

# **E** Environment Committee

For the Metropolitan Council meeting of December 10, 2008

## **ADVISORY INFORMATION**

**Date Prepared:** December 9, 2008

**Subject:** Authorization to Acquire Fee Title, Permanent and Temporary Easements and to File a Condemnation Petition, Hopkins System Improvements, MCES Projects 800210/804100, Resolution 2008-49

### **Proposed Action:**

That the Metropolitan Council pass Resolution 2008-49 which authorizes acquisition of the fee title, permanent and temporary easements necessary for the Hopkins System Improvements, MCES Project Nos. 800210 and 804100, and which authorizes the Council's legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation.

### **Summary of Committee Discussion / Questions:**

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

# E Environment Committee

Meeting date: December 9, 2008

For Metropolitan Council Meeting of December 10, 2008

## ADVISORY INFORMATION

**Date:** November 18, 2008

**Subject:** Authorization to Acquire Fee Title, Permanent and Temporary Easements and to File a Condemnation Petition, Hopkins System Improvements, MCES Projects 800210/804100, Resolution 2008-49

**District(s), Member(s):** District #6, Peggy Leppik

**Policy/Legal Reference:** Minnesota Statutes 473.504, Chapter 117

**Staff Prepared/Presented:** Scott Dentz 602-4503 / Bill Moeller 602-4504

**Division/Department:** MCES c/o William G. Moore, 602-1162

### Proposed Action

That the Metropolitan Council pass Resolution 2008-49 which authorizes acquisition of the fee title, permanent and temporary easements necessary for the Hopkins System Improvements, MCES Projects Nos. 800210 and 804100, and which authorizes the Council's legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation.

### Background

Both interim improvements and facility planning are being conducted for the Hopkins Forcemain (MSB 7026) and Lift Station (L27). Replacement of the Hopkins Forcemain will require approximately 6 permanent easements and 90 temporary construction easements. The replacement of the Hopkins Lift Station may require acquisition of a parcel by fee title. Construction of interim improvements requiring several temporary and permanent construction easements is scheduled to begin in 2009. Appraisals on each parcel will be obtained by an independent, licensed appraiser. Land acquisition costs are included in the 2009 MCES Capital Program for this project.

### Rationale

Land acquisition is necessary for implementation of this project. This action delegates authority to staff to acquire property for the project and to use the condemnation process if necessary to ensure timely project delivery.

### Funding

This project is funded in the 2008 Capital Budget.

### Known Opposition / Support

None.

**METROPOLITAN COUNCIL**  
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**RESOLUTION NO. 2008 – 49**

**RESOLUTION AUTHORIZING ACQUISITION OF  
FEE TITLE, PERMANENT AND TEMPORARY EASEMENTS  
Hopkins System Improvements  
MCES PROJECTS 800210/804100**

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the acquisition of fee title and permanent and temporary easements identified in the Hopkins System Improvements, MCES Projects 800210/804100, plans and specifications are reasonably and convenient to the furtherance of the construction of the project 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 fee title and the permanent and temporary easements necessary for the **Hopkins System Improvements, MCES Projects 800210/804100**, by negotiation; and
3. That the Council hereby directs its attorney to acquire by eminent domain those property interests, including fee title and permanent and temporary easements which cannot be acquired by direct negotiation and that such acquisition be in accordance with the procedure authorized under Minnesota Statutes 117.042; and
4. That the Council hereby approves and certifies that the total just compensation for the permanent and temporary easements be acquired for construction of the Hopkins System Improvements as indicated in the appraisals submitted to the Council.

Adopted this 10<sup>th</sup> day of December, 2008

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Peter Bell, Chair

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Pat Curtiss, Recording Secretary