

# Business Item

Transportation Committee



Committee Meeting Date: August 14, 2023

For the Metropolitan Council: August 23, 2023

## Business Item: 2023-133

METRO E Line – Real Estate Acquisition and Condemnation, Resolution 2023-5

<b>District(s), Member(s):</b>	District 5 (Pacheco Jr.), District 6 (Lilligren), District 7 (Osman), District 14 (Carter)
<b>Policy/Legal Reference:</b>	MN Statutes 117.012 and 473.405
<b>Staff Prepared/Presented:</b>	Lesley Kandaras, General Manager, 612-349-7513 Nick Thompson, Interim Executive Director, 612-349-7507 Katie Roth, Director, Arterial BRT, 612-349-7772 Adam Smith, Manager, BRT Projects, 612-349-7160 Cyndy Boyce, Real Estate Specialist, Real Estate, 651-602-1521
<b>Division/Department:</b>	Metro Transit / Arterial BRT

### Proposed Action

That the Metropolitan Council pass Resolution 2023-5 declaring the METRO E Line Project as a public purpose, authorizing acquisition of all real estate interests necessary for the Project, and authorizing staff to initiate condemnation proceedings on behalf of the Council for parcels that cannot be acquired by negotiation.

### Background

Metro Transit will lead construction of the METRO E Line project. The Council's Real Estate Office will lead acquisition efforts for the project.

The project and associated locally-funded improvements require the acquisition of approximately 20-25 temporary and 10-15 permanent easements from parcels along the METRO E Line corridor. There are no anticipated fee acquisitions or relocations associated with the project.

All reasonable 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 117.12 requires that there be a public purpose for the use of condemnation. The attached resolution formally declares that the METRO E Line Project is a public purpose for the use of condemnation.

### Rationale

Temporary and permanent easement acquisitions are necessary to implement the planned METRO E Line Project. This action resolves that the Project is a valid public purpose under Minnesota Statutes Sections 117.012 and 473.405.

## **Thrive Lens Analysis**

The E Line will upgrade Route 6, one of Metro Transit's highest ridership bus routes. Investment in high-quality transit options in the Route 6 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 E Line project advances the Thrive outcome of Equity by improving transit access for communities of color and for workers at low wage jobs. Investment in the E Line will provide riders with faster service and a more comfortable waiting and riding experience.

The proposed action also advances the Thrive outcome of Stewardship by planning for E Line corridor improvements efficiently with regional partnership from Hennepin County, Ramsey County, Minneapolis, Edina, and St. Paul.

## **Funding**

Funding for right-of-way acquisition is available in the authorized Metro Transit capital program in Project 61004 (E Line).

## **Small Business Inclusion**

There is no contracting, and therefore no small business inclusion, associated with this action.



**METROPOLITAN COUNCIL**

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**RESOLUTION NO. 2023-5**

**RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR METRO E LINE, METROPOLITAN COUNCIL PROJECT NO. 61004**

**WHEREAS**, Metropolitan Council Project No. 61004, METRO E Line, (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 Policy of the Metropolitan Council.
- (5) that, under Minnesota Statutes Section 473.405, Subd. 3 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 \_\_\_\_\_ 2023

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Chair

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Recording Secretary