

Meeting date: Nov 10, 2008

For Metropolitan Council meeting: Nov 12, 2008

ADVISORY INFORMATION

Date:	November 3, 2008
Subject:	Acquire Property at I-35W and County Road C in Roseville
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 and 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 & Facilities Department

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to acquire fee title to that portion of the property, together with temporary easements, at 2750 Cleveland Avenue in Roseville by eminent domain in accordance with the attached resolution.

Issue(s)

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

Background

At its meeting on May 14, 2008, Council approved the acquisition of a portion of the property located at 2750 Cleveland Avenue in Roseville for use as an Urban Partnership Agreement (UPA) Park and Ride. The acquisition cost estimate has remained constant at \$1.277 million and all parties have confirmed their intent to transfer the property.

The City of Roseville favors the project and the use of the property for a Park and Ride. At its meeting October 13th, the City Council approved the facility design, the Planned Unit Development (PUD) and the related preliminary plat for the Twin Lakes development.

However, detail discussions with the city and the property owner identified a title issue with a ten-foot wide portion of the property intended for utility and roadway purposes, along the north and east boundaries of the parcel. Negotiations between the city and the property owner are taking longer than anticipated although both parties continue working towards agreement.

Meanwhile, the UPA Twin Lakes Park and Ride project is moving ahead quickly. Staff began soliciting construction bids November 10th with bids due December 9th. The schedule identifies construction award consideration by the Transportation Committee January 12, 2009.

Rationale

Approving eminent domain action ensures that the Council will control the property as needed in order to proceed with construction completion in 2009 and resolve outstanding title issues.

Funding

Funding for this acquisition is available from designated federal funds.

Known Support / Opposition

The property owner and city staff are working towards resolution and willing to proceed with eminent domain should such action be needed to maintain schedule.

METROPOLITAN COUNCIL

390 North Robert Street, St. Paul, Minnesota 55101-1634

Phone (651) 602-1000 · TDD (651) 291-0904 · FAX (651) 602-1550 · Metro Info (651) 602-1888

RESOLUTION NO. 2008 -

RESOLUTION AUTHORIZING ACQUISITION OF FEE TITLE PROPERTY

A portion of 2750 Cleveland Avenue, Roseville, Minnesota

Twin Lakes Park and Ride

WHEREAS, the Council requires acquisition of fee title to that portion of the property at 2750 Cleveland Avenue, Roseville, Minnesota, together with temporary easements, as shown on the attached exhibits for the construction of the Twin Lakes Park and Ride; and

WHEREAS, the Council previously, by Business Item 2008-129, approved the negotiation and purchase of that portion of the property at 2750 Cleveland Avenue, Roseville, Minnesota; described in the attachments and

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire possession of the fee title required for the Twin Lakes Park and Ride 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 that portion of the property at 2750 Cleveland Avenue, Roseville, Minnesota, (parcels A and B) together with temporary construction easements (A-1, A-2 and A-3), all as shown on the attached exhibits, is for a public purpose and public use as defined by Minnesota Statutes § 117.025, is necessary for the furtherance of the construction of the Twin Lakes Park and Ride 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 that portion of the property at 2750 Cleveland Avenue, Roseville, Minnesota, together with temporary easements as shown on the attached exhibits 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 473.405 subdivision 3; and
3. That the Council hereby approves and certifies that the total just compensation for the fee title of that portion of the property at 2750 Cleveland Avenue, Roseville, Minnesota, together with temporary easements as shown on the attached exhibits as indicated in the appraisals submitted to the Council.

Adopted this ____ day of _____, 2008.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

EXHIBIT A

DESCRIPTION OF PROPERTY

All that part of Lots 1, 2, 19 and 20, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota, lying within:

The east 329.60 feet of the north 173.16 of said Block B.

Easement Descriptions

1. Temporary Easement for Construction, Grading and Slope Purposes (through February 28, 2010).

A temporary easement for construction, grading and slope purposes lying over, under and across all that part of Lots 2, 3, 18, 19, and 20, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota, lying within the following described property:

The west 66.42 feet of the east 396.00 feet of the north 328.15 feet of said Block B, together with the west 319.58 feet of the east 329.58 feet of the south 155.00 feet of the north 328.15 feet of said Block B.

2. Temporary Easement for Access Purposes (to expire when Twin Lakes Parkway and Mount Ridge Road are built and open for traffic).

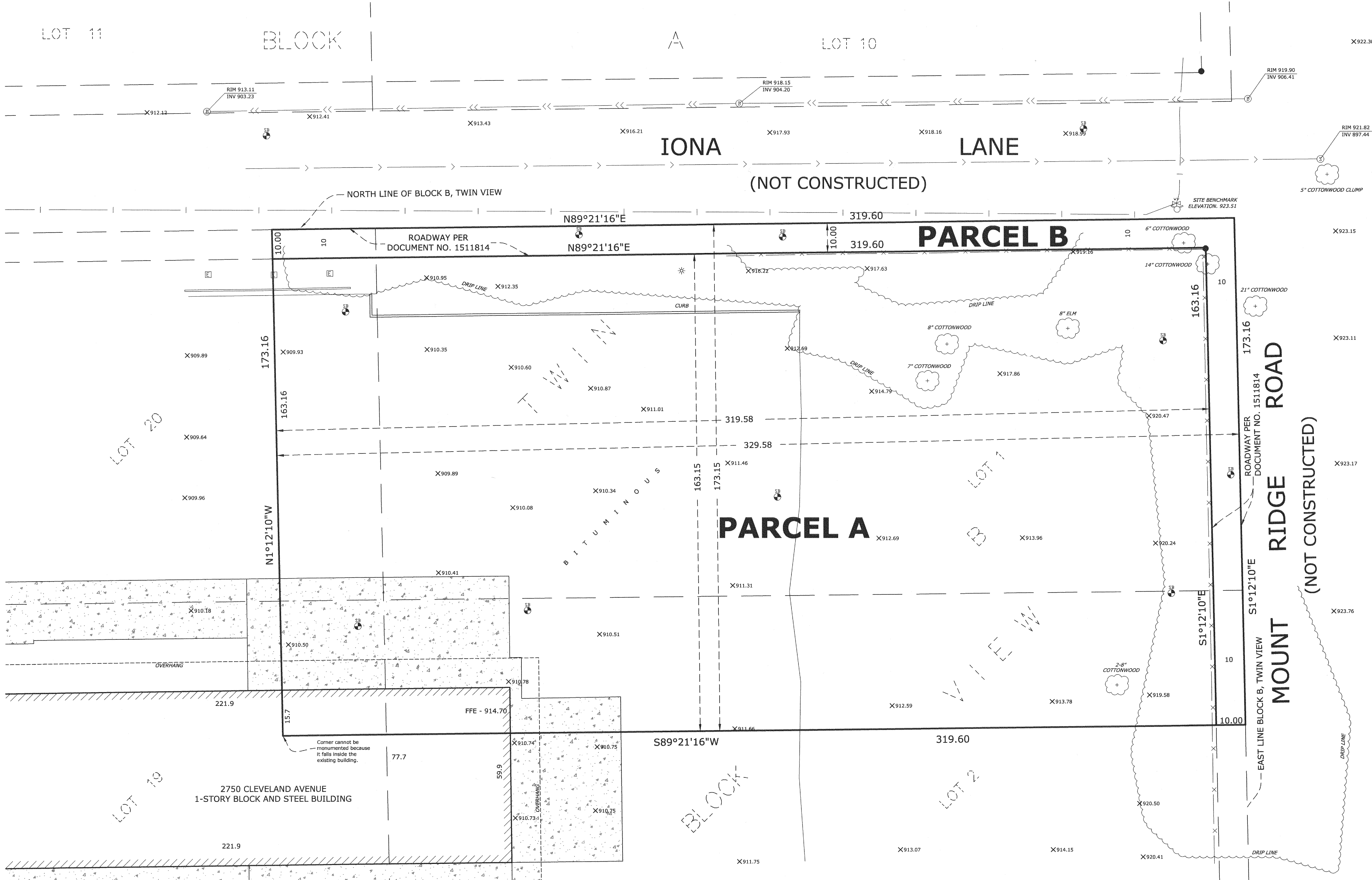
A temporary easement for bus access purposes lying over, under, and across all that part of Lots 3, 18, 19, and 20, Block B, TWIN VIEW, according to the recorded plat thereof, Ramsey County, Minnesota, lying within the following described property:

The west 24.00 feet of the east 353.58 feet of north 289.44 feet of said Block B; together with: The south 24.00 feet of the north 313.44 feet of said Block B.

3. Permanent Easement for Drainage and Utility Purposes.

An easement for drainage and utility purposes lying over, under, and across all that part of Lots 2, 3, and 18, Block B, TWIN VIEW, according to the recorded plat thereof, Ramsey County, Minnesota, lying within the following described property:

The south 90.00 feet of the west 185.09 feet of said Lot 3; together with: the south 90.00 feet of said Lot 18; together with: the west 20.00 feet of the east 137.98 feet of said Block B, lying north of the south 90.00 feet of said Lot 3 and south of the north 173.15 of said Block B; together with: the west 24.00 feet of the east 353.58 feet lying northerly of the south 90.00 feet of said Lot 18.



LEGAL DESCRIPTION:
 The land referred to in this Commitment is situated in the City of Roseville, County of Ramsey, State of Minnesota, and is described as follows:
 A 1.27 acre portion of Lots 1, 2, 3, 18, 19 and 20, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota, to be subdivided and more particularly described prior to closing.
 Abstract property.

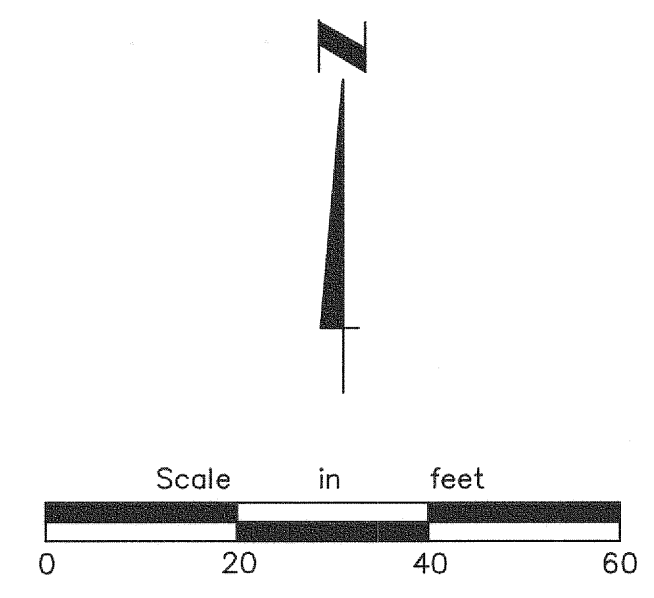
CERTIFICATION:
 This is to certify to Metropolitan Council, Old Dominion Freight Lines, and First American Title Insurance Company National Commercial Services that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Survey," jointly established and adopted by ALTA and NSPS in 2005, and includes items 1, 2, 4, 7(a), 8, 10, and 11(b) of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a Land Surveyor registered in the State of Minnesota, the Relative positional accuracy of this survey does not exceed that which is specified therein.

Kenneth L. Whitehorn
 Kenneth L. Whitehorn, Land Surveyor
 Minnesota License Number 14677
 Date: 24 OCT 2008

- NOTES:**
- This survey relies on information found in the commitment for title insurance prepared by First American Title Insurance Company National Commercial Services, file no. NCS-353146-MPLS, dated June 2, 2008.
 - All distances are in feet.
 - The basis of bearings is grid north, Minnesota County Coordinate System - Ramsey Projection, North American Datum 1983(1986).
 - Parcel designations are for convenience of reference only and do not constitute an integral part of the legal description.
 - The area of the property is:
 PARCEL A: 52,139 square feet or 1.197 acres
 PARCEL B: 4928 square feet or 0.113 acres
 TOTAL: 57,067 square feet or 1.310 acres
 - Exterior dimensions of all buildings are at ground level.
 - There are a total of 0 parking spaces which includes 0 handicap spaces.
 - The locations of underground utilities are based on field locations, available maps, and records. The locations may not be exact.

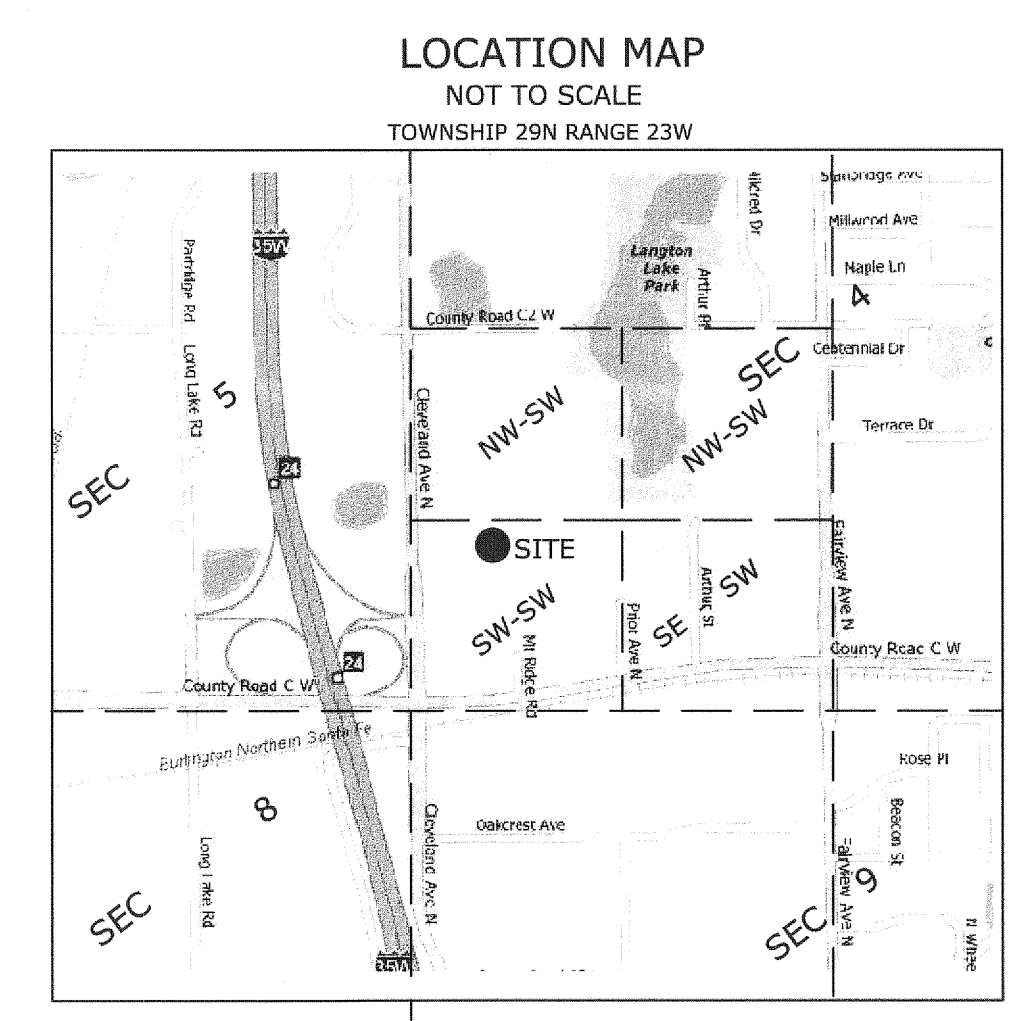
- SCHEDULE B - SECTION TWO EXCEPTIONS:**
- Defects, liens, encumbrances, adverse claims or other matters appearing or attaching subsequent cannot be plotted.
 - On the date of the survey there was no visible evidence of discrepancies, conflicts, shortages or encroachments not of public record we are aware of other than as shown on the survey.
 - On the date of the survey there was no visible evidence of rights, interests, or claims not of public record we are aware of other than as shown on the survey.
 - Easements, claims of easement or encumbrances not of public records cannot be plotted.
 - Liens or right to a lien for services, labor, or material cannot be plotted.
 - Taxes or assessments cannot be plotted.
 - Real estate taxes cannot be plotted.
 - Special assessments cannot be plotted.
 - Rights of tenants under unrecorded leases cannot be plotted.
 - Easement for public road and highway purposes, Document No. 1511814, as shown on the survey.
 - Easement for water mains, pipes and appurtenances purposes, Document No. 1627520, does not encumber this property.
 - Mortgage, Security Agreement, Assignment of Rents and Financing Statement, Document No. 2924015, cannot be plotted. [Includes other land].

FILE: P:\080808\080808\080808\ALTA_0808.dwg LAYOUT: ALTA
 SCALE: 1.0 DATE/TIME: Oct 28, 2008 9:42am
 USER: rhp XREF(S):



- LEGEND:**
- FOUND IRON MONUMENT
 - ⊕ SOIL BORING
 - ⊖ ELECTRIC OUTLET
 - ⊕ HYDRANT
 - ⊕ WATER VALVE
 - ⊕ STORM MANHOLE
 - ⊕ SANITARY MANHOLE
 - ⊕ LIGHT
 - ⊕ DECIDUOUS TREE
 - ▨ CONCRETE
 - STORM SEWER
 - SANITARY SEWER
 - WATER MAIN
 - CHAIN LINK FENCE

BENCHMARK:
 Top nut of hydrant at the northeast corner of the site in the southeast quadrant of the intersection of Mount Ridge Road and Iona Lane.
 Elevation: 923.51, North American Vertical Datum 1988



ALTA/ACSM LAND TITLE SURVEY

MOUNT RIDGE ROAD AT IONA LANE ROSEVILLE, MINNESOTA METROPOLITAN COUNCIL

HANSEN THORP PELLINEN OLSON, Inc.
 7510 Market Place Drive • Eden Prairie, MN 55344
 952-829-0700 • 952-829-7806 fax

Revision _____

Project No. 08-050

Drawn by JDB

Checked by *[Signature]*

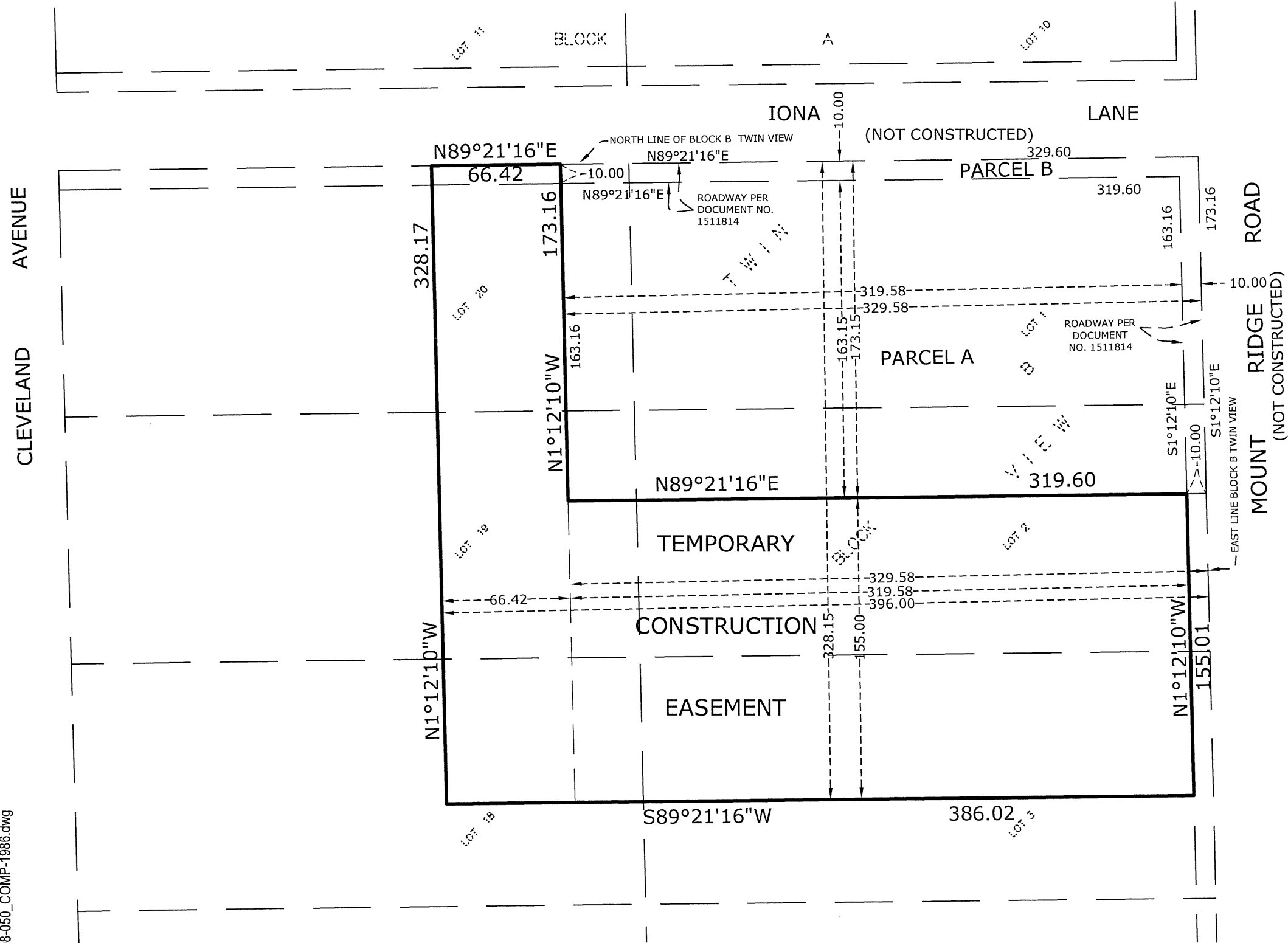
Book/Page 160/29

Date: 10/28/08

Client: METRO TRANSIT

EXHIBIT A-1

TEMPORARY CONSTRUCTION EASEMENT
AREA: 71333.9966 SQ FT OR 1.6376 ACRES



LEGAL DESCRIPTION:

A Temporary Easement (through February 28, 2010) for construction, grading, and slope purposes lying over, under and across all that part of Lots 2, 3, 18, 19, and 20, Block B, Twin View, according to the recorded plat thereof, Ramsey County, Minnesota, lying within the following described property:

The west 66.42 feet of the east 396.00 feet of the north 328.15 feet of said Block B;

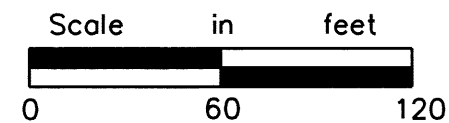
together with: the west 319.58 feet of the east 329.58 feet of the south 155.00 feet of the north 328.15 feet of said Block B.

NOTES:

All distances are in US Survey feet

The basis of bearings is grid north, Minnesota County Coordinate System, Ramsey Projection, NAD1983(HPGN)

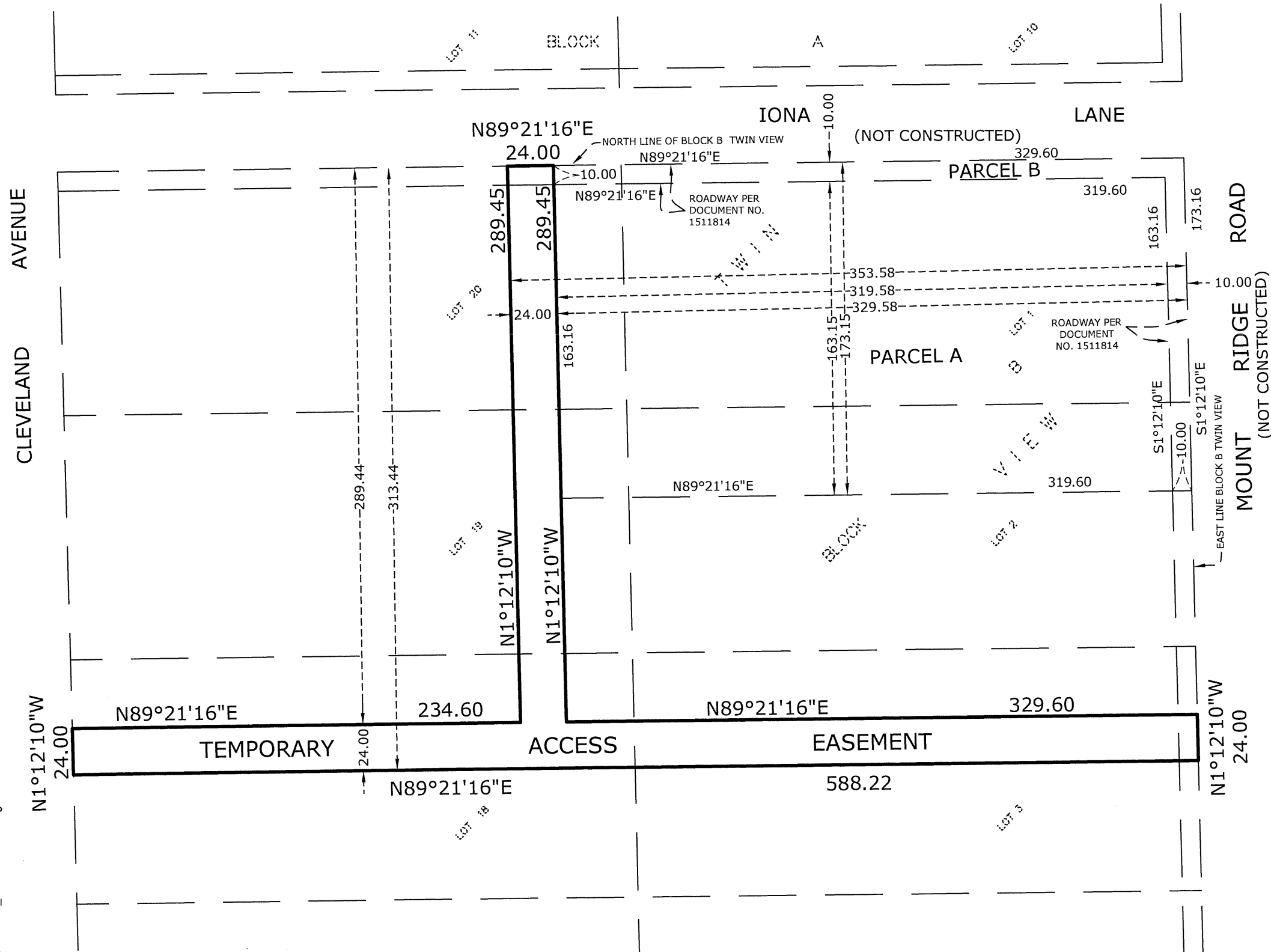
FILE: P:\2008\08-050\Drawg\08-050_ESMT-1986.dwg LAYOUT: 0001-T
SCALE: 60 DATE/TIME: Oct 29, 2008 - 10:02am
USER: htpo XREF(s): 08-050_COMP-1986.dwg



HANSEN THORP PELLINEN OLSON, Inc
7510 Market Place Drive • Eden Prairie, MN 55344
952-829-0700 • 952-829-7806 fax

EXHIBIT A-2

TEMPORARY ACCESS EASEMENT
AREA: 21064.3948 SQ FT OR 0.4836 ACRES



LEGAL DESCRIPTION:

A Temporary Easement for Bus Access Purposes (to expire when Twin Lakes Parkway and Mount Ridge Road are built and open for traffic) lying over, under, and across all that part of Lots 3, 18, 19, and 20, Block B, TWIN VIEW, according to the recorded plat thereof, Ramsey County, Minnesota, lying within the following described property:

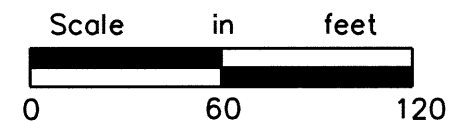
The west 24.00 feet of the east 353.58 feet of north 289.44 feet of said Block B;

together with: the south 24.00 feet of the north 313.44 feet of said Block B.

NOTES:

All distances are in US Survey feet

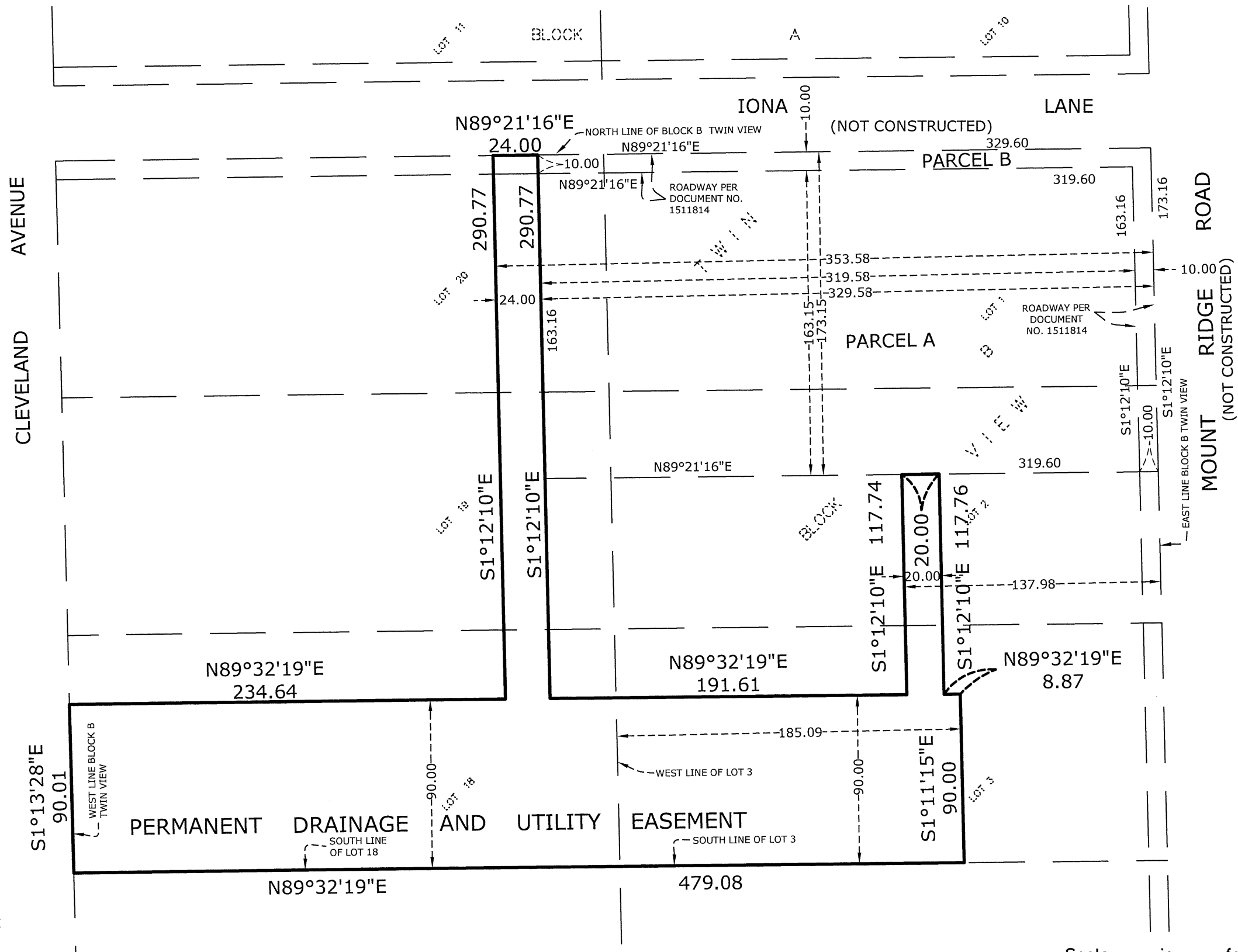
The basis of bearings is grid north, Minnesota County Coordinate System, Ramsey Projection, NAD1983(HPGN)



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 SCALE: 60 DATE/TIME: Oct 29, 2008 - 10:02am
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EXHIBIT A-3

PERMANENT DRAINAGE AND UTILITY EASEMENT
 AREA: 52452.7038 SQ FT 1.2041 ACRES



LEGAL DESCRIPTION:

A Permanent Easement for Drainage and Utility Purposes lying over, under, and across all that part of Lots 2, 3, 18, 19, and 20, Block B, TWIN VIEW, according to the recorded plat thereof, Ramsey County, Minnesota, lying within the following described property:

- The south 90.00 feet of the west 185.09 feet of said Lot 3;
- together with: the south 90.00 feet of said Lot 18;
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NOTES:

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