

### Environment Committee

For the Metropolitan Council meeting of August 27, 2014

**Subject:** Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions of the North Area Interceptor Rehabilitation Improvements Phases 5-8, Project No's 808650, 808660, 808670 and 808680, Resolution 2014-12

#### Proposed Action

That the Metropolitan Council passes Resolution 2014-12 authorizing acquisition of permanent and temporary easements necessary for the North Area Interceptor Rehabilitation Improvements Phases 5-8 projects and authorizes Council legal staff to initiate condemnation proceedings for those parcels that staff cannot acquire by negotiation.

#### Summary of Committee Discussion/Questions

Discussion occurred regarding the percentage of easements which would be permanent. Staff indicated easements are typically temporary; however, two to three may be permanent and we do our best to mitigate impacts for property owners.

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

## Environment Committee

Meeting date: August 12, 2014

For the Metropolitan Council meeting of August 27, 2014

**Subject:** Authorization to Acquire Permanent/Temporary Easements and File Condemnation Petitions of the North Area Interceptor Rehabilitation Improvements Phases 5-8, Project No's 808650, 808660, 808670 and 808680, Resolution 2014-12

**District(s), Member(s):** District 2, Lona Schreiber and District 10, Edward Reynoso

**Policy/Legal Reference:** Minnesota State Statute 473.504

**Staff Prepared/Presented:** Karen Keenan, 651-602-4561

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

### Proposed Action

That the Metropolitan Council passes Resolution 2014-12 authorizing acquisition of permanent and temporary easements necessary for the North Area Interceptor Rehabilitation Improvements Phases 5-8 projects and authorizes Council legal staff to initiate condemnation proceedings for those parcels that staff cannot acquire by negotiation.

### Background

Interceptor improvements are required to improve the integrity of corroded pipe in the north area of the Metro Plant service area in the cities of Moundsview, New Brighton, Fridley, Coon Rapids, Champlin and Brooklyn Park. This interceptor exhibits severe corrosion damage of the pipe and structures. It is proposed that approximately 3.6 miles of interceptor pipe will be lined or replaced. Maintenance structure rehabilitation and/or replacement will be included in the proposed improvements. Permanent and/or temporary easements are required from approximately 30 property owners to facilitate the construction. All phases of the project will be advertised by early 2015.

### 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 and 2015 Authorized Capital Programs

### Known Support / Opposition

No known opposition

**RESOLUTION NO. 2014-12**  
**RESOLUTION AUTHORIZING ACQUISITION**  
**OF PERMANENT AND TEMPORARY EASEMENTS,**  
**NORTH AREA INTERCEPTOR REHABILITATION IMPROVEMENTS PHASES 5-8, PROJECT NO'S**  
**808650, 808660, 808670 AND 808680**

WHEREAS, the Council requires acquisition of permanent and temporary easements for construction of the North Area Interceptor Rehabilitation Improvements Phases 5-8,

WHEREAS, the Metropolitan Council hereby finds and declares it must acquire permanent and temporary easements for construction of the North Area Interceptor Rehabilitation Improvements prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of permanent and temporary easements identified in the North Area Interceptor Rehabilitation Improvements Phases 5-8 projects 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 permanent and temporary easements necessary for construction of the North Area Interceptor Rehabilitation Improvements Phases 5-8 projects 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 North Area Interceptor Rehabilitation Improvements Phases 5-8 projects if the property cannot be acquired by direct negotiation and 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 the total just compensation for the permanent and temporary easements be acquired submitted to the Council for construction of the North Area Interceptor Rehabilitation Improvements Phases 5-8 projects as indicated in the appraisals

Adopted this 27th day of August, 2014

---

Susan Haigh, Chair

---

Emily Getty, Recording Secretary