

METROPOLITAN COUNCIL

390 North Robert Street, St. Paul, Minnesota 55101-1634

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RESOLUTION NO. 2008 - 50

RESOLUTION AUTHORIZING ACQUISITION OF FEE TITLE AND TEMPORARY EASEMENTS

at 15455, 15425, 15415, 15405 and 15350 Cedar Avenue in Apple Valley, Minnesota

Apple Valley Transit Station

WHEREAS, the Council requires acquisition of fee title and temporary easements to property located at 15455, 15425, 15415, 15405 and 15350 Cedar Ave. in Apple Valley, Minnesota, as shown on the attached exhibits for the construction of the Apple Valley Transit Station; and

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire possession of the land required for the Apple Valley Transit Station prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of the fee title and temporary easements all as shown on the attached exhibits, is for a public purpose and public use as defined by Minnesota Statutes § 117.025, is necessary for the furtherance of the construction of the Apple Valley Transit Station 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, 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 the fee title and temporary easements on the property located at 15455, 15425, 15415, 15405 and 15350 Cedar Ave. in Apple Valley, Minnesota, as shown on the attached exhibits if the property 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 473.405 subdivision 3; and
3. That the Council hereby approves and certifies that the total just compensation for the fee title and temporary easements to property located at 15455, 15425, 15415, 15405 and 15350 Cedar Ave. in Apple Valley, Minnesota, as shown on the attached exhibits as indicated in the appraisals submitted to the Council.

Adopted this 10th day of December, 2008.

Peter Bell, Chair

Pat Curtiss, Recording Secretary

PARCEL 1

DI-JO-MI FAMILY LIMITED PARTNERSHIP
P.I.N. 01-20001-030-01

Fee Right of Way Acquisition

The East 19.0 feet of Lot 3, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Temporary Easement

A temporary easement for construction purposes over, under, across and through the West 28.0 feet of the East 47.0 feet of Lot 3, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Said temporary easement to expire December 31, 2009.

PARCEL 2

S. JENSEN ENTERPRISES, LLC
P.I.N. 01-20001-040-01

Fee Right of Way Acquisition

The East 19.0 feet of Lot 4, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Temporary Easement

A temporary easement for construction purposes over, under, across and through the West 28.0 feet of the East 47.0 feet of Lot 4, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Said temporary easement to expire December 31, 2009.

MINNESOTA VALLEY TRANSIT AUTHORITY
ACQUISITION DESCRIPTION
SRF NO. 0086543
NOVEMBER 25, 2008

PARCEL 3

2269 FORD-FS PARTNERSHIP, LLP
P.I.N. 01-20001-050-01

Fee Right of Way Acquisition

The East 19.0 feet of Lot 5, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Temporary Easement

A temporary easement for construction purposes over, under, across and through the West 28.0 feet of the East 47.0 feet of Lot 5, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Said temporary easement to expire December 31, 2009.

PARCEL 4

ADE LEASING
P.I.N. 01-20001-060-01

Fee Right of Way Acquisition

The East 10.0 feet of Lot 6, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Temporary Easement

A temporary easement for construction purposes over, under, across and through the West 37.0 feet of the East 47.0 feet of Lot 6, Block 1, DELEGARD SECOND ADDITION, according to the recorded plat thereof.

Said temporary easement to expire December 31, 2009.

PARCEL 5

SUPERVALU HOLDINGS, INC.
P.I.N. 01-11775-010-01

Temporary Easement

A temporary easement for construction purposes over, under, across and through the South 50.0 feet of the West 75.0 feet of Lot 1, Block 1, APPLE VALLEY RETAIL ADDITION, according to the recorded plat thereof.

Said temporary easement to expire December 31, 2009.