

Environment Committee

For the Metropolitan Council meeting of August 11, 2021

Subject: L46 and L49 Lift Station Improvements Real Property Acquisition and Condemnation

Proposed Action

That the Metropolitan Council adopts Resolution 19 authorizing the acquisition and condemnation of real property for the L46 and L49 Lift Station Improvements, MCES Project No. 802831.

Summary of Committee Discussion/Questions

No comments or questions.

The proposed action was approved and forwarded to the August 11, 2021 Council meeting for approval.

Environment Committee

Meeting date: July 27, 2021

For the Metropolitan Council meeting of August 11, 2021

Subject: L46 and L49 Lift Station Improvements Real Property Acquisition and Condemnation

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

Policy/Legal Reference: Policy 3-3, Expenditures; Minnesota Statutes 473.504, Chapter 117

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

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

Proposed Action

That the Metropolitan Council adopts Resolution 19 authorizing the acquisition and condemnation of real property for the L46 and L49 Lift Station Improvements, MCES Project No. 802831.

Background

L46 and L49 lift stations in Orono are in poor condition and mechanical equipment is reaching the end of its useful life. Lift station L46 will be rehabilitated with new process mechanical equipment and structural rehabilitation, as well as site improvements. Lift station L49 is currently located in the City right-of-way and will be reconstructed on neighboring property owned by the Metropolitan Council. This work will require temporary easement for construction on one parcel as well as an expansion of an existing permanent easement on one parcel to accommodate the site improvements at L46.

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 wastewater infrastructure, which protects the region's natural resources.

Funding

Project 802831 is included in the 8028 family of projects in the 2021 MCES Authorized Capital Program.

Known Support / Opposition

No known opposition.

METROPOLITAN COUNCIL

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RESOLUTION NO. 2021-19
RESOLUTION AUTHORIZING THE
ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR
METROPOLITAN COUNCIL PROJECT NO. 802831

WHERE AS:

1. The Metropolitan Council is a public corporation and political subdivision of the State of Minnesota and has statutory responsibility for operating the Twin Cities Metropolitan Area regional wastewater collection and treatment system, and
2. The Metropolitan Council has determined it is necessary and convenient for the fulfillment of its statutory responsibilities to construct the L46 and L49 Lift Station Improvements, Project Number 802831, and
3. Metropolitan Council Project No. 802831 (the "Project") requires the acquisition of real property.

NOW, THEREFORE, BE IT RESOLVED BY THE METROPOLITAN COUNCIL,
that 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 11th day of August, 2021.

Charles A Zelle, Chair

Liz Sund, Recording Secretary