

Transportation Committee

For the Metropolitan Council meeting of November 9, 2016

Subject: Green Line Extension Resolution of Public Purpose for use of Condemnation Proceedings

Proposed Action

That the Metropolitan Council pass Resolution 2016-28 declaring that the Green Line Extension LRT Project is a valid public purpose for the use of condemnation proceedings.

Summary of Committee Discussion/Questions

Metro Transit Deputy General Manager Mark Fuhrmann presented this item. Councilmember Munt asked for confirmation that there will be no full residential takings, to which Mr. Fuhrmann responded that was correct.

Motion by Councilmember Munt, seconded by Councilmember Reynoso and carried.

Transportation Committee

Meeting date: October 24, 2016

For the Metropolitan Council meeting of November 9, 2016

Subject: Green Line Extension Resolution of Public Purpose for use of Condemnation Proceedings

District(s), Member(s): All

Policy/Legal Reference: Minnesota Statutes 117.012 and 473.405

Staff Prepared/Presented: Brian J. Lamb, General Manager, 612-349-7510
Mark W. Fuhrmann, Deputy General Manager, 612-373-3810
Jim Alexander, Acting SWLRT Project Director, 612-373-3880

Division/Department: Metro Transit/ Green Line Extension LRT

Proposed Action

That the Metropolitan Council pass Resolution 2016-28 declaring that the Green Line Extension LRT Project is a valid public purpose for the use of condemnation proceedings.

Background

The Green Line Extension Light Rail Transit Project estimates the need to acquire property rights from approximately 153 parcels. Acquisitions include items such as temporary easements, permanent easements, utility easements, fee title, and access control. In acquiring the property for the Project, the Council will follow the acquisition, condemnation, and settlement thresholds previously established in BI 2016-01 Revised. Efforts will be made to acquire property through direct purchase, however in some circumstances it may be necessary to use condemnation under Minnesota Statutes 117 to acquire property. Minnesota Statute 117.012 requires that there be a public purpose for the use of condemnation. The resolution that is part of this business item formally declares that the Green Line Extension Light Rail Project is a public purpose for the use of condemnation.

Rationale

Land acquisition is necessary to implement the Green Line Extension Light Rail Transit Project. This action resolves that the Project is a valid public purpose under Minnesota Statutes 117.012 and 473.405. This will allow the Council to proceed with condemnation proceedings pursuant to the thresholds passed by the Council as BI 2016-01 on September 28, 2016.

Funding

This item has no direct budget impact. The Council is required to follow the acquisition, condemnation, and settlement thresholds previously passed. Funding for the right of way acquisitions is included in the Project budget.

Known Support / Opposition

MnDOT supports the process described above.

METROPOLITAN COUNCIL

390 Robert Street North, St. Paul, MN 55101

RESOLUTION NO. 2016 -28

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR THE GREEN LINE EXTENSION LRT

WHEREAS:

1. The Green Line Extension LRT (the "Project") requires the acquisition of real property.

NOW, THEREFORE:

BE IT RESOVED, that Metropolitan Council finds and declares that the Project is a valid public project with a valid public purpose;

BE IT FURTHER RESOLVED that the real property needed for the Project will be identified in the Project Plans or on the Project Work Map (the "Property");

BE IT FURTHER RESOLVED that the Property is necessary for the Project and must be obtained before the filing of an award by the court-appointed commissioners;

BE IT FURTHER RESOLVED 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;

BE IT FURTHER RESOLVED that, under Minnesota Statutes Section 473.405, 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

BE IT FURTHER RESOLVED that the condemnation of the Property will be done in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117.

Adopted this ____ day of _____ 2016

Adam Duinick, Metropolitan Council Chair

Emily Getty, Recording Secretary