

Environment Committee

Meeting date: November 9, 2021

For the Metropolitan Council meeting of December 8, 2021

Subject: Interceptor 1-MN-320 Improvements Land Acquisition

District(s), Member(s): District 7, Robert Lilligren

Policy/Legal Reference: Real Estate Policy 9.1 and Minnesota State Statute §473.504, 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 2021-40 authorizing the acquisition and condemnation of real property for the Interceptor 1-MN-320 Improvements, MCES Project No. 809205.

Background

Interceptor 1-MN-320 was constructed in the 1880's consisting of 86-inch brick and stone arch pipe and supported by wood piles. An inspection of this interceptor has identified structural defects and was the subject of two recent emergency repairs. In both instances, public roadways and sidewalks were placed at risk due to the interceptor failure. Furthermore, failure of the interceptor could result in a release of wastewater to Bassett Creek. The conveyance system is being evaluated for improvement options to address condition and poor hydraulic performance. A new alignment for the interceptor and a new lift station are anticipated.

Rationale

Land acquisition is necessary to implement the proposed interceptor improvements and new lift station location. This action delegates authority to staff to acquire property rights for the project and to use condemnation, 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 the existing wastewater infrastructure, which protects the region's natural resources.

Funding

Project 809205 is included in the 2021 MCES Authorized Capital Program.

Known Support / Opposition

No known

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RESOLUTION NO. 2021 - 40

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 809205

WHEREAS, Metropolitan Council Project No. 809205 (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 8th day of December 2021

Charles A Zelle, Chair

Elizabeth Sund, Recording Secretary