

## **Environment Committee**

For the Metropolitan Council meeting of February 12, 2020

**Subject:** Brooklyn Park and Osseo Interceptor Rehab 7015 A&B, 4-OS-457, M224 Land Acquisition

### **Proposed Action**

That the Metropolitan Council pass Resolution 2020-3 authorizing the acquisition of temporary easements for the Brooklyn Park and Osseo Interceptor Rehabilitation project and staff to initiate condemnation proceedings.

### **Summary of Committee Discussion/Questions**

What is the time frame for temporary easement? Staff stated temporary easement will be in place for the duration of the construction project. The estimate for this project is 18 months, with the option to extend for six additional months.

Is there an email list service that interested parties can subscribe to? Staff responded that the project is in the design phase, so the project website is not currently active. As the project progresses through the design phase and into construction, the project website will be activated which will include a list serve for project notifications.

Is there a lease signed for a period for the temporary conveyance? Staff stated when a temporary easement is executed a payment is made at the beginning of the project based on the value of the land and the period the easement is needed. If additional time is needed, a separate cost is negotiated and paid.

## Environment Committee

Meeting date: January 28, 2020

For the Metropolitan Council meeting of February 12, 2020

**Subject:** Brooklyn Park and Osseo Interceptor Rehab 7015 A&B, 4-OS-457, M224 Land Acquisition

**District(s), Member(s):** District 2, Reva Chamblis

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

**Staff Prepared/Presented:** Tim Wedin, 651-602-4571

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

### Proposed Action

That the Metropolitan Council pass Resolution 2020-3 authorizing the acquisition of temporary easements for the Brooklyn Park and Osseo Interceptor Rehabilitation project and staff to initiate condemnation proceedings.

### Background

Interceptor improvements are required to repair corroded sewer pipe in poor condition within the Brooklyn Park and Osseo area to improve the integrity of the system. An adjoining interceptor pipe had a recent pipe break in 2018 and was repaired under an emergency contract. The project includes rehabilitation and/or replacement of 0.75 miles of gravity pipe and the maintenance structures. Meter M224 will also be rehabilitated due to condition and access issues. Temporary easements are required for approximately 6 properties to facilitate construction. Construction is planned to begin in the fall of 2020 and last through 2021.

### 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

Project 809361 is included in the 8093 family of projects in the 2020 MCES Authorized Capital Program.

### Known Support / Opposition

There is no known opposition

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**RESOLUTION NO. 2020-3**

**RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METROPOLITAN COUNCIL PROJECT NO. 809361.**

**WHEREAS**, Metropolitan Council Project No. 809361 (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;
- (4) 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
- (5) that the condemnation of the Property will be done in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117.

Adopted this 12<sup>th</sup> day of February 2020

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Charles Zelle, Chair

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Elizabeth Sund, Recording Secretary