

## Transportation Committee

Meeting date: October 17, 2018

For the Metropolitan Council meeting of October 24, 2018

**Subject:** I-94 & Manning Park and Ride: Land Acquisition, Resolution 2018-20

**District(s), Member(s):** District

**Policy/Legal Reference:** Minnesota Statutes 117.012 and 473.405

**Staff Prepared/Presented:** Brian Lamb, General Manager, 612-349-7510  
Marilyn Porter, Director, E&F, 612-349-7689  
Pat Jones, Assistant Director, E&F, 612-349-7606  
Robert Rimstad, Lead Project Manager, E&F, 612-349-7768  
Mac Sweidan, Principal Engineer, E&F, 612-349-7761

**Division/Department:** Metro Transit Engineering & Facilities

### Proposed Action

That the Metropolitan Council pass Resolution No. 2018-20 authorizing the Regional Administrator to negotiate with EN Properties, LLC for the acquisition of fee title in Lake Elmo, MN and authorize Council legal staff to initiate condemnation proceedings if the parcel cannot be acquired by direct negotiation.

### Background

Metro Transit plans to expand park-and-ride capacity serving the east metro by adding an additional facility along I-94 near Manning Avenue. The proposed facility provides 550 parking stalls, bus layover, a driver restroom, and passenger shelters with heat and light. The P&R location, being located immediately adjacent to I-94, has an access advantage over previously considered options. Efforts will be made to acquire approximately 6 acres of property via fee title through direct purchase, however, condemnation may be necessary to acquire the property under Minnesota Statutes 117. Minnesota Statute 117.012 requires that there be a public purpose for the use of condemnation. The attached resolution formally declares that the I-94 & Manning Park and Ride project is a public purpose.

### Rationale

Land acquisition is necessary to execute this project. This action delegates authority to the Regional Administrator to acquire property rights for the project and to use the condemnation process if necessary to ensure timely project delivery.

### Thrive Lens Analysis

This project supports Thrive outcomes including livability, prosperity, and equity by providing access to new transit options through the I-94 corridor, thus relieving other east metro facilities that are at capacity. This project also reduces congestion and air quality impacts by reducing primarily single occupancy automobiles on highways and local streets.

### Funding

Funding is available in Project 62222.

### Known Support / Opposition

The City of Lake Elmo approved a Conditional Use Permit in July 2018. There is no known opposition to this project.

**METROPOLITAN COUNCIL**

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**RESOLUTION NO. 2018-20**  
**RESOLUTION AUTHORIZING ACQUISITION OF PROPERTY FOR THE I-94 & MANNING PARK AND RIDE PROJECT**

**WHEREAS**, the Metropolitan Council requires acquisition of fee title for construction of the I-94 & Manning Park and Ride,

**WHEREAS**, the Metropolitan Council hereby finds and declares that it must acquire fee title for the construction of the I-94 & Manning Park and Ride prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of fee title identified in the I-94 & Manning Park and Ride plans is reasonably necessary and convenient for the furtherance of the construction of the project and in the judgment of the Metropolitan Council such acquisition will further the integrity and support expansion of regional transit operations, and be undertaken in accordance with Minnesota Statutes and the Real Estate Policy of the Metropolitan Council; and
2. That the Metropolitan Council hereby directs its Regional Administrator to acquire fee title necessary for construction of the I-94 & Manning Park and Ride by negotiation; and
3. That, pursuant to Minnesota Statutes Chapter 473, the Council has the authority to acquire the property interests, fee title necessary for the construction of the I-94 & Manning Park and Ride, by eminent domain 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
4. That the Metropolitan Council hereby approves and certifies that the total just compensation for the fee title be acquired for construction of the I-94 & Manning Park and Ride as indicated in the appraisals submitted to the Metropolitan Council.

Adopted this 24<sup>th</sup> day of October, 2018

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Alene Tchourumoff, Chair

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Emily Getty, Recording Secretary