

Transportation Committee

Meeting date: August 10, 2020

For the Metropolitan Council meeting of August 26, 2020

Subject:	METRO D Line – Real Estate Acquisition and Condemnation, Resolution 2020-9
District(s), Member(s):	District 2 (Chamblis); District 5 (Cummings); District 7 (Lilligren); District 8 (Muse)
Policy/Legal Reference:	MN Statutes 117.012 and 473.405
Staff Prepared/Presented:	Wes Kooistra, General Manager, 612-349-7510 Charles Carlson, Director, BRT Projects, 612-349-7639 Katie Roth, Assistant Director, BRT Projects, 612-349-7772 Shahin Khazrajafari, Project Manager, D Line, 612-349-7764
Division/Department:	Metro Transit / BRT Projects

Proposed Action

That the Metropolitan Council pass Resolution 2020-9 authorizing acquisition of temporary and permanent easements necessary for the METRO D Line BRT Project and associated locally requested scope, as well as authorizing Council staff to initiate condemnation proceedings on behalf of the Council and local agency partners, for parcels that cannot be acquired by negotiation.

Background

Metro Transit will lead construction of the D Line project, along with associated locally requested scope funded through partnership with Hennepin County, the City of Minneapolis, and the City of Bloomington. The locally requested scope requiring real estate interests will consist of temporary easements for pedestrian, signal, and ADA improvements at the opposite quadrants of intersections with D Line stations.

The joint project requires the acquisition of approximately 103 temporary and 3 permanent easements from parcels along the D Line corridor in the cities of Minneapolis, Richfield, and Bloomington. There are no full acquisitions or relocations associated with the project. Efforts will be made to acquire property through direct purchase; however, in some circumstances it may be necessary to use condemnation under Minnesota Statutes Chapter 117 to acquire property. Minnesota Statutes Section 117.012 requires that there be a public purpose for the use of condemnation. The attached resolution formally declares that the D Line Project and associated locally requested improvements are a public purpose for the use of condemnation.

Rationale

Temporary and permanent easement acquisitions are necessary to implement the planned D Line stations and associated locally requested improvements funded by Hennepin County, Minneapolis, and Bloomington. This action resolves that the Project is a valid public purpose under Minnesota Statutes Sections 117.012 and 473.405.

Thrive Lens Analysis

The D Line will upgrade and substantially replace Route 5, Metro Transit's highest ridership bus route. Investment in high-quality transportation options in the Route 5 corridor will advance the thrive outcome of prosperity, by making the

region more economically competitive through increased workers' access to employment, and support to employers by increasing available workforce with affordable, convenient transportation.

The D Line project advances the equity outcome by investing in a transit corridor serving several areas of concentrated poverty where more than 50 percent of the residents are people of color. Nearly three-quarters of Route 5 riders identify as Black, Indigenous, or people of color. Investment in the D Line will provide riders with faster service and a more comfortable waiting and riding experience.

The proposed action advances the stewardship outcome by advancing D Line easement acquisitions and project delivery efficiently with regional partnership from Hennepin County, Minneapolis, Richfield, and Bloomington.

Funding

Funding for right-of-way acquisition is available in the authorized Metro Transit capital program in Project 62800 (D Line). Hennepin County, Minneapolis, and Bloomington are participating in costs of acquisition through Joint Powers Agreements, currently in development.

Known Support / Opposition

There is no known opposition to the project.

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RESOLUTION NO. 2020 – 9

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR THE METRO D LINE BRT PROJECT

WHEREAS, The METRO D Line Bus Rapid Transit (BRT) Project and associated locally requested scope (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, under Minnesota Statutes Section 471.59, the County, Cities, and the Council agree to exercise certain powers for the benefit of each other as more fully set forth herein, with the Council conducting activities relating to acquisition of the necessary property interests for the Project, through direct negotiation and condemnation, if necessary, with the County and Cities joining in any condemnation petition and related pleadings for acquisition of their respective property interests ; and
- (7) that, under Minnesota Statutes Section 117.016, Subdivisions. 1, 2, and 3, the County, Cities, and Council may enter into an agreement for the joint acquisition of land by eminent domain proceedings. The purpose of the land acquisitions for the Project and the costs associated with any acquisitions of the properties and expenses incurred in the acquisition will be apportioned in the agreements signed with County and Cities. Any eminent domain proceedings associated with the Project shall be instituted and carried to completion in the names of the County, Cities, or Council, as the case may be, describing the lands each entity shall acquire.

(8) 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 _____ 2020

Charlie Zelle, Chair

Liz Sund, Recording Secretary