

Management Committee

Meeting date: November 28, 2018

For the Metropolitan Council meeting of December 12, 2018

Subject: Southwest Light Rail Transit (Green Line Extension) Legal Services Contract Sole Source Amendment with Best & Flanagan LLP (16P296)

District(s), Member(s): All

Policy/Legal Reference: Metropolitan Council 3-3; Minn. Stat. §§ 473.129, 473.3999

Staff Prepared/Presented: Ann Bloodhart, General Counsel, 651-602-1105
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Division/Department: Regional Administration, Office of General Counsel

Proposed Action

That the Metropolitan Council approve a sole source contract amendment for legal services for real estate acquisition with Best & Flanagan LLP (16P296) to increase the contract amount by \$200,000 to a total contract amount of \$700,000.

Background

In November 2016, the Council executed a \$250,000 contract with Best & Flanagan to support the Office of General Counsel with real estate acquisition for the Southwest LRT project. At that time, it was anticipated that MnDOT legal counsel would prepare much of the condemnation documentation and file actions with the court. It was unknown exactly how many parcels would be put into condemnation.

In 2017, the Minnesota Legislature modified the eminent domain statute, Minnesota Statutes Chapter 117, and clarified that the Council must pay landowners' attorneys' fees and costs pursuant to Minn. Stat. § 117.031 for LRT projects. This had the effect of discouraging owners from settling and thus having more parcels put into condemnation.

In early 2018, it was determined that MnDOT legal staff did not have the capacity to handle Southwest LRT condemnations. As a result, the Council utilized Best & Flanagan to prepare condemnation documents, file actions, and otherwise represent the Council in property acquisitions and condemnation related processes.

In May 2018, with the number of condemnations and project delay, the contract was increased by \$250,000 to provide sufficient funds to continue the process of acquiring necessary property interests through condemnations. The last condemnation actions were filed in June/July 2018, with the Council acquiring title and possession of all but two parcels by December 2018. The Council will require legal support through 2019 for ongoing condemnation filings, hearings, stipulated settlements, and related matters.

Rationale

This sole source amendment is necessary for the Council to proceed with the Project and help ensure the owners' just compensation claims in condemnation are heard in a timely manner.

Thrive Lens Analysis

Construction of the Green Line Extension will increase the regions prosperity as it will provide access to 80,900 forecasted jobs and a new transportation option for 55,000 forecasted residents within ½ mile of the planned new stations in addition to the 145,300 forecasted jobs and 35,600 forecasted residents downtown Minneapolis.

Funding

Funds for this contract amendment are included in the Project budget.

Known Support / Opposition

There is no known opposition to this action.