

Transportation Committee

Meeting date: November 23, 2020

For the Metropolitan Council meeting of December 9, 2020

Subject:	Gold Line Real Estate Acquisition and Condemnation Authority, Resolution 2020-30
District(s), Member(s):	District 11 (Vento), District 12 (Gonzalez), District 13 (Lee)
Policy/Legal Reference:	MN Statutes 117.012 and 473.405, Met Council Policy FM 14-2
Staff Prepared/Presented:	Wes Kooistra, General Manager, 612-349-7510 Greg Ewig, Director, Real Estate, 651-602-1556 Charles Carlson, Director, BRT Projects, 612-349-7639 Chris Beckwith, Assistant Director, BRT Projects, 612-602-1994
Division/Department:	Metro Transit / Gold Line Bus Rapid Transit Project Office

Proposed Action

That the Metropolitan Council pass Resolution 2020-30 declaring a public purpose and authorizing Council staff to commence acquisition of all temporary and permanent easements and fee acquisitions (“Property”) necessary for the METRO Gold Line Bus Rapid Transit (BRT) Project and associated locally requested scope; authorize the Regional Administrator to approve expenditures at the appraised or settlement amount of up to \$1 million for any parcel; and authorize the Regional Administrator to initiate condemnation proceedings on behalf of the Council and local agency partners, for parcels that cannot be acquired by direct purchase.

Background

Metro Transit will lead construction of the Gold Line Project, along with associated locally requested scope constructed through partnership with Washington and Ramsey Counties and the corridor cities of St. Paul, Maplewood, Oakdale, Landfall and Woodbury and documented by separate cooperative or joint intergovernmental agreements. The locally requested scope requiring real estate interests includes temporary and permanent easements for pedestrian, signal, and ADA intersection improvements in support of the Project, which are intended to be conveyed to the local jurisdictions for ongoing operations and maintenance upon completion of the Project.

The Gold Line Project needs to acquire property rights for approximately 159 parcels. Acquisitions are primarily for temporary and permanent easements to address transit, utility, drainage and access for the Project and also includes fee acquisitions where needed. Every reasonable effort will be made to acquire property through direct purchase, however in some circumstances it may be necessary to use condemnation under Minnesota Statutes Sec. 117 to acquire the Property, which requires an acquiring entity to identify a public purpose. The attached resolution formally declares that the Gold Line Project and associated locally requested improvements are a public purpose which is required to be established prior to filing any condemnation action.

Rationale

Given the number and estimated cost of parcels, the Gold Line Project and the Metropolitan Council Real Estate Office seek Metropolitan Council authorization to allow the Regional Administrator to approve acquisition expenditures and condemnation initiation up to \$1 million per parcel and reserving Council approval authority for condemnation and negotiated acquisition parcels with appraised or final settlement amounts greater than \$1 million per parcel. A matrix containing a categorization of parcels organized by estimated values is included below for reference.

Approval Thresholds	Estimated # of Parcels	BI 2020-311 Metropolitan Council Authorization	Policy FM 14-2
Over \$1,000,000	8	Metropolitan Council	Metropolitan Council
\$500,000 to \$1,000,000	5	Regional Administrator	Metropolitan Council
\$100,000 to \$500,000	11	Regional Administrator	Regional Administrator
Up to \$100,000	135	Regional Administrator	Regional Administrator

Approval Thresholds	Estimated # of Parcels	BI 2020-311 Metropolitan Council Authorization	Policy FM 14-2
Over \$1,000,000	Unknown	Metropolitan Council	Metropolitan Council
\$250,000 to \$1,000,000	Unknown	Regional Administrator	Metropolitan Council
Up to \$250,000	Unknown	Regional Administrator	Regional Administrator

Temporary and permanent easements and fee acquisitions are necessary to implement the planned Gold Line dedicated bus lanes, structures, stations and associated locally-requested improvements in support of the Project and the approval authorizations of the Regional Administrator are warranted and balance the Council need for proper oversight and efficient negotiation and prompt approval of just compensation for property owners. This action resolves that the Project is a valid public purpose under Minnesota Statutes Sections 117.012 and 473.405.

Thrive Lens Analysis

The GBRT Project supports Thrive outcomes including livability, prosperity, and equity with its investment in high-quality transportation that will make the region more economically competitive by supporting major job creators and increasing workers' access to employment hubs. The METRO Gold Line will distribute transit resources throughout the region, benefitting regional residents and increasing the quality of transit service available.

Funding

Funding for right-of-way acquisition is available in the authorized Metro Transit capital program in Project 61402 (Gold Line). Washington and Ramsey Counties through their Gold Line Joint Powers Board are participating in costs of acquisition.

Known Support / Opposition

There is no known opposition.

METROPOLITAN COUNCIL

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RESOLUTION NO. 2020 – 30

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

WHEREAS, The METRO Gold 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 policies 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