

**ACTION TRANSMITTAL No. 2013-08**

**DATE:** January 30, 2013  
**TO:** Technical Advisory Committee  
**FROM:** TAC Funding and Programming Committee  
**PREPARED BY:** Heidi Schallberg, Senior Planner (651-602-1721)

**SUBJECT:** Sunset Date Extension Request from Dakota County for the North Urban Regional Trail from TH 110 to Garlough Elementary School (SP# 019-090-015)

**REQUESTED ACTION:** Dakota County requests a sunset date extension to move the North Urban Regional Trail project (SP# 019-090-015) to 2014.

**RECOMMENDED MOTION:** Recommend that the Technical Advisory Committee approve the sunset date extension request to move the North Urban Regional Trail project (SP# 019-090-015) to 2014.

**BACKGROUND AND PURPOSE OF ACTION:** Dakota County received \$794,080 in federal Transportation Enhancement funds for 2012 in the 2007 regional solicitation to build the segment of the North Urban Regional Trail from TH 110 to Garlough Elementary School. The project's sunset date is March 31, 2013. The county is requesting a one-year sunset date extension to move to 2014. The county is requesting an extension primarily due to right of way acquisition challenges with the Dodge Nature Center. The county's request and supporting documentation are attached.

**RELATIONSHIP TO REGIONAL POLICY:** Since the first regional solicitation in 1993, the Transportation Advisory Board (TAB) has had a sunset date provision in place that applied to all projects awarded funding by the TAB. The sunset date is the date when the federal funds are no longer available to the project sponsor. The sunset date policy includes a procedure to request a one-year extension based on extenuating circumstances.

**STAFF ANALYSIS:** Based on the county's work to resolve the right of way issues with the Dodge Nature Center, staff recommends approval of the sunset date extension to March 31, 2014.

It is important to note that approval of the sunset date extension request to move this project to 2014 does not guarantee federal funding will be available in that year. Due to funding level changes with MAP-21, the new federal transportation legislation, balancing the regional program has not yet been resolved.

**COMMITTEE COMMENTS AND ACTION:** At its January 17, 2013, meeting, the TAC Funding and Programming Committee unanimously approved a motion to recommend

this sunset date extension to the TAC for approval. The committee thought the right of way acquisition issues contributing to the delay had been beyond the county's control.

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**ROUTING**

<b>TO</b>	<b>ACTION REQUESTED</b>	<b>DATE COMPLETED</b>
TAC Funding & Programming Committee	Review & Recommend	January 17, 2013
Technical Advisory Committee	Review & Approve	
Transportation Advisory Board	Information	



January 4, 2013

Karl Keel, PE  
Chair, TAC Funding and Programming Committee  
Metropolitan Council  
390 Robert St. N.  
St. Paul, MN 551101-1805

Physical Development Division

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Environmental Mgmt Dept  
Farmland & Natural Areas Program  
Office of GIS  
Parks & Open Space Department  
Office of Planning  
Surveyor's Office  
Transit Office  
Transportation Department  
Water Resources Department

Re: Sunset Date Extension Request  
North Urban Regional Trail  
Dodge Nature Center Segment  
S.P. 019-090-015  
C.P. 97-116

Dear Mr. Keel:

Dakota County respectfully requests a one year sunset date extension for a segment of the North Urban Regional Trail project within West St. Paul. This 1.1 mile long segment traverses from TH 110 to Garlough Elementary School. We request consideration of this extension by the Transportation Advisory Board, Funding and Programming Committee at their January 17, 2013 meeting.

The enclosed information provides the project background, progress, and justification of the extension request. Dakota County has diligently pursued this project and seeks support for the sunset date extension.

If you have any questions or need additional information, please contact me at 952-891-7106.

Sincerely,

Dakota County

A handwritten signature in black ink, appearing to read "Chris Hartzell", written in a cursive style.

Chris E. Hartzell, PE  
Senior Project Manager

Enclosures



# SUNSET DATE EXTENSION REQUEST

NORTH URBAN REGIONAL TRAIL  
DODGE NATURE CENTER SEGMENT

*S.P. # 019-090-015*

*C.P. # 97-116*

*PHYSICAL DEVELOPMENT DIVISION*

*January 17, 2013*

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## 1. **PROJECT BACKGROUND**

The North Urban Regional Trail (NURT) is a planned trail that connects across all of northern Dakota County and the communities of Lilydale, Mendota Heights, West St. Paul, and South St. Paul. The Dodge Nature Center (DNC) Segment within the NURT traverses between TH 110 at Charlton Street to Garlough Elementary School and to Marthaler City Park.

This project was in the 2012-2015 Transportation Improvement Program (TIP) as SP 091-090-058 for program year 2012 and in the 2013-2016 TIP as SP 019-090-015 for program year 2013. The total programmed funding in the TIP for 2013 is \$992,600 of which \$794,080 was to be funded through the Federal Highway Administration with a \$198,520 local match.

## 2. **PROJECT PROGRESS**

### A. Progress Schedule:

A project schedule is attached in the Appendices showing the current progress of the project.

### B. Right of Way Acquisition:

A substantial portion of the project is located through the Dodge Nature Center private property. Shown below is a timeline of our activities concerning right of way discussions with the Dodge Nature Center:

- November 7, 1995 - (res. 95-696): The County Board resolution instructs staff to reevaluate the preferred trail alignment after discussions with Olivia Dodge indicated a willingness to allow the trail through the Marie property.
- July 9 1996 – (res. 96-456): The County Board adopts an amended NURT alignment through the Dodge Marie Property conditioned on Dakota County and Olivia Dodge agreeing to the terms of the land donation allowing the trail.
- February 27, 2007 – (res. 07-090): The County Board reserves and commits up to \$500,000 for the preservation of DNC property south of TH 110 subject to conditions including: the DNC and County working together on planning and construction of a missing segment of the NURT.
- June 19, 2007 – (res. 07-284): The County Board approves submittal of federal grant to construct NURT between TH 110 and Wentworth. Route submitted in the grant application includes a trail through DNC Marie property with tunnels at Charlton and Marie. Dakota County develops application in coordination with the DNC Executive Director. Dakota County receives \$700,000 in federal funding to construct NURT.
- February 2008 – (res. 08-085): County Board authorizes \$501,000 for permanent protection of DNC property in Mendota Heights. The resolution includes that the County Board waive its previous requirement of using these funds to match \$500,000 of new funds raised by the DNC to be invested in the DNC endowment.
- September 1, 2009 – Communication from DNC Executive Director stating that he is in support of the NURT through the DNC property.
- February 2, 2011 – Dakota County approves a contract for design and engineering services with SRF for a feasibility study of the NURT through the north/south DNC Marie property.

- June 30, 2011 - DNC Board Meeting: The DNC Board reviews and does not approve the alignment for NURT as submitted for the federal grant in 2007. DNC staff informed the County that there are concerns relating to environmental impacts (tunnels, loss of oak trees), operational impacts (placing trail on DNC main property and severing the property south of Marie), uncertainty regarding easement value and visual impacts.
- August 30, 2011 - DNC Board Meeting: The DNC Board reviews and does not approve the revised alignment for NURT that eliminated the trail on the main property, eliminated the tunnels and associated loss of oak trees, moved trail to the west side of the southern Marie property, provided a 50-100' easement with an estimated compensation of \$300,000 and provided a shelter building. DNC staff informed the County that there are concerns regarding the DNC time and expense with habitat restoration on the 37 acres. Also, its use as a DNC classroom is inconsistent with the NURT.
- October 31, 2011 - Joint DNC – County Board Representatives Meeting: The representatives from the DNC and Dakota County Board discussed needs, issues and opportunities associated with the proposed NURT on DNC land. The meeting outcome was that Dakota County would prepare information addressing DNC needs and issues that would be considered at the December 8th DNC Board Meeting.
- Further discussions with the Dodge Nature Center have indicated that no south to north alignment through the Dodge Nature Center would be acceptable to the organization.
- January 10, 2012 – The Dodge Nature Center Executive Director communicated in a letter that the DNC will not consent to construction of a segment of NURT (a) north/south through the Marie property, nor (b) through any central portion of the main property.
- The County Board directed staff from Dakota County to evaluate other alternatives for the trail in addition to the original alignment through the Dodge Nature Center.
- October 2, 2012 – Dakota County approves a contract with Bolton & Menk to explore the different alternatives, develop a project memorandum, and hopefully assist with a resolution with the Dodge Nature Center.

C. Plans:

The direction from the County Board after the Dodge Nature Center expressed their concerns was to further investigate the alignment possibilities both within and outside the Dodge Nature Center. Dakota County staff hired Bolton & Menk a consulting engineering and design firm to help the County negotiate the tenuous relationship with the Dodge Nature Center and provide a workable solution that would both meet the Dodge Nature Center and the County's needs. The outcome of the study would be to both determine the preferred alignment and after County Board approval; complete the project memorandum in April of 2013. Consequently, until we reach a conclusion with the preferred alignment the plans can only be developed preliminarily. Immediately after the preferred alignment is approved by the County Board, we will begin final design for the project with an expected completion and bidding in the spring of 2014.

D. Permits:

The following table is a complete list of permitting agencies with approval authority and the current status of their review:

<b>Agency</b>	<b>Permit</b>	<b>Status</b>
MPCA	NPDES	Not yet submitted. Permit by March 2014.
City of West St. Paul (LGU administers WCA)	-Wetland Replacement Plan (if there are impacts). -Stormwater Management Plan approval -NPDES Construction Permit for Erosion Control	Process concurrent with City plan approvals.
Lower Mississippi River Watershed Management Organization	Wetland Replacement Plan	Process concurrent with City plan approvals.
Dakota County	-NPDES Construction Permit for Erosion Control	Process concurrent with City plan approvals.

E. Approvals:

The following table is a complete list of approvals needed and the current status of their review:

<b>Agency</b>	<b>Approval</b>	<b>Status</b>
Mn/DOT	Project Memorandum	Draft to be submitted late spring of 2013.
	Plan Approval	60% plans submitted December 2013. Plans expected to be completed February, 2014.
City of West St. Paul	Layout Approval	Planned approval with City Staff regarding preliminary grading permits. Planned approval at City Council workshop in June 2013.
	Plan Approval	Final approval expected December 2013.
Dakota County	Layout Approval	To be completed June of 2013.
	Plan Approval	Final approval expected January 2014.



F. Funds and Resources:

To date, the County and other agencies have invested significant time and funding in excess of \$100,000 in exploring solutions to improving the North Urban Regional Trail through the Dodge Nature Center property. It is anticipated between now and the spring of 2014 a total in excess of \$200,000 will be spent in preparing the project for design, right of way acquisition, and construction administration.

3. **JUSTIFICATION FOR EXTENSION REQUEST**

A. Uniqueness of Project that Requires Extension:

- i. Changes to the Dodge Nature Center staff turned over the previous agreements and understandings with the Dodge Nature Center to allow a trail through the property of the Dodge Nature Center. Dakota County staff and the Executive Director initially had hopes of resolving this issue with the Dodge Nature Center Board of Directors with revisions to the concept layout, offerings of amenities, and concessions. This process was time consuming and ultimately did not produce a workable solution with the Nature Center.

B. Financial Impacts:

The financial impact of this project if the project does not meet the current program year would be the inability for the County to fund the project. The County has no planned alternative source of funding that could replace the federal funds, especially given the current economic climate in local government.

C. Implications:

This segment of the trail is a critical piece of the final leg of the North Urban Regional Trail which connects the Big Rivers Regional Trail and Mississippi River Regional Trail. The trail creates a safe and nature-oriented destination for pedestrians traveling to and from the elementary and high schools.

If the project does not obtain the program year extension thereby preserving the funding the planned North Urban Regional Trail would have a substantial gap in the trail system until such time that funding becomes available. A gap of this size would be a detriment to the safety and convenience of the public.

D. Actions:

The County has taken significant action on finalizing the alignment study, identifying the preferred alignment, development of a project memorandum, involvement with the public and local government, and negotiations with private property owners.

4. **LIST OF ATTACHMENTS**

- A. North Urban Regional Trail – Dodge Nature Center Segment Location Maps
- B. Revised Project Schedule
- C. Progress Schedule for Sunset Extensions

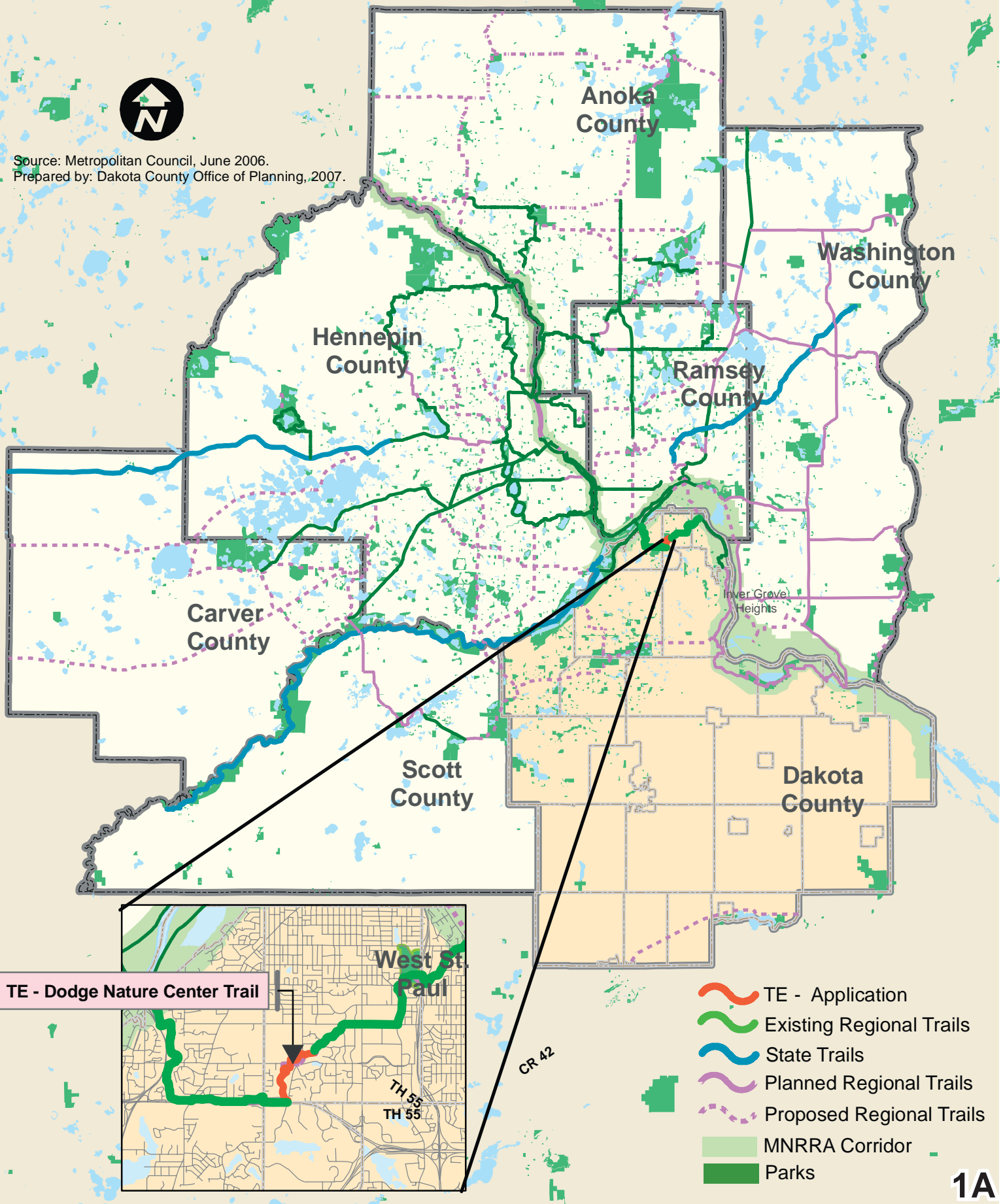
## **ATTACHMENT A**

### **North Urban Regional Trail Dodge Nature Center Segment Location Maps**

# North Urban Regional Trail (Dodge Nature Center) Regional Context - Map

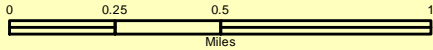


Source: Metropolitan Council, June 2006.  
Prepared by: Dakota County Office of Planning, 2007.



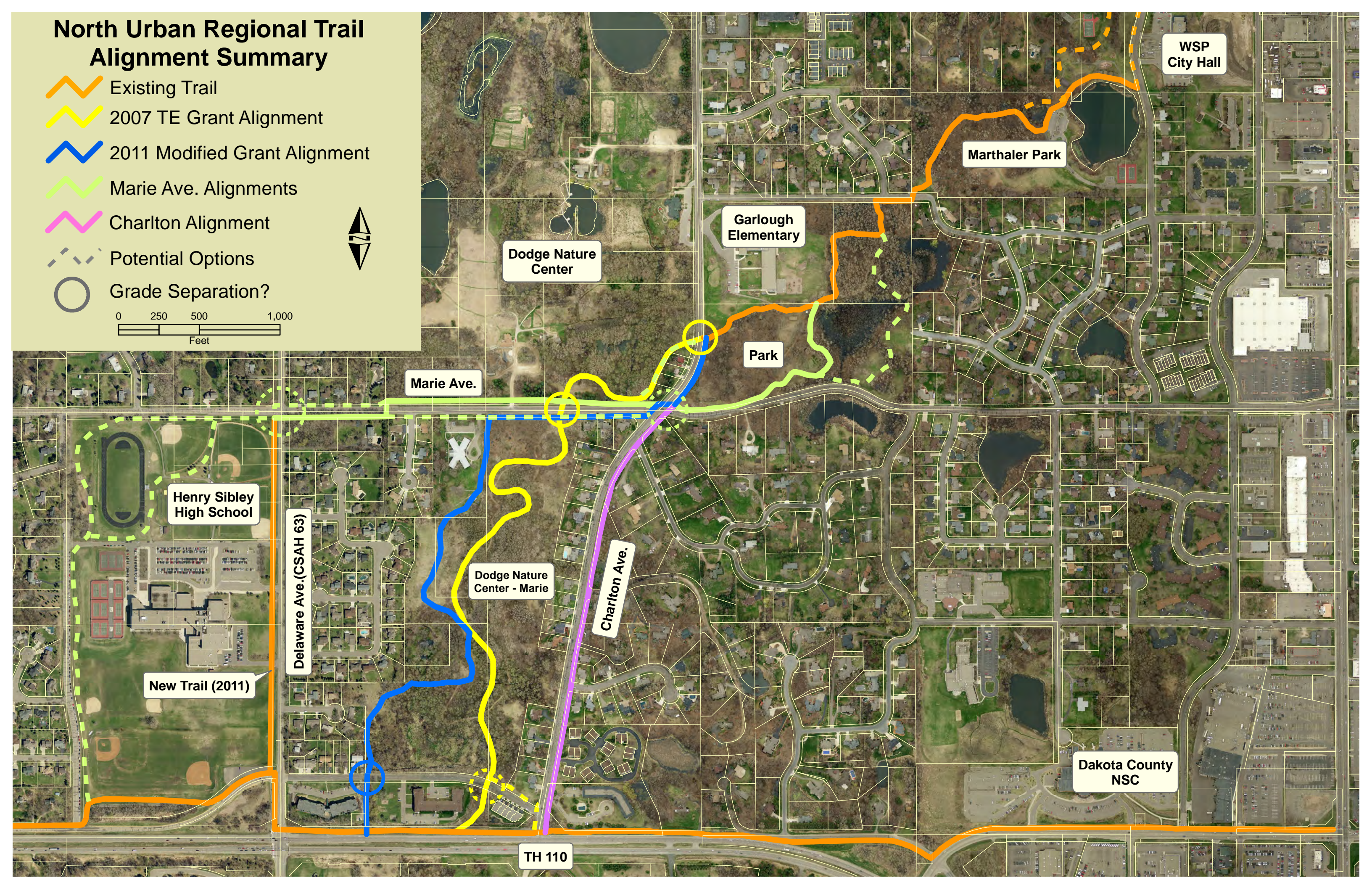
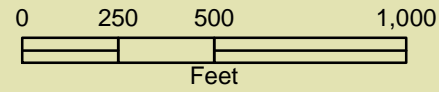
# North Urban Regional Greenway

-  Existing Regional Trail
-  Planned/Funded Regional Greenway
-  Planned/Funded Separated Crossing
-  Existing/Funded Separated Crossing
-  Unfunded Separated Crossing



# North Urban Regional Trail Alignment Summary

-  Existing Trail
-  2007 TE Grant Alignment
-  2011 Modified Grant Alignment
-  Marie Ave. Alignments
-  Charlton Alignment
-  Potential Options
-  Grade Separation?



## **ATTACHMENT B**

### Revised Project Schedule

**North Urban Regional Trail Project  
TH 110 to Garlough Elementary  
S.P. 091-090-015  
Project Schedule  
Dakota County Physical Development**

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**Preliminary Engineering**

- Sunset Date Review Meeting with State Aid Staff and Met Council ..... Completed
- Dodge Nature Center Involvement Meeting No. 1 ..... Completed
- Garlough Elementary & Henry Sibley High School Involvement Meeting No. 1 ..... Completed
- Public Open House No. 1 ..... Completed
- Dodge Nature Center Informal Meetings..... December 2012 to February 2014
- Garlough Elementary & Henry Sibley High School Informal Meetings..... December 2012 to February 2014
- Submit Sunset Date Extension..... Early January 2013
- Public Open House No. 2..... January 2013
- Public Open House No. 3..... March 2013
- Alignment Report ..... March 2013
- Staff to Evaluate Alternatives ..... March 2013
- Develop an RFP for Final Design ..... April 2013
- Ask the County Board to Select and Ratify the Alignment ..... April 2013
- County Board to Approve Consultant Contract ..... April 2013
- Sunset Date Extension Request Granted..... Spring 2013
- Planning Commission Presentation to Show Trail Improvements ..... Early August 2013
- Public Open House to Show Trail Improvements ..... Late August 2013

**Project Development and Documentation**

- Wetlands ..... Spring 2013
- ESA Phase I ..... Spring 2013
- Historical Review..... Spring 2013
- T&E Request..... Spring 2013
- ESA Phase II..... Early Summer 2013
- Design Study..... Early Summer 2013
- Draft PM Submittal..... Late Summer / Fall 2013
- Final PM Submittal ..... Late Fall / Winter 2013
- PM Approval (pending Mn/DOT review time) ..... Spring 2014

**Right of Way Acquisition**

- County Provides Title Research..... June 2013
- Initial Parcel Work and Landowner Notification..... August 2013
- Construction Limits Determined..... July 2013
- Complete R/W Map w/Parcel taking info/areas. .... September 2013
- R/W Plan & Prepare Parcel Sketches ..... Late August 2013
- County Stakes Parcels, as needed ..... Late August 2013
- Field Title Report..... Late September 2013
- Appraisal Services Completed..... Early September 2013
- Appraisal Review Services ..... Late October 2013
- County Board Approval to Make Offers & Condemn ..... November 2013
- Present Offers of Just Compensation ..... November 2013

**North Urban Regional Trail Project  
TH 110 to Garlough Elementary  
S.P. 091-090-015  
Project Schedule  
Dakota County Physical Development**

**(Continued)**

- 
- Negotiation.....December 2013
  - File for Condemnation & Notify Landowners ..... November 2013
  - Hearing on Petition .....February 2013
  - Title and Possession.....Late February, 2014
  - R/W Certificate #1 ..... Early March, 2014

**Final Design and Construction**

- Soil Borings .....Spring 2013
- Retaining Wall & Tunnel Borings .....Spring 2013
- Layout Submittal Approval.....Summer 2013
- Final Design Preparation
  - 60% Plan Submittal .....Late Summer 2013
  - 95% Mn/DOT Plan Submittal .....Late Fall 2013
  - Mn/DOT State Aid Plan Approval ..... Winter 2013
- Permits ..... Fall 2013
- Bidding through Construction..... Late Spring 2014 to Late Fall 2014
- Warranty & Punch List Items .....Fall of 2015



## **ATTACHMENT C**

### Progress Schedule for Sunset Extensions

**PROGRESS SCHEDULE FOR SUNSET EXTENSION**

ENVIRONMENTAL DOCUMENTATION

EA  PROJECT MEMORANDUM  
 Completed/Approved  
Date of approval \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion April 2013

OPPORTUNITY FOR PUBLIC HEARING (not necessary for project memorandum)

Completed  
Date of approval \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion December 2012, January and March 2013

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 January 2014

RIGHT OF WAY ACQUISITION

Completed (includes approval of R/W Cert. #1 or #1A)  
Date \_\_\_\_\_  
 Not Complete  
Anticipated Date of Completion February 2014

LETTING

Anticipated Letting Date May 2014