

Meeting date: February 13, 2012

For Metropolitan Council meeting: February 22, 2012

ADVISORY INFORMATION

Date: February 6, 2012

Subject: Acquire Property for the 140th and 147th Street Stations - Cedar Avenue BRT Project

District(s), Member(s): District 16 – Wendy Wulff

Policy/Legal Reference: Minnesota Statutes Sections 473.129 & 473.405

Staff Prepared/Presented: Arlene McCarthy, MTS Director (651 602-1754)
Peter A. Hanf, Associate General Counsel (651 602-1749)

Division/Department: Metropolitan Transit Services (MTS)

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to acquire permanent and temporary easements necessary for the construction of the 140th and 147th Street Cedar Avenue Bus Rapid Transit (BRT) Stations by direct negotiation or by condemnation in accordance with the attached resolution.

Background

Council approval is required for the acquisition of property which has a value over \$250,000 or which is acquired by condemnation. The acquisition for the 140th and 147th Street Cedar Avenue BRT Stations consists of permanent and temporary easements on six parcels. The parcels are identified on the attached resolution.

The Cedar Avenue BRT Corridor extends sixteen miles from the Mall of America to County Highway 70 in Lakeville. The 140th and 147th Street stations are needed for station-to-station BRT service scheduled to start in November 2012.

The Dakota County Regional Railroad Authority (DCRRA), the Minnesota Valley Transit Authority (MVTA) or the Council will own the real estate necessary for the BRT project. For the 140th and 147th Street stations, the Council is acquiring the permanent and temporary easements because the funds that will to be used for the acquisition of the property (State General Obligation Bonds) were appropriated to the Council for the Cedar Avenue BRT Project.

Rationale

Approving eminent domain action ensures that the Council will control the property as needed in order for MVTA to proceed with construction completion in 2012.

Funding

Funding for this acquisition is available from the Cedar Avenue BRT Project. DCRRA is the lead on implementing the project.

Known Support / Opposition

None

METROPOLITAN COUNCIL

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RESOLUTION NO. 2012-3

**RESOLUTION AUTHORIZING ACQUISITION OF PERMANENT AND TEMPORARY
EASEMENTS**

For the 140th and 147th Cedar Avenue BRT Stations

WHEREAS, the Metropolitan Council requires acquisition of permanent and temporary easements identified on the attached on the following properties for the 140th and 147th Cedar Avenue BRT Stations:

1. 01-81201-06-040 (14560 Glenda Drive, Apple Valley, MN 55124);
2. 01-81201-06-050 (14580 Glenda Drive, Apple Valley, MN 55124);
3. 01-81400-00-010 (1228 Town Center Drive, Apple Valley, MN 55124);
4. 13805-13896 Granda Avenue, Apple Valley, MN 55124;
5. 01-02100-79-011 (7515 140th Street West, Apple Valley, MN 55124); and
6. 01-47175-01-060 (13888 Glendale Court, Apple Valley, MN 55124);

Collectively (the “Property”).

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire possession of the Property for the Cedar Avenue BRT Project prior to the filing of an award by the court-appointed commissioners.

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of the Property is for a public purpose and public use as defined by Minnesota Statutes § 117.025, is necessary for the furtherance of the construction of the 140th and 147th Cedar Avenue BRT Stations and in the judgment of the Metropolitan Council such acquisition will further the public health, safety and welfare, and be undertaken in accordance with Minnesota Statutes and the Real Property Acquisition Policy of the Metropolitan Council; and
2. That, pursuant to Minnesota Statutes Chapter 473, the Council has the authority to acquire the property interests by eminent domain, that the Council hereby directs its attorney to acquire by eminent domain the permanent and temporary easements on the property if the Property cannot be acquired by direct negotiation and that such acquisition be in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117, including, specifically, 117.042 and 473.405 subdivision 3; and
3. That the Council hereby approves and certifies that the total just compensation for the Property is as indicated in the appraisals submitted to the Council.

Adopted this ____ day of _____, 2012.

Patrick Born, Chair

Recording Secretary