

T Transportation Committee

Meeting date: June 14, 2010

Metropolitan Council Meeting: June 23, 2010

ADVISORY INFORMATION

Date: June 3, 2010
Subject: Authorization to initiate eminent domain proceedings for the acquisition of Parcels 1 (M. Rasoir Ltd.) and 1A (Diamond Products) for the Central Corridor Light Rail Transit Operations and Maintenance Facility (OMF)
District(s), Member(s): All
Policy/Legal Reference: Minnesota Statutes Chapter 117 and M.S § 473.405
Staff Prepared/Presented: Brian Lamb, General Manager, 651-349-7510
Mark Fuhrmann, Deputy Gen Mgr, 651-602-1942
Rich Rovang, CCLRT Project Director, 651-602-1941
Division/Department: Metro Transit / Central Corridor Project Office

Proposed Action

That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the fee and leasehold interests to the M. Rasoir Ltd. property identified on the attached resolution and the initiation of eminent domain proceedings for the acquisition of a temporary easement on that portion of the Diamond Products property identified on the attached resolution.

Background

On April 28, 2010, the Metropolitan Council authorized the acquisition of the fee and leasehold interests to the Rasoir Ltd. Property and authorized the acquisition of a temporary easement on the Diamond Products property for the OMF by direct purchase. The Federal Transit Administration (FTA) concurred with the appraisals and review appraisals for both parcels, and offers were made to the property owners on May 27, 2010. If the parties cannot reach a settlement with respect to the acquisition within a reasonable amount of time, the Central Corridor Project Office (CCPO) needs to have the authority to initiate eminent domain proceedings.

Rationale

The property rights to the OMF must be acquired in a timely manner to enable the construction contractor to begin work as specified in the construction documents. CCPO will continue to negotiate with the property owners, even after the initiation of eminent domain proceedings.

Funding

The Metropolitan Council has funds available for the acquisition of right of way as part of the CCLRT Project.

Known Support / Opposition

FTA has approved the CCLRT Project's Real Estate Acquisition Management Plan and concurred with the appraisals for Parcels 1 and 1A.

METROPOLITAN COUNCIL
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RESOLUTION NO. 2010 -

RESOLUTION AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF THE FEE AND LEASEHOLD INTERESTS to the property located at 340 Broadway Street, St. Paul, MN as identified as Parcel 1 on the attached exhibit **AND RESOLUTION AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS FOR THE ACQUISITION OF A TEMPORARY EASEMENT** on property located at 310 5th Street East, St. Paul, MN as identified as Parcel 1A on the attached exhibit.

WHEREAS, the Metropolitan Council requires the acquisition of the fee and leasehold interests to the entire property located at 340 Broadway Street, St. Paul, MN as described as Parcel 1 on the attached exhibit and requires the acquisition of a temporary easement on the property located at 310 5th Street East, St. Paul, MN as described as Parcel 1A on the attached exhibit for the construction of the Central Corridor Light Rail Transit Operations and Maintenance Facility; and

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire possession of the land required for the Central Corridor Light Rail Transit Operations and Maintenance Facility prior to the filing of an award by the court-appointed commissioners.

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of the fee and leasehold interests to property located at 340 Broadway Street, St. Paul, MN as described as Parcel 1 on the attached exhibit and the acquisition of a temporary easement on the property located at 310 5th Street East, St. Paul, MN as described as Parcel 1A on the attached exhibit 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 Central Corridor Light Rail Transit Operations and Maintenance Facility 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 Metropolitan 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 and temporary easement on the property described on the attached exhibit 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 Metropolitan Council hereby approves and certifies that the total just compensation for the fee title and temporary easement to the property described on the attached exhibits is as indicated in the appraisals submitted to the Council.

Adopted this _____ day of _____, 2010.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

March 26, 2010
6200-CCR-1

FEE ACQUISITION

Parcel 1 C.S. 6200 (XXX) CCR

S.P. 9902-01

All of Tracts A, B and C described below:

Tract A. That part of Blocks 53, 54, 55, 56 and 57, and the vacated streets adjacent thereof, Kittson's Addition to the City of St. Paul, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, described as follows: Beginning at the intersection of the northeasterly right of way line of Lafayette Road, as located and constructed prior to January 1, 2009, and the southeasterly right of way line of East 4th Street; thence southeasterly along said northeasterly right of way line of Lafayette Road to the intersection with the center line of vacated Prince Street; thence northeasterly along said center line of Prince Street to a point of curvature; thence northeasterly along a 797.0 foot radius curve, concave to the northwest, to the intersection with said southeasterly right of way line of East 4th Street; thence southwesterly along said southeasterly right of way line of East 4th Street to the point of beginning;

Tract B. That part of Block 57, the vacated alley in said block, and vacated Prince Street, all in Kittson's Addition to the City of St. Paul, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, described as follows: Commencing at the northwest corner of Lot 4, said Block 57; thence North 55 degrees 33 minutes 25 seconds East along the north line of said Block 57 for 65.45 feet to the point of beginning of Tract B to be described; thence continue along said north line to a point 24.06 feet west of the northeast corner of Lot 1, said Block 57; thence South 20 degrees 59 minutes 52 seconds East for 261.52 feet to a point on the center line of said vacated Prince Street; thence South 55 degrees 39 minutes 21 seconds West along said center line for 110.0 feet, more or less, to a point South 20 degrees 59 minutes 52 seconds East of, and distant 261.32 feet from, the point of beginning; thence North 20 degrees 59 minutes 52 seconds West for 261.32 feet to the point of beginning;

Tract C. That part of Blocks 57, 58, 59 and 60, and vacated Prince Street, Pine Street, Olive Street and John Street, all in Kittson's Addition to the City of St. Paul, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota, described as follows: Beginning at the northwest corner of said Block 60; thence southeasterly along the southwesterly line of said Block 60 to the most southerly corner thereof; thence northeasterly along the southeasterly line of said Block 60 to the intersection with the center line of said vacated Pine Street; thence southeasterly along said center line of said vacated Pine Street to the intersection with the center line of said vacated Prince Street; thence northeasterly along said center line of vacated Prince Street to the intersection with the southwesterly right of way line of Lafayette Road, as located and constructed prior to January 1, 2009; thence northwesterly along said southwesterly right of way line of Lafayette Road to the intersection with the southeasterly right of way line of East 4th Street; thence southwesterly along said southeasterly right of way line of East 4th Street to the point of beginning.

March 26, 2010
6200-CCR-1A

Parcel 1A C.S. 6200 (XXX) CCR

S.P. 9902-01

The right to use all of Tract A described below for transportation purposes, which right shall cease on December 1, 2012, or on such earlier date upon which the Commissioner of Transportation determines by formal order that it is no longer needed for transportation purposes:

Tract A. The southeasterly one half of vacated 4th Street lying between Broadway Street and John Street, together with that part of said vacated street accruing to Lot 8, Block 47, by reason of the vacation thereof, all in Kittson's Addition to the City of St. Paul, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota.