



ADVISORY INFORMATION

Date

Prepared: February 2, 2011

Subject: **Central Corridor Light Rail Transit: Initiate Eminent Domain Proceedings for Acquisition of Parcel 9S (Midway Marketplace) for Civil East Construction**

Proposed Action:

That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the property rights for Parcel 9S (Midway Marketplace) in St. Paul for the Central Corridor Light Rail Transit (CCLRT) Civil East Construction.

Summary of Committee Discussion / Questions:

Rich Rovang gave a presentation on the item. Councilmember McFarlin asked for clarification as to what portion of the larger parcel would be included in the eminent domain proceedings. Mr. Rovang stated that the total site was 766,223 square feet but only 2,700 square feet in fee, 9,221 square feet in temporary easement, and 11,948 square feet in permanent easement will be condemned as part of the eminent domain proceedings. There was no further discussion. A motion was made by Councilmember Scherer, seconded by Councilmember Leppik, and then passed unanimously.

T Transportation Committee
Meeting date: January 31, 2011
Metropolitan Council Meeting: February 9, 2011

ADVISORY INFORMATION

Date:	January 12, 2011
Subject:	Central Corridor Light Rail Transit: Initiate Eminent Domain Proceedings for the Acquisition of Parcel 9S (Midway Marketplace) for Civil East Construction
District(s), Member(s):	All
Policy/Legal Reference:	Minnesota Statutes Chapter 117 and M.S § 473.405 Met Council 3-3 Expenditures Policy
Staff Prepared/Presented:	Brian Lamb, General Manager, 612-349-7510 Mark Fuhrmann, Deputy Gen Mgr, 651-602-1942 Rich Rovang, CCLRT Project Director, 651-602-1941
Division/Department:	Metro Transit / Central Corridor Project Office

Proposed Action

That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the property rights for Parcel 9S (Midway Marketplace) in St. Paul for the Central Corridor Light Rail Transit (CCLRT) Civil East Construction.

Background

Per 3-3 Expenditure Policy, the Federal Transit Administration (FTA) concurred with the appraisal and review appraisal on January 5, 2011, and the Metropolitan Council Regional Administrator authorized the Minnesota Department of Transportation to make an initial offer on January 6, 2011. An offer was subsequently made to the property owner in January 2011. If the parties cannot reach a settlement with respect to the acquisition within a reasonable amount of time, the Central Corridor Project Office (CCPO) needs the authority to initiate eminent domain proceedings.

Rationale

The property rights to Parcel 9S must be acquired in a timely manner to enable the construction contractor to begin work as specified in the construction documents. CCPO will continue to negotiate with the property owner, even after the initiation of eminent domain proceedings.

Funding

Subordinate Funding Agreement #4 with the Minnesota Department of Transportation makes funds available for the acquisition of right of way as part of the CCLRT Project.

Known Support / Opposition

FTA has approved the CCLRT Project's Real Estate Acquisition Management Plan and concurred with the appraisal documents for Parcel 9S.