

T Transportation Committee

Meeting date: May 12, 2008

For Metropolitan Council meeting: May 14, 2008

ADVISORY INFORMATION

Date:	May 7, 2008
Subject:	Acquire Property Adjacent to the I-35W at 95 th Avenue NE Park and Ride in Blaine.
District(s), Member(s):	District 10 - Kris Sanda 763 757-1962, kris.sanda@metc.state.mn.us
Policy/Legal Reference:	Minnesota Statutes Sections 473.129 & 473.405
Staff Prepared/Presented:	Brian Lamb, General Manager, 612 349-7510 Tom Thorstenson, Director Engineering & Facilities 612 349-7689
Division/Department:	Metro Transit, Engineering and Facilities Department

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to acquire the property at 9641 Naples Street Northeast in Blaine by eminent domain in accordance with the attached resolution.

Issue(s)

- Council approval is required for the acquisition of property by eminent domain.

Background

The Urban Partnership Agreement (UPA) provides for additional park and ride space within the northern portion of the I-35W corridor. The existing surface facility at I-35W and 95th Avenue contains 1,011 spaces and is 97% occupied according to the December 2007 survey. Recent studies have indicated a need for 2,000 spaces at this location by 2030.

At its meeting on March 12, 2008, the Council authorized the Regional Administrator to negotiate and purchase the property at 9641 Naples Street Northeast in Blaine, in accordance with discussions held in a closed session of the Transportation Committee on February 25, 2008 (Business Item 2008-48).

The owner of the 10 acre parcel adjacent to the north end of the existing park and ride is seeking \$1.89 million supported by an appraisal. The Council's appraisal identifies a value of \$1.075 million. The Council extended an offer of \$1.5 million in an attempt to reach a mutually acceptable price for the property. The owner remained firm at \$1.89 million. On April 30, 2008 the Council reiterated its offer of \$1.5 million, the validity of which was to the close of business on May 6. The Council has not received an acceptance to its offer and the offer has now expired. Although the owner has indicated they intend to provide a counter offer, a counter offer has not been received as of Friday, May 9, 2008.

Rationale

Although the property is for sale, the parties have not been successful in determining a mutually agreeable value for the property. The property is essential to expansion of the 95th Avenue facility as the alternative of construction on site is not feasible. Schedule is critical in order to design and construct a facility at this location within the UPA timeframe of September 2009. The eminent domain process, should it be required, is legally based, and protects the rights of the current owner ensuring a fair price for the property.

Funding

Funding for this acquisition is available from UPA funds.

Known Support / Opposition

The owner of the property at 9641 Naples Street NE has indicated a willingness to sell the property but at their valuation.

METROPOLITAN COUNCIL
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RESOLUTION NO. 2008 -

RESOLUTION AUTHORIZING ACQUISITION OF FEE TITLE PROPERTY
9641 Naples Street NE, Blaine, Minnesota

I-35W and 95th Avenue Park & Ride Expansion

WHEREAS, the Council requires acquisition of fee title to the property at 9641 Naples Street NE, Blaine, Minnesota for the construction of the I-35W and 95th Avenue Park & Ride Expansion; and

WHEREAS, the Council previously, by Business Item 2008-48, approved the negotiation and purchase of the property at 9641 Naples Street Northeast, Blaine, Minnesota; and

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire possession of the fee title required for the I-35W and 95th Avenue Park & Ride Expansion prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of fee title of the property at 9641 Naples Street NE, Blaine, Minnesota is for a public purpose and public use as defined by Minnesota Statutes § 117.025, is necessary for the furtherance of the construction of I-35W and 95th Avenue Park & Ride Expansion and in the judgment of the Metropolitan Council such acquisition will further the public health, safety and welfare, and be undertaken in accordance with Minnesota Statutes and the Real Property Acquisition Policy of the Metropolitan Council; and
2. That, pursuant to Minnesota Statutes Chapter 473, the Council has the authority to acquire the property interests by eminent domain, that the Council hereby directs its attorney to acquire by eminent domain the fee title to the property at 9641 Naples Street NE, Blaine, Minnesota, 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
3. That the Council hereby approves and certifies that the total just compensation for the fee title of the property at 9641 Naples Street NE, Blaine, Minnesota, as indicated in the appraisals submitted to the Council.

Adopted this ____ day of _____, 2008.

Peter Bell, Chair

Pat Curtiss, Recording Secretary