

E Environment Committee
For the Metropolitan Council meeting of May 9, 2007

ADVISORY INFORMATION

Date Prepared: May 2, 2007

Authorization to Acquire Easements and to File Condemnation Petition – South St.

Subject: Paul Forcemain Improvements – MCES Project 802710, Resolution No. 2007-12

Summary of Committee Discussion:

Committee members passed this item with no discussion.

Recommendation:

It is recommended that the Metropolitan Council pass the attached Resolution 2007-12 authorizing the Council to acquire by negotiation and, if necessary, to file a petition for condemnation of the property interest necessary for the South Saint Paul Forcemain (SSPFM) Improvements – MCES Project 802710.

E Environment Committee

Meeting date: April 24, 2007

For the Metropolitan Council Meeting of May 9, 2007

ADVISORY INFORMATION

Date:	April 11, 2007
Subject:	Authorization to Acquire Easements and to File Condemnation Petition – South St. Paul Forcemain Improvements – MCES Project 802710, Resolution No. 2007-12
District(s), Member(s):	District #13, Rick Aguilar; District #15, Daniel Wolter
Policy/Legal Reference:	Minnesota Statutes 473.504, Subd. 9 and Chapter 117
Staff Prepared/Presented:	Bill Moeller, 651-602-4504
Division/Department:	MCES c/o William G. Moore, 651-602-1162

Proposed Action/Motion

It is recommended that the Metropolitan Council pass the attached Resolution 2007-12 authorizing the Council to acquire by negotiation and, if necessary, to file a petition for condemnation of the property interests necessary for the South Saint Paul Forcemain (SSPFM) Improvements– MCES Project 802710.

Issue(s)

- The South Saint Paul Forcemain Improvement project is planned to start in approximately January 2008. In order to complete acquisition of the real property interests necessary to start construction, Council legal staff may have to initiate condemnation proceedings on those parcels which staff cannot obtain by negotiation.

Overview and Funding

The SSPFM conveys flow from the South St. Paul lift station, L-65, north to the Metropolitan Wastewater Treatment Plant located in Saint Paul. The SSPFM was originally constructed in 1973, and is in poor condition. The Facility Plan recommended replacement of the existing forcemain with a new dual 36-inch forcemain. The new facility will be installed along Verderosa and Hardman Avenues in South St. Paul, will cross under the Mississippi River, and continue north along Pigs' Eye Peninsula to the Metro Plant. Portions of the new forcemain will utilize existing tunnels at the Metro Plant. The project is currently approaching the 60 percent design point.

The SSPFM Project will require acquisition of approximately 21 temporary and permanent easements. Construction is tentatively scheduled to begin in January 2008. Following authorization, Council staff will commence negotiations with property owners for acquisition of the easements. However, to ensure the Council's right to begin construction on all parcels in January 2008, the Council's staff may have to initiate condemnation proceedings with respect to those parcels that staff cannot acquire through negotiation.

This project is funded in the 2007 Capital Budget. The costs for acquisition of the property interests necessary for the project are included in the present budget.

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RESOLUTION NO. 2007-12

**RESOLUTION AUTHORIZING ACQUISITION OF PERMANENT AND TEMPORARY
EASEMENTS**

South St. Paul Forcemain Improvements – MCES Project 802710

WHEREAS, the Council requires acquisition of permanent and temporary easements for the construction of the South St. Paul Forcemain Improvements – MCES Project 802710 and

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire possession of the easements required for the South St. Paul Forcemain Improvements – MCES Project 802710, prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of permanent and temporary easements identified in the South St. Paul Forcemain Improvements – MCES Project 802710, plans and specifications is for a public purpose and public use as defined by Minnesota Statutes § 117.025, is necessary for the furtherance of the construction of South St. Paul Forcemain Improvements – MCES Project 802710, 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 the Council hereby directs its Regional Administrator to acquire the permanent and temporary easements necessary for the South St. Paul Forcemain Improvements – MCES Project 802710, by negotiation; and
3. 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 those property interests, including fee title property, permanent and temporary easements which 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
4. That the Council hereby approves and certifies that the total just compensation for the permanent and temporary easements being acquired for construction of the South St. Paul Forcemain Improvements – MCES Project 802710, is indicated in the appraisals submitted to the Council.

Adopted this 9th day of May, 2007

Peter Bell, Chair

Pat Curtiss, Recording Secretary