

Committee Report

Transportation Committee



Committee Meeting Date: August 8, 2022

For the Metropolitan Council: August 24, 2022

Business Item: 2022-214

METRO B Line – Real Estate Acquisition and Condemnation, Resolution 2022-21

Proposed Action

That the Metropolitan Council pass Resolution 2022-21 declaring the METRO B Line Project as a public purpose, authorizing acquisition of all real estate interests necessary for the Project, and authorizing staff to initiate condemnation proceedings on behalf of the Council for parcels that cannot be acquired by negotiation.

Summary of Transportation Committee Discussion/Questions

Metro Transit Principal Engineer Luke Sandstrom presented this item. Sterner asked what the maximum number of parcel could be; Sandstrom stated 14. Chamblis asked for an example of the temporary easements. Sandstrom responded that typically for ABRT projects, the station platforms are constructed within the existing right of way so the temporary easements are usually just for grading purposes to tie in or replacing existing sidewalks in the right of way.

Motion by Cummings, second by Pacheco. Motion carried, Consent to Council.



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METRO B Line – Real Estate Acquisition and Condemnation, Resolution 2022-21

District(s), Member(s):	District 6 (Pacheco), District 7 (Lilligren), District 8 (Muse), District 14 (Fredson), District 13 (Lee)
Policy/Legal Reference:	MN Statutes 117.012 and 473.405
Staff Prepared/Presented:	Wes Kooistra, General Manager, 612-349-7510 Nick Thompson, Deputy General Manager, 612-349-7507 Katie Roth, Director, Arterial BRT, 612-349-7772 Luke Sandstrom, Principal Engineer, Arterial BRT, 612-349-7792 Greg Ewig, Director, Real Estate, Regional Administration, 651-602-1556
Division/Department:	Metro Transit / Arterial BRT

Proposed Action

That the Metropolitan Council pass Resolution 2022-21 declaring the METRO B Line Project as a public purpose, authorizing acquisition of all real estate interests necessary for the Project, and authorizing staff to initiate condemnation proceedings on behalf of the Council for parcels that cannot be acquired by negotiation.

Background

Metro Transit will lead construction of the METRO B Line project. The Council's Real Estate Office will lead acquisition efforts for the project.

The project requires the acquisition of approximately 12 temporary and 2 permanent easements from parcels along the METRO B Line corridor in the cities of Minneapolis and St. Paul. There are no anticipated fee acquisitions or relocations associated with the project.

All reasonable efforts will be made to acquire property through direct purchase; however, in some circumstances it may be necessary to use condemnation under Minnesota Statutes Chapter 117 to acquire property. Minnesota Statutes Section 117.12 requires that there be a public purpose for the use of condemnation. The attached resolution formally declares that the METRO B Line Project is a public purpose for the use of condemnation.

Rationale

Temporary and permanent easement acquisitions are necessary to implement the planned METRO B Line Project. This action resolves that the Project is a valid public purpose under Minnesota Statutes Sections 117.012 and 473.405.

Thrive Lens Analysis

The METRO B Line will upgrade and substantially replace Route 21, Metro Transit's second-highest ridership bus route. Investment in high-quality transportation options in the Route 21

corridor will advance the Thrive outcome of Prosperity, by making the region more economically competitive through increased workers' access to employment, and support to employers by increasing available workforce with affordable, convenient transportation.

The METRO B Line project advances the Thrive outcome of Equity by investing in a transit corridor serving communities of color. More than half of Route 21 riders identify as Black, Indigenous, or people of color (BIPOC). Investment in the METRO B Line will provide riders with faster service and a more comfortable waiting and riding experience.

The proposed action also advances the Thrive outcome of Stewardship by planning for METRO B Line corridor improvements efficiently with regional partnership from Hennepin County, Ramsey County, Minneapolis, and St. Paul.

Funding

Funding for right-of-way acquisition is available in the authorized Metro Transit capital program in Project 62802 (B Line).

Small Business Inclusion

There is no contracting, and therefore no small business inclusion, associated with this action.



METROPOLITAN COUNCIL

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RESOLUTION NO. 2022 -21

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METRO B LINE, METROPOLITAN COUNCIL PROJECT NO. 62802

WHEREAS, Metropolitan Council Project No. 62802, METRO B Line, (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 Policy of the Metropolitan Council.
- (5) that, under Minnesota Statutes Section 473.405, Subd. 3 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 _ day of _____ 202_

Chair

Recording Secretary