

## Transportation Committee

Meeting Date: November 27, 2017

For the Metropolitan Council meeting of December 13, 2017

<b>Subject:</b>	C Line / Penn Avenue – Real Estate Acquisition and Condemnation, Resolution 2017-32
<b>District(s), Member(s):</b>	District 7 (Cunningham)
<b>Policy/Legal Reference:</b>	MN Statutes 117.012 and 473.405
<b>Staff Prepared/Presented:</b>	Brian Lamb, General Manager, 612-349-7510 Charles Carlson, Sr. Manager, BRT/Small Starts, 612-349-7639 Katie Roth, Manager, Arterial BRT, 612-349-7772
<b>Division/Department:</b>	Metro Transit BRT/Small Starts Project Office

### Proposed Action

That the Metropolitan Council pass Resolution 2017-32 authorizing acquisition of temporary easements necessary for the C Line / Penn Avenue Improvements Project, and authorizing Council staff to initiate condemnation proceedings for parcels that cannot be acquired by negotiation.

### Background

Metro Transit will lead construction of the C Line, along with concurrent street reconstruction activities funded through partnership with Hennepin County and the City of Minneapolis. The joint project requires the acquisition of approximately 27 temporary easements from parcels along Penn Avenue. Efforts will be made to acquire property through direct purchase; however, in some circumstances it may be necessary to use condemnation under Minnesota Statutes 117 to acquire property. Minnesota Statute 117.012 requires that there be a public purpose for the use of condemnation. The attached resolution formally declares that the C Line / Penn Avenue Improvements Project is a public purpose for the use of condemnation.

### Rationale

Temporary easement acquisition is necessary to implement the planned C Line stations along Penn Avenue and associated street improvements funded by Hennepin County. This action resolves that the Project is a valid public purpose under Minnesota Statutes 117.012 and 473.405.

### Thrive Lens Analysis

The proposed action advances the stewardship outcome by advancing C Line property acquisition and project delivery efficiently with partnership from Hennepin County and the City of Minneapolis.

### Funding

Funding is available in project 61404 for acquisition activities. Hennepin County is participating in costs of acquisition through a construction agreement in development.

### Known Support / Opposition

There is no known opposition to the project.

**METROPOLITAN COUNCIL**  
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**RESOLUTION NO. 2017 - 32**

**RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR THE C LINE AND PENN AVENUE IMPROVEMENTS PROJECT**

**WHEREAS**, The Metro Transit C Line / Penn Avenue Improvements Project (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 Acquisition Policy of the Metropolitan Council;
- (5) that, under Minnesota Statutes Section 473.405, 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 \_\_\_\_\_ 2017

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Alene Tchourumoff, Chair

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Emily Getty, Recording Secretary