

**T** Transportation Committee  
Meeting date: January 31, 2011  
Metropolitan Council Meeting: February 9, 2011

**ADVISORY INFORMATION**

<b>Date:</b>	January 12, 2011
<b>Subject:</b>	Central Corridor Light Rail Transit: Initiate Eminent Domain Proceedings for the Acquisition of Parcel 9S (Midway Marketplace) for Civil East Construction
<b>District(s), Member(s):</b>	All
<b>Policy/Legal Reference:</b>	Minnesota Statutes Chapter 117 and M.S § 473.405 Met Council 3-3 Expenditures Policy
<b>Staff Prepared/Presented:</b>	Brian Lamb, General Manager, 612-349-7510 Mark Fuhrmann, Deputy Gen Mgr, 651-602-1942 Rich Rovang, CCLRT Project Director, 651-602-1941
<b>Division/Department:</b>	Metro Transit / Central Corridor Project Office

**Proposed Action**

That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the property rights for Parcel 9S (Midway Marketplace) in St. Paul for the Central Corridor Light Rail Transit (CCLRT) Civil East Construction.

**Background**

Per 3-3 Expenditure Policy, the Federal Transit Administration (FTA) concurred with the appraisal and review appraisal on January 5, 2011, and the Metropolitan Council Regional Administrator authorized the Minnesota Department of Transportation to make an initial offer on January 6, 2011. An offer was subsequently made to the property owner in January 2011. 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 the authority to initiate eminent domain proceedings.

**Rationale**

The property rights to Parcel 9S 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 owner, even after the initiation of eminent domain proceedings.

**Funding**

Subordinate Funding Agreement #4 with the Minnesota Department of Transportation makes 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 appraisal documents for Parcel 9S.