

Committee Report

Business Item No. 2014-94

Environment Committee

For the Metropolitan Council meeting of May 14, 2014

Subject: Authorization to Acquire Fee Title and Permanent and Temporary Easements and File Condemnation Petitions, Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor, Project No. 808510, Resolution 2014-7

Proposed Action

That the Metropolitan Council pass Resolution 2014-7 that authorizes acquisition of fee title and permanent and temporary easements necessary for the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor, Project No. 808510, and authorizes Council legal staff to initiate condemnation proceedings for those parcels that staff cannot acquire by negotiation.

Summary of Committee Discussion/Questions

There was discussion regarding whether any land owners would be adverse to this action. Staff responded that some parcels will involve challenging negotiations due to differing opinions about the impact of a sewer easement on property already encumbered by a power line easement.

Motion to approve the proposed action was made, seconded, and passed unanimously.

Environment Committee

Meeting date: April 22, 2014

For the Metropolitan Council meeting of May 14, 2014

Subject: Authorization to Acquire Fee Title and Permanent and Temporary Easements and File Condemnation Petitions, Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor, Project No. 808510, Resolution 2014-7

District(s), Member(s): District 1, Katie Rodriguez

Policy/Legal Reference: Minnesota Statutes 473.504

Staff Prepared/Presented: Bryce Pickart, 651-602-1091

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

Proposed Action

That the Metropolitan Council pass Resolution 2014-7 that authorizes acquisition of fee title and permanent and temporary easements necessary for the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor, Project No. 808510, and authorizes Council legal staff to initiate condemnation proceedings for those parcels that staff cannot acquire by negotiation.

Background

Phase I of this interceptor was completed in 2008 as far west as the Hindu Society property in Maple Grove. Approximately $\frac{3}{4}$ mile of gravity interceptor sewer remains to be constructed to reach the borders of NE Corcoran and SE Rogers at Brockton Lane (CSAH 101). Fee title sites are needed for two permanent flow meter stations at the connection points. Permanent and temporary easements are needed for the pipe across about six agricultural parcels of land. The project corridor lies partially within the wide, shallow floodplain of the North Branch of Rush Creek and may require some land acquisition for compensatory flood storage. Three Rivers Park District has expressed interest in cooperative land acquisition efforts with the Council project where their needs for a future Rush Creek Regional Trail overlap.

Rationale

Land acquisition is necessary to implement the proposed interceptor improvements. This action delegates authority to staff to acquire property rights for the project and to use the condemnation process if necessary to ensure timely project delivery.

Funding

Funding is provided in the 2014 Authorized Capital Program.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL

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**RESOLUTION NO. 2014-7
RESOLUTION AUTHORIZING ACQUISITION
OF FEE TITLE AND PERMANENT AND TEMPORARY EASEMENTS,
CORCORAN/ROGERS GRAVITY CONNECTION OF THE ELM CREEK INTERCEPTOR
MCES PROJECT 808510**

WHEREAS, the Council requires acquisition of fee title and permanent and temporary easements for construction of the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor,

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire fee title and permanent and temporary easements for construction of the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of fee title and permanent and temporary easements identified in the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor plans and specifications is reasonably necessary and convenient for the furtherance of the construction of the project and in the judgment of the Metropolitan Council such acquisition will further the public health, safety and welfare, and be undertaken in accordance with Minnesota Statutes and the Real Property Acquisition Policy of the Metropolitan Council; and
2. That the Council hereby directs its Regional Administrator to acquire the fee title and permanent and temporary easements necessary for construction of the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor by negotiation; and
3. That, pursuant to Minnesota Statutes Chapter 473, the Council has the authority to acquire the property interests by eminent domain, permanent and temporary easements necessary for construction of the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor, if the property cannot be acquired by direct negotiation and that such acquisition be in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117, including, specifically, 117.042; and
4. That the Council hereby approves and certifies that the total just compensation for the permanent and temporary easements be acquired for construction of the Corcoran/Rogers Gravity Connection of the Elm Creek Interceptor as indicated in the appraisals submitted to the Council.

Adopted this 14th day of May, 2014

Susan Haigh, Chair

Emily Getty, Recording Secretary