



**ADVISORY INFORMATION**

**Date Prepared:** August 13, 2008

**Subject:** Authorization to Negotiate and Execute a Cooperative Agreement, including Acquisition of Easement Rights, with Canadian Pacific Railway relating to the Railway Crossing over Battle Creek Siphon 1-SP-200

**Proposed Action:**

The Metropolitan Council authorizes its Regional Administrator to negotiate and execute a Cooperative Agreement, including acquisition of necessary easement rights, with the Canadian Pacific Railway (CP Rail) for proposed railroad bridge construction over the Battle Creek Siphon (1-SP-200) interceptor facilities.

**Summary of Committee Discussion / Questions:**

CM Leppik asked if obtaining permanent easement rights will eliminate future right-of-way issues with the railroad. Staff responded that it would, by acquiring easement rights the Council is protected from being required to remove or replace facilities at the Council's expense in the future.

Motion to accept proposed action was made, seconded, and passed unanimously.



# Environment Committee

Meeting date: August 12, 2008

For the Metropolitan Council Meeting of August 27, 2008

**Business Item**

Item: 2008-223

## ADVISORY INFORMATION

<b>Date:</b>	July 25, 2008
<b>Subject:</b>	Authorization to Negotiate and Execute a Cooperative Agreement, including Acquisition of Easement Rights, with Canadian Pacific Railway relating to the Railway Crossing over Battle Creek Siphon 1-SP-200
<b>District(s), Member(s):</b>	District No. 13 – Richard Aguilar
<b>Policy/Legal Reference:</b>	Minnesota Statutes 473.504; Council Policy 3-3
<b>Staff Prepared/Presented:</b>	William P. Moeller 651- 602-4504
<b>Division/Department:</b>	MCES c/o William G. Moore 651-602-1162

### Proposed Action

The Metropolitan Council authorizes its Regional Administrator to negotiate and execute a Cooperative Agreement, including acquisition of necessary easement rights, with the Canadian Pacific Railway (CP Rail) for proposed railroad bridge construction over the Battle Creek Siphon (1-SP-200) interceptor facilities.

### Background

CP Rail is constructing new rail bridge facilities where the siphon alignment crosses the rail right-of-way. 1-SP-200 crosses the railroad right-of-way by license. The license terms requires that the Council relocate and remove its facilities upon receipt of 60-day notice from the railroad. In lieu of interceptor relocation CP Rail is agreeable to modification of the bridge design to allow the siphon facilities to remain in their present location. The anticipated terms of the agreement will include:

- The protection of the siphon facilities during construction
- A permanent easement for the siphon facilities
- Continuous access for maintenance and operation of the siphon facilities during and after construction
- Council payment of the incremental cost for the bridge modifications required to accommodate the siphon. This cost is presently estimated at \$800,000.
- Council will pay reasonable costs for the permanent easement rights.

### Rationale

Cooperative agreements and property rights acquisition requires Metropolitan Council authorization.

### Funding

Funding is provided in the 2008 MCES Capital Budget, Project Number 809000

Annual or Capital	Project No.	Estimated Project Cost	Current Authorization	Unencumbered Funds	Requested Amount
Capital	809000	\$1,050,000	\$14,000,000	\$5,872,500	\$860,000

### Known Support / Opposition

Supported by CP Rail; no known opposition.