

Environment Committee

For the Metropolitan Council meeting of March 22, 2017

Subject: Fee Title, Permanent and Temporary Easements and File Condemnation Petitions for Lift Station L-80 Project in Corcoran

Proposed Action

That the Metropolitan Council authorize its regional Administrator to acquire fee title and permanent and temporary easements necessary for the Corcoran Lift Station (L-80), MCES Project 808520, and authorizes Council legal staff to initiate condemnation proceedings if staff cannot acquire them by negotiation per Resolution Number 2017-8.

Summary of Committee Discussion/Questions

Staff stated there would be additional cost to construct the access driveway within the road easement. The cost is unknown at this time. It is presently unknown if the easement will be sold once the parcel is developed. It may be traded for lift station access using the development roadways.

Councilmember Melander inquired about parameters on when a shift would occur from negotiation to condemnation. Staff stated these are situational and evaluated on a case by case basis.

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

Environment Committee

Meeting date: March 14, 2017

For the Metropolitan Council meeting of March 22, 2017

Subject: Fee Title, Permanent and Temporary Easements and File Condemnation Petitions for Lift Station L-80 Project in Corcoran

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

Policy/Legal Reference: Minnesota Statutes 473.504, Subd. 9 and Chapter 117

Staff Prepared/Presented: Daniel Fick, 651-602-1061; Scott Dentz, 651-602-4503

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

Proposed Action

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Background

In March 2017, the City of Corcoran will complete a truck sewer project to serve the southeastern portion of the city. Flows from this area to the Lift Station L-80 site are anticipated to begin in the Fall of 2017. Construction of Lift Station L-80 is required to convey these flows to the MCES Elm Creek Interceptor system.

In 2014 MCES acquired property for the lift station as well as easements for the pipes leading to and from the lift station. No easements were acquired for access to the site since development was imminent and access would be provided as part of the development.

Rationale

Since the property acquisition in 2014, no development has taken place on the property; therefore, it is necessary to acquire easements to construct and operate lift station L-80. 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.

Thrive Lens Analysis

This action advances the Thrive outcomes of stewardship and prosperity by responsibly managing our investments and supporting orderly and economic growth by facilitating environmentally responsible development in accordance with the City's approved Comprehensive Plan.

Funding

2017 MCES Authorized Capital Program, Project 808520

Currently Authorized: \$1,975,000

Unencumbered Funds: \$1,870,000

Known Support / Opposition

The City of Corcoran supports this action. No known opposition.

METROPOLITAN COUNCIL
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RESOLUTION NO. 2017-8

**RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY
NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 808520**

WHEREAS, Metropolitan Council Project No. 808520 (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 22nd day of March. 2017.

Adam Duininck, Chair

Emily Getty, Recording Secretary