

Committee Report

Business Item No. 2016-85

Environment Committee

Meeting date: April 26, 2016

For the Metropolitan Council meeting of May 25, 2016

<p>Subject: Authorization to Acquire and Condemn of Real Property for Metropolitan Council Project 802855, Lift Station L-18 in Shorewood</p>
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Proposed Action

That the Metropolitan Council pass Resolution 2016-11 authorizing the acquisition of real property necessary for MCES Project 802855 and directing its attorneys to initiate condemnation proceedings.

Summary of Committee Discussion/Questions

No comments or questions.

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

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Subject: Authorization to Acquire and Condemn of Real Property for Metropolitan Council Project 802855, Lift Station L-18 in Shorewood

District(s), Member(s): District 3, Jennifer Munt

Policy/Legal Reference: Policy 3-3, Expenditures; MN Statutes 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 pass Resolution 2016-11 authorizing the acquisition of real property necessary for MCES Project 802855 and directing its attorneys to initiate condemnation proceedings.

Background

Facility planning is complete and detailed engineering design is underway for the replacement of L-18 in Shorewood, MN. The new L-18 site is located on city-owned property. Construction of the new lift station will require acquisition of real property. Construction is scheduled to begin in summer 2016. An appraisal will be obtained by an independent, licensed appraiser.

Rationale

Land acquisition is necessary for implementation of this project. This action delegates authority to staff to acquire property for the project and to use the condemnation process if necessary to ensure timely project delivery.

Funding

Funding is provided in the 2016 authorized Capital Program.

Known Support / Opposition

The property is tax-forfeited land. The City of Shorewood supports use of the condemnation process as a means to facilitate the acquisition. There is no known opposition.

METROPOLITAN COUNCIL

390 Robert Street North, Saint Paul, Minnesota 55101-1634

Phone (651) 602-100 TDD (651) 291-0904 FAX (651) 602-1550

Metro Info (651) 602-1888

RESOLUTION NO. 2016-11

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 802855.

WHEREAS, Metropolitan Council Project No. 802855 (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 25th day of May 2016

Adam Duininck, Chair

Emily Getty, Recording Secretary