary sewer service through the City of Oakdale's local trunk system, which connects to MCES Interceptor 1-WO-500. With current development, Lake Elmo's current service is undersized. The City has requested a more robust direct connection to the MCES system so they can upgrade their I-94 Lift Station. MCES staff completed an evaluation of alternatives to provide service to southwestern Lake Elmo in spring of 2021, and design has begun to build a new gravity interceptor from the 1-WO-500 connection point in Oakdale to a location near the Lake Elmo corporate boundary at Inwood Avenue.

The gravity interceptor construction route, approximately 1 mile along the north side of I-94 in Oakdale, could impact 25 parcels of land. The ownership of this land is a mix of city, state, and private. There are existing utilities and utility easements in the corridor. It is anticipated that temporary construction easements, as well as new permanent easements will be needed for the new gravity interceptor.

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 prosperity, investing in infrastructure needed for orderly and economic development of suburban communities.

Funding

Project 806325 is included in the 8063 family of projects in the 2021 MCES Authorized Capital Program.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL

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RESOLUTION NO. 2021-20
RESOLUTION AUTHORIZING THE
ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR
METROPOLITAN COUNCIL PROJECT NO. 806325

WHERE AS:

1. The Metropolitan Council is a public corporation and political subdivision of the State of Minnesota and has statutory responsibility for operating the Twin Cities Metropolitan Area regional wastewater collection and treatment system, and
2. The Metropolitan Council has determined it is necessary and convenient for the fulfillment of its statutory responsibilities to construct the Lake Elmo West Connection, Project Number 806325, and
3. Metropolitan Council Project No. 806325 (the “Project”) requires the acquisition of real property.

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN COUNCIL,
that 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 11th day of August, 2021.

Charles A Zelle, Chair

Liz Sund, Recording Secretary