

Environment Committee

Meeting date: November 9, 2021

For the Metropolitan Council meeting of December 8, 2021

Subject: Land Acquisition for 8567 Forcemain Replacement at Channel Crossings Project No 802863

District(s), Member(s): District 3, Christopher Ferguson

Policy/Legal Reference: Real Estate Policy 9.1 and Minnesota Statutes 473.504, 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 pass Resolution 2021-41 authorizing the acquisition of permanent easements for the 8567 Forcemain Replacement at Channel Crossings, Project No. 802863 and to initiate condemnation proceedings if direct purchase efforts are unsuccessful.

Background

Hennepin County is replacing Hendrickson and Noerenberg Bridges along CR 51. The existing 8567 forcemains are currently suspended from each bridge and must be removed. The replacement forcemains will be relocated under the Lake Minnetonka channels before Hennepin County removes and replaces the bridges. New easement rights are necessary to accommodate the relocated forcemains under each channel.

Rationale

The acquisitions are necessary to implement the proposed interceptor improvements. This action delegates authority to staff to acquire the necessary property rights 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 and public health.

Funding

Project 802863 is included in the 8028 family of projects in the 2021 MCES Authorized Capital Program. Council Bonds will provide funding for the Project.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL
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RESOLUTION NO. 2021 - 41

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 802863.

WHEREAS, Metropolitan Council Project No. 802863 (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

Liz Sund, Recording Secretary