

Transportation Committee

Meeting date: January 25, 2021

For the Metropolitan Council meeting of February 10, 2021

Subject:	Southwest Light Rail Transit (Green Line Extension) Parcel 621 Condemnation Authorization, Resolution 2021-02
District(s), Member(s):	All
Policy/Legal Reference:	FM14-2 Expenditures for the Procurement of Goods and Services Policy
Staff Prepared/Presented:	Wes Kooistra, General Manager, (612) 349-7510 Jim Alexander, Project Director, (612) 373-3880 Joan Hollick, Deputy Project Director, (612) 373-3820 Robin Cauffman, Director of Administration (612) 602-1457
Division/Department:	Metro Transit / Green Line Extension Project Office

Proposed Action

That the Metropolitan Council (Council) authorize the Regional Administrator to acquire temporary easement on Parcel 621 necessary for the Green Line Extension LRT Project (Project) and pass Resolution 2021-02 that authorizes Council legal staff to initiate condemnation proceedings if staff cannot acquire by negotiation.

Background

Council Policy FM14-2 Expenditures for the Procurement of Goods and Services Policy authorizes the Regional Administrator to approval of real property acquisition up to \$500,000 for an individual property. However, the policy does not authorize staff to initiate any condemnation proceeding without prior approval by the Metropolitan Council.

In September 2016, the Council modified the policy for project specific real property acquisition authorization levels for the SWLRT (BI 2016-01 *Revised*, approved on September 28, 2016), The modification authorized the General Manager and Regional Administrator to initiate condemnation up to \$150,000 and \$1 million, respectively.

In November 2016, the Council passed resolution 2016-28 declaring that the Green Line Extension LRT Project is a valid public purpose for the use of condemnation proceedings.

In December 27, 2018, the Council started construction of the Green Line Extension, including freight rail track and a new southerly connector that is being constructed to accommodate the light rail. In coordination with Canadian Pacific the railroad is requiring additional access to the connection of the Southerly Connector to Canadian Pacific's MN&S line in St. Louis Park.

Construction of this access requires grading and extending a retaining wall to minimize impacts to an adjacent residential property. Due to these changes, the Council needs a temporary construction easement on a newly identified Parcel 621 located in St. Louis Park. Project staff completed an environmental reevaluation and FTA concurred on December 18, 2020 to include the acquisition in the project.

Rationale

The proposed Temporary Construction Easement for Parcel 621 will allow construction of a retaining wall to meet railroad requirements for access to the connection between the Southerly Connector and the MN&S line.

Funding

Funds for this acquisition are included in the project budget Project # 61001 and the Council's authorized capital budget and the planned expenditures are eligible project costs that will be funded by the Federal Transit Administration and local funding partners.

Thrive Lens Analysis

Livability: The Green Line Extension will increase the region's prosperity as it will provide access to 80,900 forecasted jobs and a new transportation option for 55,800 forecasted residents within ½ mile of the planned new stations in addition to the 145,300 forecasted jobs and 35,600 forecasted residents in downtown Minneapolis.

Prosperity: The Green Line Extension reflects strategic investment in regional infrastructure that will promote economic competitiveness and create prosperity for the region.

Known Support / Opposition

There is no known opposition to this action.

METROPOLITAN COUNCIL
390 Robert Street North, St. Paul, MN 55101
RESOLUTION NO. 2021-02

RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF
PARCEL 621 NECESSARY FOR THE GREEN LINE EXTENSION LRT

WHEREAS, the METRO Green Line Extension LRT (the "Project") requires the acquisition of additional real property.

NOW, THEREFORE:

BE IT RESOLVED, that Metropolitan Council reaffirms the findings and declaration in Resolution 2016-28 that the Project is a valid public project with a valid public purpose; and

BE IT FURTHER RESOLVED that the real property needed for the Project is identified on the attached legal description and the attached parcel layout sketch ("Parcel 621"); and

BE IT FURTHER RESOLVED that Parcel 621 is necessary for the Project and must be obtained before the filing of an award by the court-appointed commissioners; and

BE IT FURTHER RESOLVED that, in the judgment of the Metropolitan Council, the acquisition of Parcel 621 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; and

BE IT FURTHER RESOLVED that, under Minnesota Statutes Section 473.405 subdivision 3 the Metropolitan Council has the authority to acquire Parcel 621 by condemnation, and that the Council directs its attorneys to acquire Parcel 621 by condemnation if the property cannot be acquired by direct negotiation; and

BE IT FURTHER RESOLVED that the condemnation of Parcel 621 will be done in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117.

Adopted this ___ day of _____ 2021

Charles A. Zelle, Metropolitan Council Chair

Liz Sund, Recording Secretary