

# C Community Development Committee

Meeting date: March 3, 2008

## ADVISORY INFORMATION

<b>Date:</b>	February 11, 2008
<b>Subject:</b>	Termination of 1985 Court-Approved Agreement Settling Litigation and Metropolitan Significance Review Matters - Homart Project
<b>District(s), Member(s):</b>	5, Russ Susag (612-259-2927)
<b>Policy/Legal Reference:</b>	Minn. Stat. § 473.173
<b>Staff Prepared/Presented:</b>	Guy Peterson, Community Development Director (651-602-1418) Dave Theisen, Associate General Counsel (651-602-1706)
<b>Division/Department:</b>	Community Development/Planning and Growth Management

### Proposed Action

That the Metropolitan Council authorize its attorneys and Regional Administrator to execute on behalf of the Council any agreements necessary to terminate the 1985 Homart Project agreement (as amended) and file the appropriate documents and motion papers with the district court.

### Background

In November 1985, the City of Edina, the City of Bloomington, the Homart Development Company and the Metropolitan Council entered into an agreement that settled litigation involving comprehensive planning issues, traffic congestion concerns and environmental review matters related to a proposed project (the "Homart Project") in the northwest quadrant of the I-494 and France Avenue interchange. Although located north of I-494, the Homart Project site was within the City of Bloomington. The Council was asked to conduct a metropolitan significance review of the Homart Project to consider the project's effects on the City of Edina and metropolitan systems. The parties subsequently negotiated a settlement that was approved by the court. As part of the settlement the Council agreed to conduct a traffic study of the I-494 corridor and dismiss the pending metropolitan significance review of the Homart Project. The settlement also required the cities to cooperate on certain road and other infrastructure improvements related to development at the Homart Project site, as well as certain zoning and/or land use ordinances affecting the project site.

### Rationale

The Homart Project site is fully developed. Edina and Bloomington have passed resolutions acknowledging the 1985 agreement no longer is necessary because its purposes have been fulfilled or otherwise addressed. The cities and the current owner of the development have agreed to terminate their rights under the 1985 agreement and have asked the Council to terminate its interests under the agreement. Because the 1985 settlement agreement and its 1987 amendment were approved by the court, the parties propose to file with the court a motion to terminate the settlement agreement.

Community Development and Transportation Planning staff concur that the planning and traffic congestion issues that were the subject of the 1985 agreement were resolved by the agreement or otherwise addressed.

### Funding

Not applicable.

### Known Support / Opposition

The cities of the Edina and Bloomington and the successor to Homart Development Company support termination of the 1985 agreement. There is no known opposition.