



City of Lakeville
Positioned to Thrive

December 31, 2014

Mr. Karl Keel, P.E.
Chair, TAC Funding and Programming Committee
Metropolitan Council
390 Robert Street, North
St. Paul, MN 55101-1805

RE: PROGRAM EXTENSION REQUEST FOR SP 188-090-002
NORTH CREEK REGIONAL GREENWAY TRAIL

Dear Mr. Keel:

The City of Lakeville respectfully requests that the Funding and Programming Committee consider a program year change for the above referenced project. The project's current program year is 2015 and includes the construction of a greenway trail from 173rd Street West to the western regional trail at the city's border with the City of Farmington.

There currently are no continuous regional trails within Lakeville. There are existing trails along many arterial roadways and within parks in Lakeville and Dakota County. However, the community lacks continuous regional trails that provide longer connections for both recreation and transportation purposes. The proposed project is planned to connect two existing segments of the North Creek Regional Greenway in Lakeville and further the development of the regional trail system in Dakota County. When complete, the North Creek Regional Greenway will connect Eagan, Apple Valley, Lakeville, Farmington, and Empire Township. When this trail segment is complete, the proposed project will connect residential neighborhoods with parks and walking and bicycling opportunities. The proposed project, whose benefits reach far beyond the City of Lakeville, is in jeopardy of possibly not being constructed due to unexpected circumstances in property acquisition. Additional time to amicably negotiate permanent easement would maintain a good relationship with a landowner and allow the project to be bid during a favorable bidding climate.

We request the Funding and Programming Committee's support for extending Lakeville's project program year to 2016. If additional information is needed, please contact me at 952-985-4601 or by e-mail at baltergott@lakevillemn.gov.

Sincerely,

Brett Altergott
Parks & Recreation Director

Enclosure

Cc: Scott Eue, MnDOT State Aid
Colleen Brown, MnDOT State Aid
Joe Barbeau, Metropolitan Council
Al Singer, Dakota County
Matt Mohs, WSB & Associates

**REQUEST FOR PROGRAM YEAR EXTENSION
for
SP 188-090-002**

**NORTH CREEK TRAIL GREENWAY IMPROVEMENTS IN
THE CITY OF LAKEVILLE, DAKOTA COUNTY**

REQUESTED BY:

**BRETT ALTERGOTT
LAKEVILLE PARKS & RECREATION DIRECTOR
Phone: 952-985-4601
E-mail: baltergott@lakevillemn.gov**

1. Progress Schedule

The schedule below outlines the progress of the project to date and anticipates future dates assuming the program year extension is granted.

City of Lakeville hired WSB & Associates	May 2014
Wetland Delineation	July 2014
Topographic Survey	July 2014
Early Coordination Letters	June – November 2014
Alignment Development	September – November 2014
Project Memorandum Submittal	December 1, 2014
Easement Acquisition Negotiation	October 2014 – July 2015
Submit construction plans for review & approval	October 2015
Construction plan approval	December 2015
Project letting	February 2016
Project construction	April – November 2016

2. Right-of-Way (Permanent Easement) Acquisition

Permanent easement needs have been identified.

Figure A identifies a permanent easement granted by Henry Brandtjen and a platted outlot that will be acquired from KJ Walk as part of the platting process of their proposed development.

Figure B identifies a permanent easement that will be obtained from the City of Apple Valley and permanent easement that Dakota County is attempting to purchase from Mikell Smith. The City of Apple Valley has committed the land to the City of Lakeville for the purposes of a regional trail. Dakota County continues to negotiate the purchase of permanent easement with Mikell Smith.

Figure C identifies a permanent easement that Dakota County is attempting to purchase from Mikell Smith. Dakota County continues to negotiate the purchase of permanent easement with Mikell Smith.

3. Plans

The preliminary trail alignment and layout have been developed. The plan preparation is estimated at 40 percent complete. Attached is an exhibit showing the proposed alignment (Project Layout - **Figure D**).

4. Permits

Below is a list of permits that will be required for the project. The permits will be applied for during final design.

Permits required for the project include:

- USACE Section 404
- DNR Public Waters Permit
- Minnesota Pollution Control Agency National Pollutant Discharge Elimination System Permit
- Minnesota Pollution Control Agency Section 401 Permit
- Watershed District
- Wetland Conservation Act / BWSR

5. Approvals

The proposed improvements will require approval from MnDOT in addition to the permit approvals identified above.

6. Project Costs to Date

The City of Lakeville has spent approximately \$65,000 (through November 2014) in preliminary planning, meetings, wetland delineation, topographic survey, and the preparation of the Project Memorandum.

7. Justification for Program Year Extension Request

There are currently no continuous regional trails within Lakeville. There are existing trails along many arterial roadways and within parks in Lakeville and Dakota County. However, the community lacks continuous regional trails that provide longer connections for both recreation and transportation purposes.

The proposed project is planned to connect to existing segments of the North Creek Regional Greenway in Lakeville and further the development of the regional trail system in Dakota County. When complete, the North Creek Regional Greenway will connect Eagan, Apple Valley, Lakeville, Farmington, and Empire Township. When this trail segment is complete, the proposed project will connect residential neighborhoods with parks and walking and bicycling opportunities. This connection is important to the City of Lakeville and its residents as well as regional trail users throughout Dakota County.

A permanent easement for the trail has been granted by Henry Brandtjen and will be granted by the City of Apple Valley. A platted outlot in the KJ Walk development will be in place for the proposed trail. The remaining easement needs are on the Mikell Smith properties.

The City of Lakeville is working in partnership with Dakota County to construct the North Creek Greenway trail. Dakota County is contributing the financial match to the project via purchasing permanent easement from Mr. Mikell Smith and has experienced problems during acquisition negotiations. Mr. Smith verbally committed to the project and cooperation with Dakota County

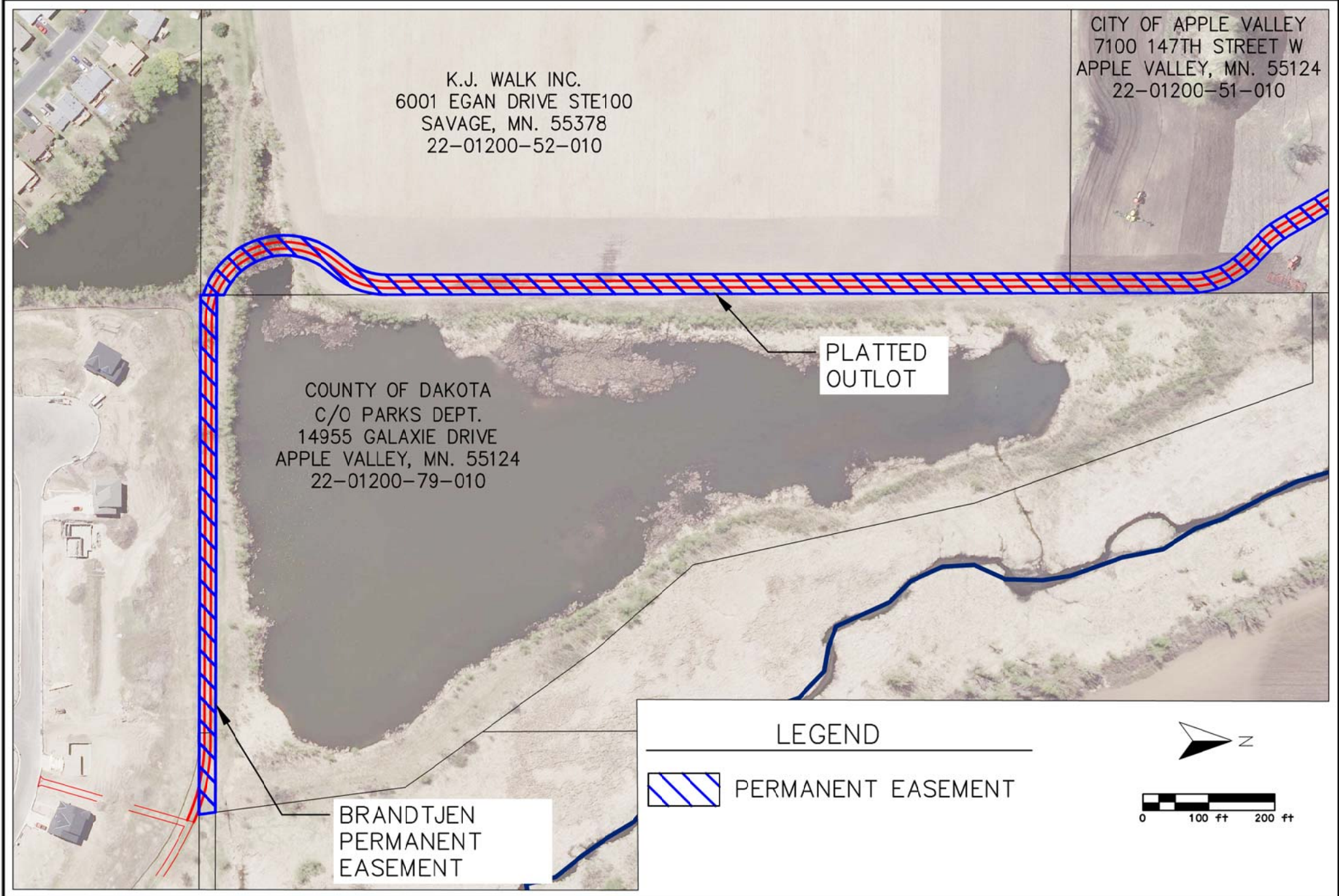
but changed his approach in the fall of 2014. Repeated attempts to cooperate with Mr. Smith have failed. Dakota County has ordered an appraisal for easement purchase negotiation and it is to be ready within the next two weeks.

The city has a strong desire to maximize the grant by receiving early bids (February 2015). The plans for the trail are currently under development – but have intentionally been put on hold while easement acquisition negotiations continue with Mr. Smith as well as negotiations on the exact alignment through his property. This has delayed plan submittal to State Aid, which in turn, will result in the city missing its targeted letting date. A late bid likely will increase the cost of construction beyond the city's budget (possibly in the range of 10 to 20 percent or \$90,000 to \$180,000) and make it infeasible for the city to construct – the budget does not allow for excessive cost overages.

If an extension is not granted, Dakota County and the City of Lakeville will be forced to decide whether or not to condemn the property or simply return the grant funds because the city's budget would not be able to cover excessive cost overages. Both agencies prefer to work out an easement purchase that is amicable to all parties. Condemning the property will sour the relationship between the land owner and the agencies as well as put the project in an unfavorable bidding climate. The City of Lakeville and Dakota County both understand the significance of the trail construction but do not want to create any problems with the land owner by pursuing condemnation. Returning the grant funds is not a favorable option because the trail connection is an important piece of the county's greenway plan. Neither the city nor county have the funds to build the trail without financial assistance. If an agreement with the property owner is not in place by April 1 (when final plans need to be submitted), the city will be unable to submit the required right of way certificate. Even if the city pursues condemnation, it will not be able to construct this important project within a favorable bid window in 2015. As a result, the city would need to return the grant funds as it does not have the budget to cover the excessive cost overages that would result from bidding the project later in 2015.

If an extension is granted, this would allow Dakota County to continue on its current course with Mr. Smith and avoid condemnation this spring. Design submittals and approvals could be ready for early bidding in 2016.

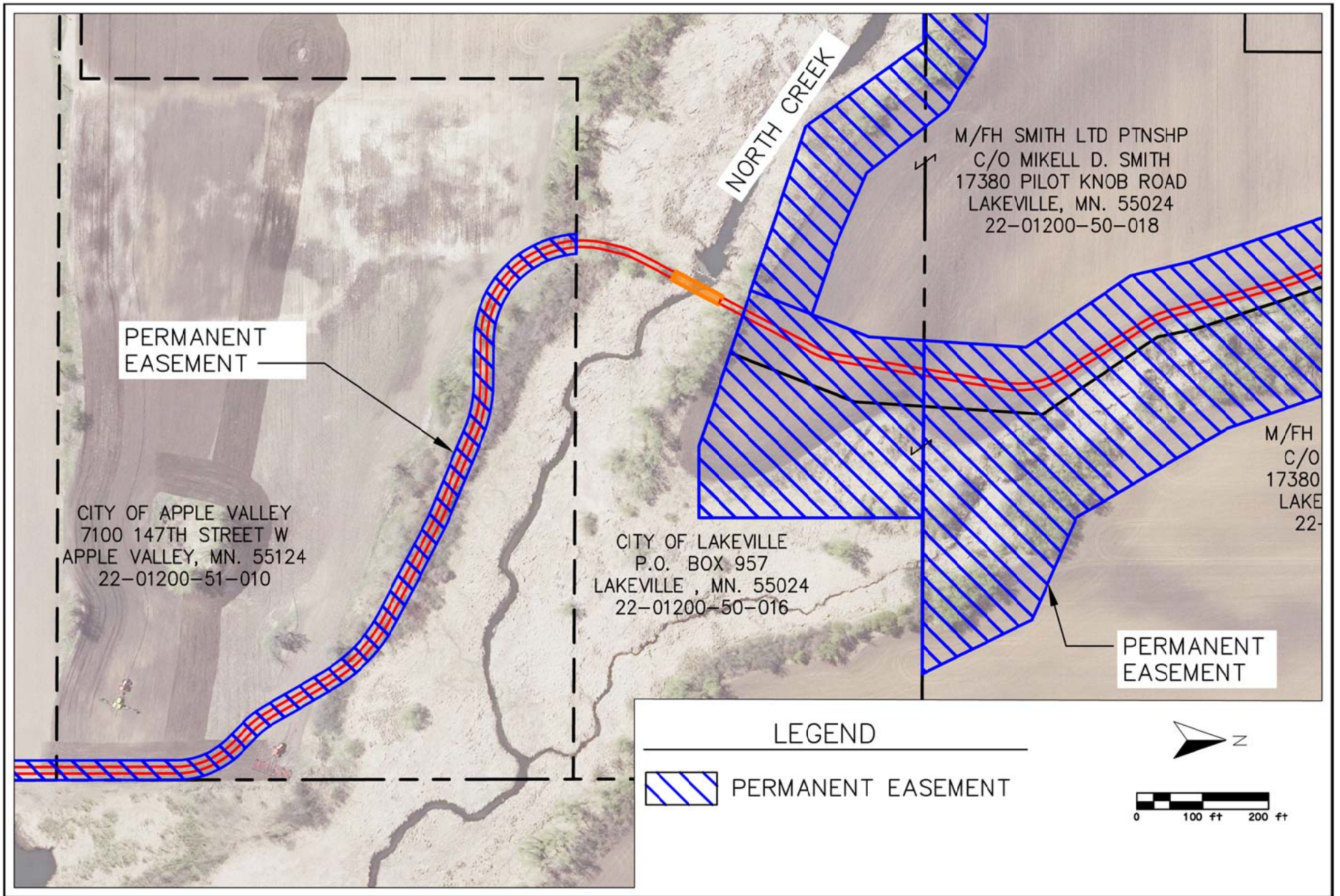
In the near term, the City of Lakeville and Dakota County will continue to work with the property owner to purchase the easement and move forward with design plans for the project.



North Creek Greenway
City of Lakeville, Minnesota
S.P. 188-090-002

December 2014

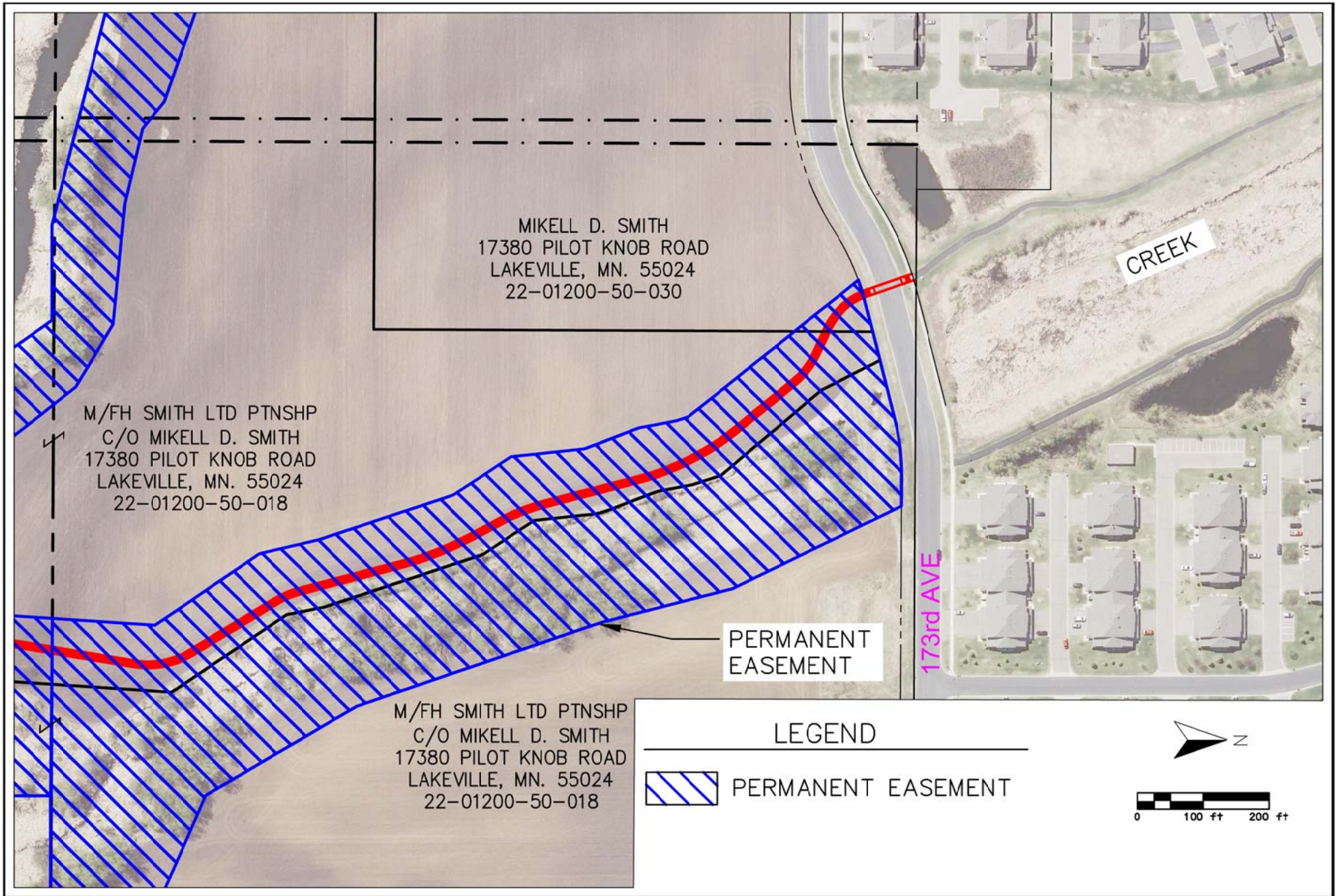
Figure A
Right of Way



North Creek Greenway
City of Lakeville, Minnesota
S.P. 188-090-002

December 2014

Figure B
Right of Way



North Creek Greenway
City of Lakeville, Minnesota
S.P. 188-090-002

December 2014

Figure C
Right of Way

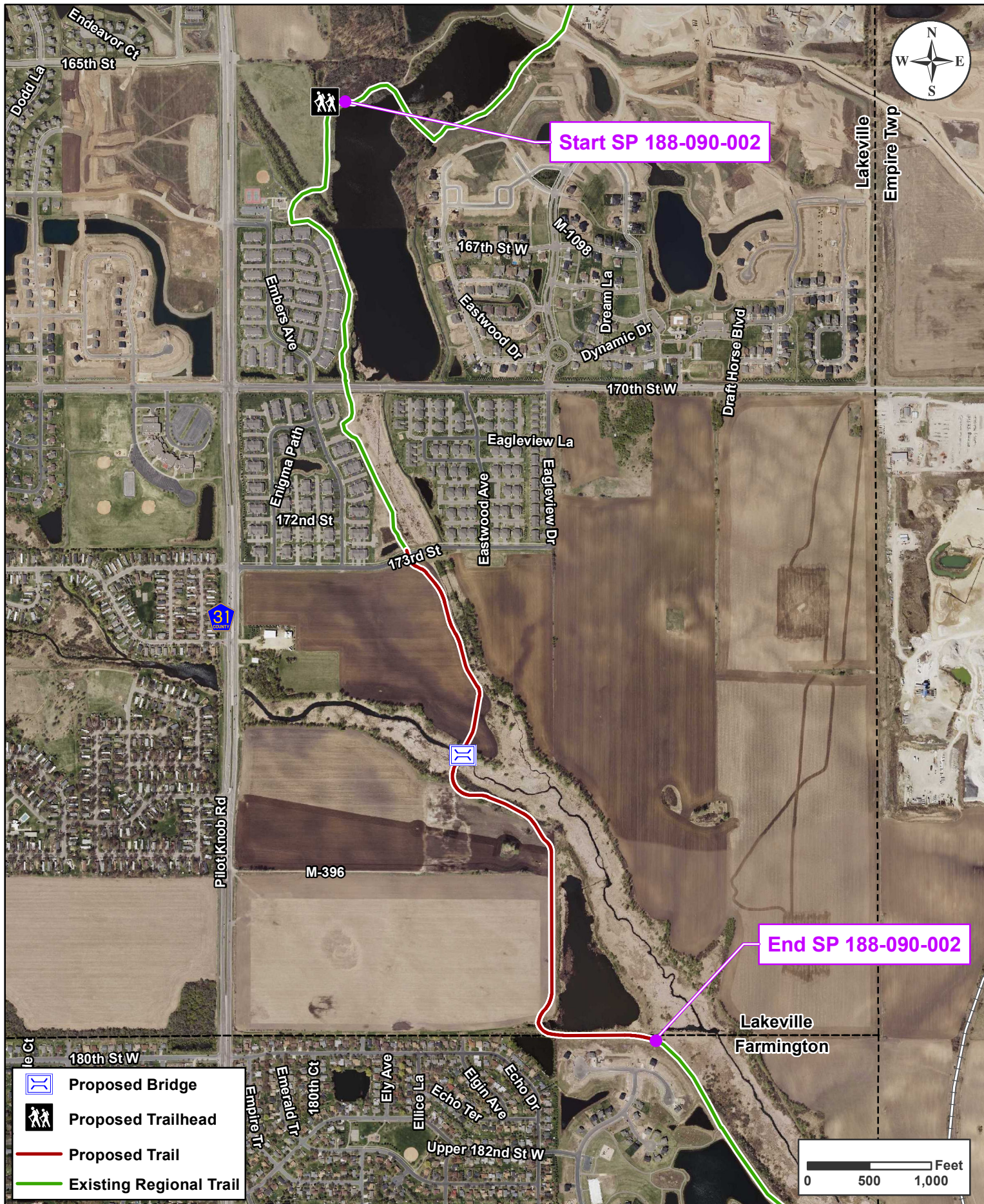


Figure D: Project Layout
North Creek Greenway Trail - City of Lakeville, MN
SP 188-090-002 December 2014



Attachment 1: PROGRESS SCHEDULE FOR PROGRAM YEAR EXTENSION

Enter request date

INSTRUCTIONS:

1. Check status of project under each major heading.
2. Enter dates as requested for each major heading.
3. Enter points as suggested by each applicable response.
4. Total points received in the TOTAL POINTS line on the last page. **The minimum score to be eligible to request an extension is seven points.**

ENVIRONMENTAL DOCUMENTATION

PROJECT MEMORANDUM

Reviewed by State Aid If checked enter 4. 4
Date of review December 16, 2014

Completed/Approved If checked enter 5. _____
Date of approval _____

EA
 Completed/Approved If checked enter 2. _____
Date of approval _____

EITHER
 Not Complete
Anticipated Date of Completion _____
If prior to January 31 of the program year, enter 1. _____

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

Completed
Date of Hearing _____ If checked enter 2. _____

Not Complete
Anticipated Date of Completion _____
If prior to February 28 of the program year, enter 1. _____

FINAL ENVIRONMENTAL ASSESSMENT (not required for project memorandum)

Completed/FONSI Approved If checked enter 2. _____
Date of approval _____

Not Complete
Anticipated Date of Completion _____
If prior to March 31 of the program year, enter 1. _____

STUDY REPORT (required for Environmental Assessment Only)

Complete/Approved If checked enter 1. _____
Date of Approval _____
 Not Complete
Anticipated Date of Completion _____

CONSTRUCTION PLANS

Completed (includes signature of District State Aid Engineer)
Date _____ If checked enter 3. _____
 Completed (approved by District State Aid as to SA Standards but not signed)
Date _____ If checked enter 2. _____
 Not Complete
Anticipated Date of Completion October 2015
If prior to June 30 of the program year, enter 1. 1

RIGHT OF WAY ACQUISITION

Completed (includes approval of R/W Cert. #1 or #1A) If checked enter 2. _____
Date _____
 Not Complete
Anticipated Date of Completion Prior to December 31, 2015
If prior to December 31 of the year following the original program year, enter 1. 1

ENGINEERS ESTIMATE OF COSTS

Completed If checked enter 2. 2
Date December 1, 2014
 Not Complete
Anticipated Date of Completion _____
If prior to December 31 of the year following the original program year, enter 1. _____

AUTHORIZED

Anticipated Letting Date February 2016 .
Anticipated letting date must be prior to June 30
in the year following the original program year,
so that authorization can be completed prior to
June 30 of the extended program year.

TOTAL POINTS 8