

Environment Committee

For the Metropolitan Council meeting of July 10, 2019

Subject: St. Bonifacius Interceptor Acquisition and Condemnation of Real Property

Proposed Action

That the Metropolitan Council pass Resolution 2019-12 authorizing the acquisition of real property necessary for MCES Project 808200 and directing its attorneys to initiate condemnation proceedings for those parcels that cannot be acquired by direct negotiation.

Summary of Committee Discussion/Questions

Committee Member Sterner asked if there was any known opposition. Staff stated we are in the planning stage and therefore, negotiations have not begun with the property owners at this time. Discussion will begin after this approval.

Chair Lindstrom asked how often the properties reach a point of having to be condemned. Staff stated MCES works to reach negotiated agreements whenever possible before it reaches this point. It is desirable to reach fair and agreeable settlements.

Committee Member Fredson asked about funding for this part of the process. Staff clarified funding is part of the capital plan. There would not be any additional funding requests as part of this item.

Environment Committee

Meeting date: June 25, 2019

For the Metropolitan Council meeting of July 10, 2019

Subject: St. Bonifacius Interceptor Acquisition and Condemnation of Real Property

District(s), Member(s): District 3, Christopher Ferguson

Policy/Legal Reference: Policy 3-3, Expenditures; MN Statutes 473.504

Staff Prepared/Presented: Adam Gordon, 651-602-4503

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

Proposed Action

That the Metropolitan Council pass Resolution 2019-12 authorizing the acquisition of real property necessary for MCES Project 808200 and directing its attorneys to initiate condemnation proceedings for those parcels that cannot be acquired by direct negotiation.

Background

The St. Bonifacius Interceptor project will rehabilitate Lift Station L24 and replace 2.5 miles of Interceptor 7020 with a dual forcemain along Highway 7 in Minnetrista.

Easements are needed for 15 parcels including rural private, commercial, homeowners association and regional park district property.

Fee title acquisition is planned from one commercial and one watershed district parcel for L24.

Property acquisitions will protect the long-term rights of L24 and the forcemain and allow for temporary construction activities.

To date, easement work maps and title research have been completed.

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.

Thrive Lens Analysis

This action advances the Thrive Outcome of Stewardship. Public financial resources will be invested efficiently and effectively to maintain and restore existing wastewater infrastructure, which protects the region's natural resources.

Funding

Funding is included in the 2019 MCES Authorized Capital Program.

Known Support / Opposition

The Cities of Minnetrista and St. Bonifacius are in support of this project.

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RESOLUTION NO. 2019-12

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 808200.

WHEREAS, Metropolitan Council Project No. 808200 (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 10 day of July 2019

Nora Slawik, Chair

Elizabeth Sund, Recording Secretary