

Transportation Advisory Board
of the Metropolitan Council of the Twin Cities

ACTION TRANSMITTAL

No. 2012-04

DATE: February 9, 2012
TO: Transportation Advisory Board
FROM: Technical Advisory Committee
SUBJECT: Sunset Date Extension for Saint Paul SP#91-090-056 Cherokee Regional Trail

MOTION: That the TAB approve a one year sunset date extension from March 31, 2012 to March 31, 2013 for Saint Paul SP#91-090-056 Cherokee Regional Trail.

BACKGROUND AND PURPOSE OF ACTION: This project would pave a regional trail through Cherokee Regional Park from the Mississippi River and Harriet Island. This project has moved ahead but has reached a temporary impasse regarding the negotiation for temporary easements to construct the project. The City has acquired easements for 4 of the 5 parcels that require them but the remaining parcel is in the midst of a real estate transaction which does not allow them to grant an easement until the deal is complete. Background material is attached.

RELATIONSHIP TO REGIONAL POLICY: Projects awarded federal transportation funds through the regional solicitation process have a sunset date of March 31 of the year following the original program year. The sunset date is the date when the federal funds are no longer available to the project sponsor. The sunset date is a regional policy intended to be an incentive for project sponsors to get their project ready for authorization in a timely manner. Adopted policy allows project sponsors to extend the sunset date due to unforeseen circumstances, provided the sponsor has been working on project development.

ROUTING

TO	ACTION REQUESTED	DATE COMPLETED
TAC Funding & Programming Committee	Review & Recommend	January 19, 2012
Technical Advisory Committee	Review & Recommend	February 1, 2012
TAB Programming Committee	Review & Recommend	
Transportation Advisory Board	Review & Approve	



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City in America

CITY OF SAINT PAUL

Mayor Christopher B. Coleman

400 City Hall Annex
25 West 4th Street
Saint Paul, Minnesota 55102
www.stpaul.gov/parks

Telephone: 651-266-6400
Facsimile: 651-292-7311

Thursday, December 29, 2011

To: Karl Keel, P.E.
Chair, TAC Funding and Programming Committee
Metropolitan Council
390 Robert St. N.
Saint Paul, MN 55101

From: City of Saint Paul
Department of Parks and Recreation
Alice Messer, Landscape Architect
25 West 4th Street, 400 City Hall Annex
Saint Paul, MN 55102

**RE: Sunset Date Extension Request – Cherokee Regional Trail
SP91-090-056**

Dear Mr. Keel,

The City of Saint Paul Department of Parks and Recreation is requesting a sunset date extension for Cherokee Regional Trail project (SP91-090-056). The request would extend the Cherokee Regional Trail project from March 31, 2012 to March 31, 2013.

An extension is requested due to a unique situation that has arisen with a property owner along Ohio Street. During temporary easement negotiations, the property owner decided to sell their property and is unwilling to sign the temporary easement until the property has sold (estimated closing date end of February 2012).

The City of Saint Paul has started the condemnation process and is hopeful to have the signed right of way certificate by the end of the state fiscal year (June 2012). However, due to tight time constraints with the existing sunset date, the City of Saint Paul is requesting a sunset extension to secure funding in case issues arise during the condemnation process.

Please find a completed sunset date extension request form attached.

Thank you for your consideration of this request.

Sincerely,

Alice Messer
Project Manager



CAPRA Accreditation

An Affirmative Action Equal Opportunity Employer

National Gold Medal Award

SUNSET DATE EXTENSION REQUEST FORM
Cherokee Regional Trail SP91-090-056

Project Background

- a) ***Project Name***
Cherokee Regional Trail
- b) ***Location Map***
See Attachment A
- c) ***Sponsoring Agency***
City of Saint Paul Department of Parks and Recreation
- d) ***Other Partnering Agencies***
None
- e) ***Project Description***
Provide a 1.9 mile paved regional trail through Cherokee Regional Park creating a trail connection from atop the Mississippi River bluff line to the lower valley of the Mississippi River and Harriet Island/Lilydale Regional Park.
- f) ***Funding Category***
Transportation Enhancement
- g) ***Federal Funds Allocated***
\$1,090,000 from Transportation Enhancement funds
- h) ***Local Share and Source***
Capitol Improvement Bonds (CIB), FY 2010 \$385,000 and FY 2011 \$340,000
- i) ***Fiscal Year Programmed***
2012

Project Process

- a) ***Progress schedule***
See Attachment B
- b) ***Right of Way Acquisition***
Temporary construction easements are required for five parcels along Ohio Street. Signed agreements have been received for four parcels. The remaining parcel (Parcel #1 as identified on Attachment C) is currently changing ownership and unwilling to sign the temporary easement until the sale has been finalized. See Attachment C.
- c) ***Permits***
No permitting by the local watershed management organization, DNR, or Army Corps is required on the project. The contractor will be responsible for receiving a grading and NPDES permit once the project has been awarded.

d) Approvals –

Plans were submitted to MnDOT State Aid Office on December 20, 2011 for final review. Final approval by the City of Saint Paul Engineer and MnDOT can not occur until a signed Right of Way Certificate is completed.

e) Identify funds and other resources spent to date on project

Design, engineering, surveying and geotechnical testing costs have been spent to date on this project. The expenses total \$24,700.00 for survey work, \$27,487.00 for geotechnical testing, \$266,222.00 for engineering and \$72,769.00 for design and project management. Funds spent to date total \$361,178.00.

Justification for Extension Request

a) What is unique about this project that requires an extension of the sunset?

An extension is requested on this project as a change in property ownership has occurred during temporary easement negotiations. Temporary access is required within five parcels along Ohio Street to allow for trail construction. Negotiations with existing property owners began June 2011 granting temporary access for construction activities. To date, four of the five parcels have signed and returned the agreements. The remaining parcel, Parcel #1, is currently selling their property and is bound by a purchase agreement which will not allow them to grant any easements on the property.

The existing owner of Parcel #1 will not allow the City to contact the new buyer and the existing owner has told the City that “the deal will either fall through or close by the end of February 2012”. This is very close to the existing sunset date of March 31, 2012. Therefore, an extension is requested in the event that the new owner of the parcel is unwilling to sign the temporary easement

The Right of Way certificate can not be signed until the temporary easements have been resolved and a Right of Way certificate must be signed prior to MnDOT authorizing the project by the end of the state fiscal year 2012.

b) What are the financial impacts if this project does not meet its sunset date?

The City of Saint Paul has received \$1,090,000.00 in federal funding for the project. If the City is unable to meet the project sunset date, the City of Saint Paul will not be able to construct the Cherokee Regional Trail and other funds secured for the project will have to be returned.

c) How does this project implement regional policies?

This project consists of creating a 1.9 mile regional trail within a regional park. The trail was identified in the approved master plan for Cherokee Regional Park in 1990 providing a critical connection between Cherokee Regional Park and Harriet Island /Lilydale Regional Park and downtown Saint Paul. This project will implement regional policies by providing a shared use trail where existing pedestrian and bicycle facilities do not exist.

d) What are the implications if the project does not obtain the requested extension?

The City of Saint Paul will be unable to construct Cherokee Regional Trail if a project extension is not granted as federal funding is essential to the project budget. The estimated construction budget for the project is \$2,333,000.00. The City of Saint Paul has maximized its funding options through other sources including CIB, CIP, Parks and

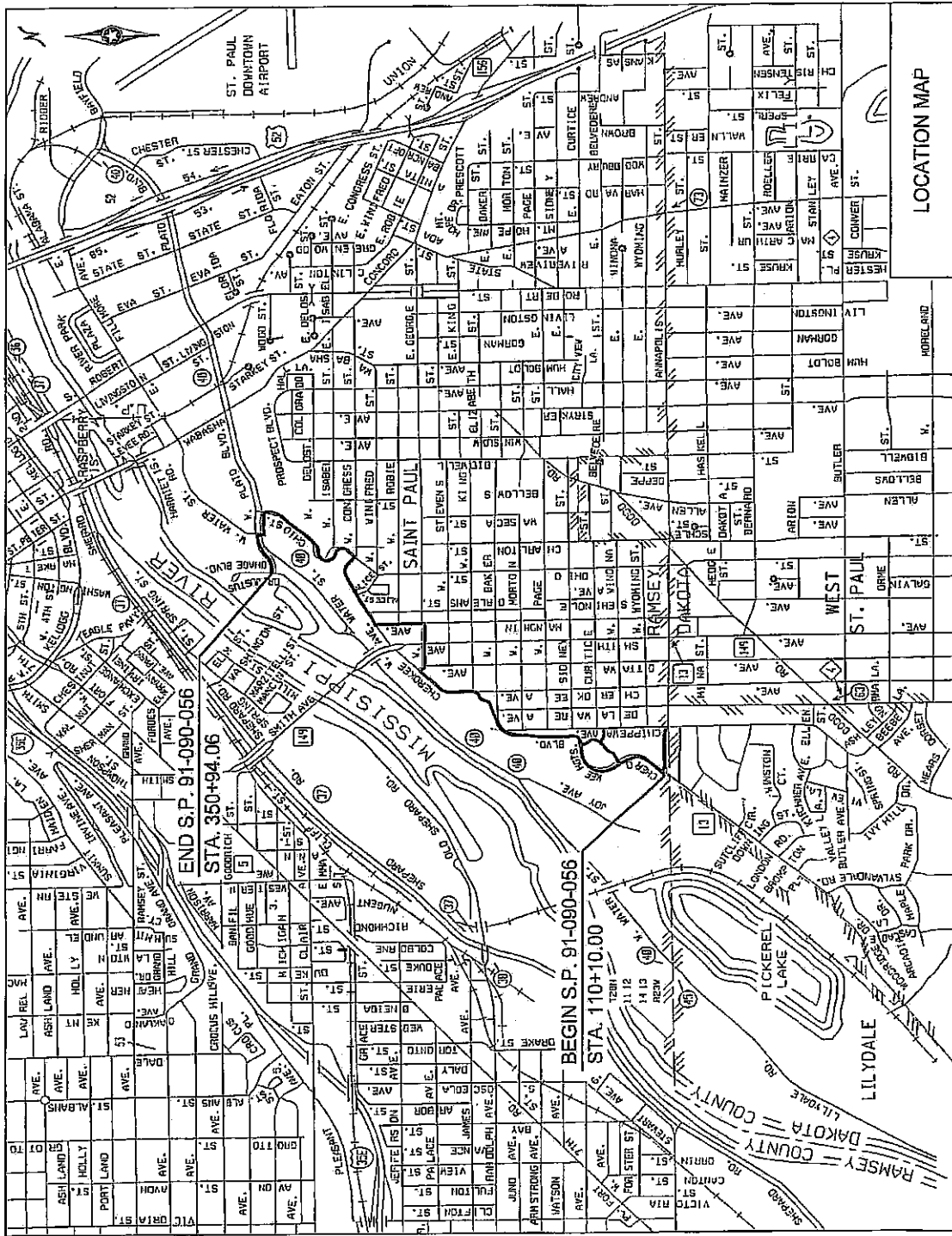
Trail Legacy Grants, and Metro Parks funds. The City will be unable to construct the project if federal funds are unavailable.

e) What actions will the agency take to resolve the problems facing the project in the next 3 to 6 months?

The City of Saint Paul is currently working to complete the paperwork for the four agreeing parcels (Parcels #2- #5) with the hope that the remaining parcel (Parcel #1) can be quickly added if the new owner is in agreement. In the mean time the City of Saint Paul will begin the condemnation process in January 2012. This will allow the condemnation papers to be filed with the court by the sunset date of March 31, 2012.

The City of Saint Paul is hopeful the new owner will be willing to sign the temporary easement as construction activities within the easement are on the bluff side of the property not directly impacting the business operations. However, a sunset extension is requested as a final resort to insure that federal funding is not lost on the project.

Attachment A



Attachment B

PROGRESS SCHEDULE FOR SUNSET EXTENSION

ENVIRONMENTAL DOCUMENTATION

EA PROJECT MEMORANDUM
 Completed/Approved
Date of approval June 16, 2011
 Not Complete
Anticipated Date of Completion _____

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

Completed
Date of approval _____
 Not Complete
Anticipated Date of Completion _____

FINAL ENVIRONMENTAL ASSESSMENT (not required for project memorandum)

Completed/FONSI Approved
Date of approval _____
 Not Complete
Anticipated Date of Completion _____

STUDY REPORT (required for Environmental Assessment Only)

Complete/Approved
Date of Approval _____
 Not Complete
Anticipated Date of Completion _____

CONSTRUCTION PLANS

Completed (includes signature of District State Aid Engineer)
Date _____
 Not Complete
Anticipated Date of Completion 95% complete plan set submitted Dec. 20, 2011 for final review

RIGHT OF WAY ACQUISITION

Completed (includes approval of R/W Cert. #1 or #1A)
Date _____
 Not Complete
Anticipated Date of Completion March 2012

LETTING

Anticipated Letting Date March 2012

Attachment C



OHIO STREET
PIN # 062822430051
S.P. 91-090-056

PARCEL # 1

AREA (SQ FT)
T.E.
3709

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OHIO STREET
 PIN # 062822430046
 S.P. 91-090-056

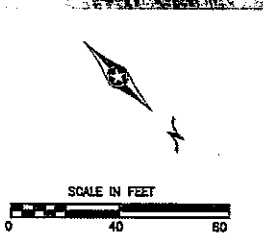
PARCEL # 2

AREA (sq ft)
T.E.
590

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CONSTANCE & MATT
201 OHIO ST
ST PAUL, MN
55107-2003

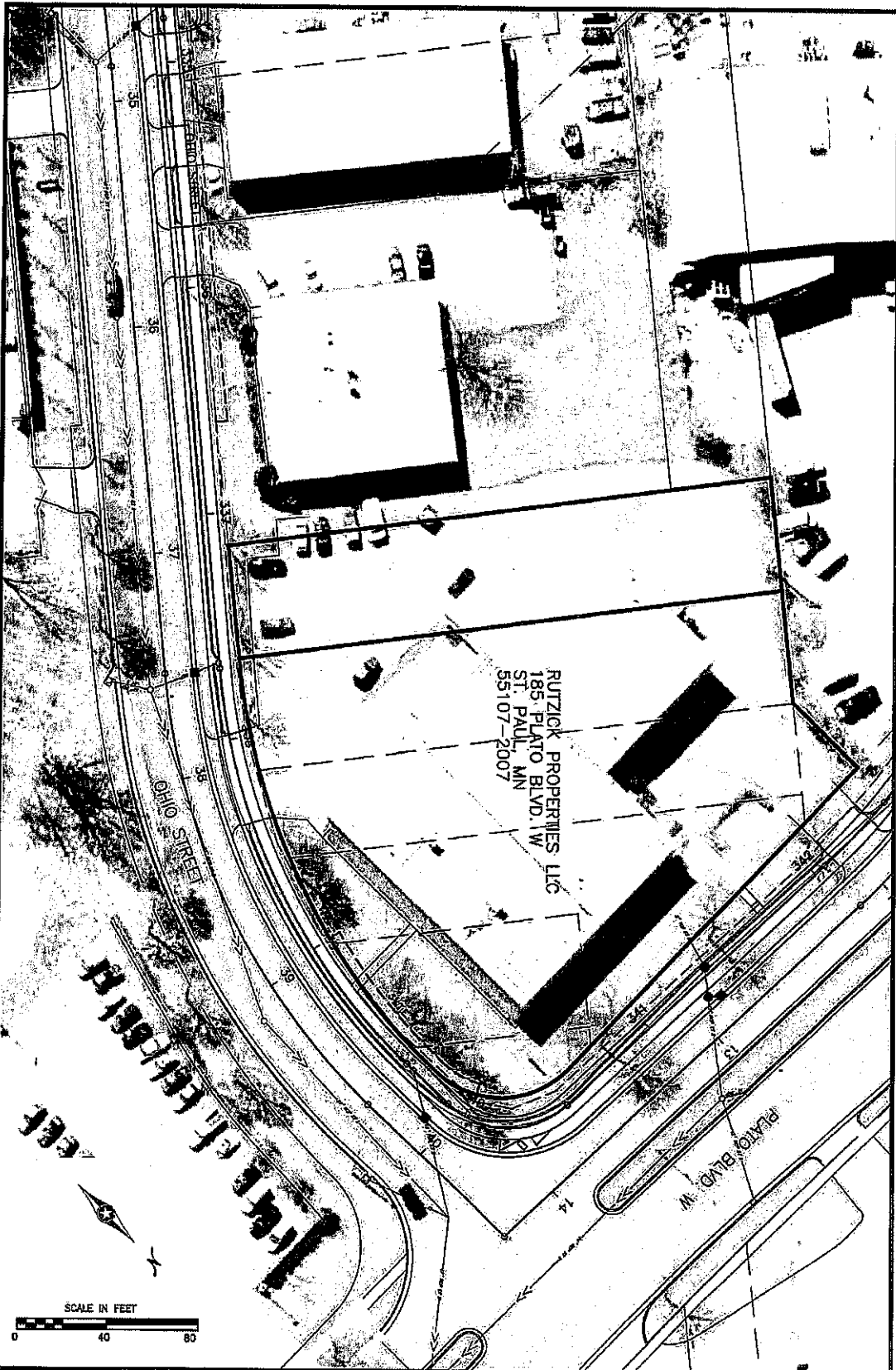


OHIO STREET
PIN # 062822430029
S.P. 91-090-056

PARCEL # 3

AREA (sq FT)

T.E.
438



RUTZICK PROPERTIES, LLC
 185 PLATO BLVD. W
 ST. PAUL, MN
 55107-2007

185 PLATO BLVD. W
 PIN # 062822430028
 S.P. 91-090-056

PARCEL # 4

AREA (sq FT)	
T.E.	
	473

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CITY BLUES, LLC
2101 E. 26TH ST.
MINNEAPOLIS, MN
55404

OHIO ST.

218 OHIO ST.
PIN # 062822430022
S.P. 91-090-056

PARCEL # 5

AREA (sq ft)	
	T.E.
1178	

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