

# T Transportation Committee

For Metropolitan Council meeting of February 9 , 2011

**Date Prepared:** January 31, 2011

**Subject:** Property Acquisition for Expansion of the Highway 610 and Noble Parkway Park & Ride

## Proposed Action:

That the Metropolitan Council authorize the Regional Administrator to negotiate and, subject to approval by the Federal Transit Administration, purchase a 9.22 acre portion of the property located at 4410 95th Avenue North, Brooklyn Park at the appraised value. That, in the event negotiations are not successful, the Metropolitan Council also authorize the acquisition of the same by eminent domain in accordance with the attached resolution.

## Summary of Committee Discussion / Questions:

After a brief presentation by staff, Council Member Sersland Beach asked if it would be more appropriate to separate the proposed actions (extend offer and initiate eminent domain) and rather, return to the Committee prior to initiating eminent domain. Staff responded that previously the Council has authorized acquisition in either manner -- as a combined action or as separate actions. The current owner is a willing seller, but will likely reject the Council's offer at the appraised value. The owner is anxious to see action proceed and has indicated a willingness to progress to condemnation if negotiations fail. However, staff is happy to adjust to the desires of the Council.

Council Member Haas Steffen asked if there was only one exit from the proposed park-and-ride location. Staff responded that the existing Park & Ride utilizes the 95<sup>th</sup> Avenue & Noble intersection. The proposed Park & Ride would use this same intersection and staff's initial analysis anticipates satisfactory traffic movement through this intersection. No other access is available, both for the existing and for the proposed Park & Ride.

Chair McFarlin noted the high cost of the project at \$16.5 million. Although other alternate sites were considered, the proposed site compared well with the leading alternate as shown in the table below. Additionally, the City of Brooklyn Park is unlikely to support an alternate for an expanded Park & Ride directly abutting Noble Parkway nor would they endorse a large surface lot potentially tying up 15 acres if such a site could be identified.

Alternative	Description	Land	Construction	Access & Drainage	Soft Costs, Contingency	Loss of Ridership	Total Estimate
<b>Proposed Site</b>	500 surface 500 structure, expandable to 1500	\$2,300,000 (appraisal)	\$9,750,000	\$1,500,000	\$2,950,000	none	<b>\$16,500,000</b>
<b>Existing Site</b>	1000 structure cannot expand	\$0	\$15,000,000	\$0	\$3,000,000	\$650,000 (60% loss for 18 months)	<b>\$18,650,000</b>

The item was moved, seconded and approved without further discussion.

# T Transportation Committee

Business Item  
Item: 2011-27  
Revised

Meeting date: January 31, 2011

Metropolitan Council Meeting: February 9, 2011

## ADVISORY INFORMATION

**Date:** January 24, 2011

**Subject:** Property Acquisition for Expansion of the Highway 610 and Noble Park-and-Ride

**District(s), Member(s):** District 2, Tony Pistilli, 763-228-1867

**Policy/Legal Reference:** Minnesota Statutes MN Statutes 473.129, 473.405, 117.025 and 117.042

**Staff Prepared/Presented:** Brian Lamb, General Manager, 612-349-7510  
Tom Thorstenson, Director, E & F, 612-349-7689  
Maurice Roers, Mgr. Facilities Planning, E&F 612-349-7684

**Division/Department:** Metro Transit/Engineering & Facilities

## Proposed Action

That the Metropolitan Council authorize the Regional Administrator to negotiate and, subject to approval by the Federal Transit Administration, purchase a 9.22 acre portion of the property located at 4410 95<sup>th</sup> Avenue North, Brooklyn Park at the appraised value. That, in the event negotiations are not successful, the Metropolitan Council also authorize the acquisition of the same by eminent domain in accordance with the attached resolution.

## Background

Metro Transit currently operates a 511-space park-and-ride facility located in the northeast quadrant of the Highway 610 and Noble Parkway interchange in Brooklyn Park. Customer demand is strong at the facility with utilization rates exceeding 90% since 2006. Demand for a 1,000-space facility is anticipated based on projected population and employment growth and transit ridership increases. This demand could eventually reach 1,500 spaces if transit improvements along Bottineau Boulevard do not develop. To address this demand, Metro Transit received a Federal Highway Administration (FHWA) Congestion Mitigation and Air Quality Improvement (CMAQ) grant in 2007 to expand the park and ride to 1,000 spaces in 2012.

Staff evaluated several options for the expansion including construction on the current site and provision of surface and/or structured parking in additional locations. Expanding the facility through the purchase of the western 9.22 acres of a 13.38 acre property at 4410 95<sup>th</sup> Avenue North and relocating the park-and-ride is the most cost effective solution. Other options were rejected due to costs, negative impacts on existing ridership, limited opportunities for future expansion and inconsistency with the City's development plans. The proposed park-and-ride, if located on the 9.22 acre property, will provide about 500 surface spaces, 500 structured spaces and the flexibility for the addition of a further 500 spaces at a later date. Although discussions are still underway with Minnesota Department of Transportation (MnDOT), it is intended that the existing

park-and-ride property will be deeded back to MnDOT for future development in accordance with the City of Brooklyn Park's long-term plan.

The proposed site has a history of metal plating contamination. The current property owner has remediated the contamination pursuant to Minnesota Pollution Control Agency (MPCA) requirements. Additionally, Metro Transit has received a "No Association Determination" and letter of support from the MPCA for the project at the proposed site.

Final purchase is contingent upon Federal Transit Administration (FTA) concurrence.

### **Rationale**

The property is suitable for the relocation and expansion of the park-and-ride as the best alternative to meeting current capacity constraints at the existing facility. The current owner is a willing seller. The City of Brooklyn Park endorses the concept of constructing a surface and structured park-and-ride in the new location, with the existing property to be made available for future development.

### **Funding**

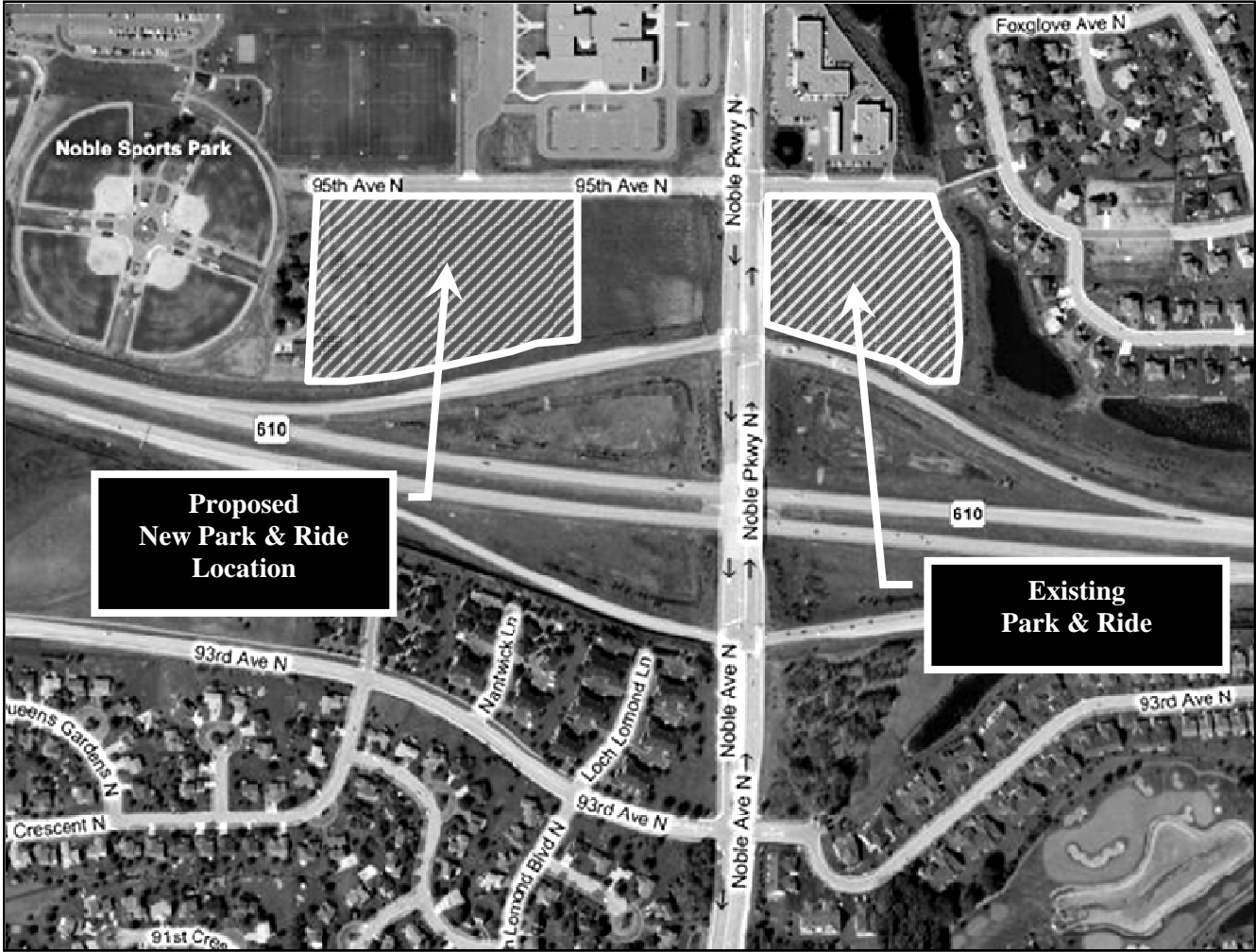
Funding for this property acquisition is available from Regional Transit Capital which will serve as local match to the FTA 5307 and FHWA CMAQ grants.

### **Known Support / Opposition**

The City of Brooklyn Park and the MPCA support the development of a park-and-ride facility at the proposed location.

**Attachment 1 – Project Location**

NW Quadrant of Highway 610 and Noble Parkway in Brooklyn Park



**METROPOLITAN COUNCIL**  
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**RESOLUTION NO. 2011 - 04**

**RESOLUTION AUTHORIZING ACQUISITION OF FEE TITLE PROPERTY**  
**A portion of 4410 95<sup>th</sup> Avenue North, Brooklyn Park, Minnesota**  
**Highway 610 and Noble Park-and-Ride Expansion**

**WHEREAS**, the Council requires acquisition of fee title to a portion of the property at 4410 95<sup>th</sup> Avenue North, Brooklyn Park, Minnesota for the construction of Highway 610 and Noble Park-and-Ride Expansion; and

**WHEREAS**, the Council previously, by Business Item 2011-\*\*\*, approved the negotiation and purchase of a portion of the property at 4410 95<sup>th</sup> Avenue North, Brooklyn Park, Minnesota; and

**WHEREAS**, the Metropolitan Council hereby finds and declares that it must acquire possession of the fee title required for the Highway 610 and Noble Park-and-Ride Expansion prior to the filing of an award by the court-appointed commissioners;

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

1. That the acquisition of fee title for a portion of the property at 4410 95<sup>th</sup> Avenue North, Brooklyn Park, Minnesota 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 Highway 610 and Noble Park-and-Ride Expansion 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 to the property at 4410 95<sup>th</sup> Avenue North, Brooklyn Park, Minnesota, 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
3. That the Council hereby approves and certifies that the total just compensation for the fee title of the property at 4410 95<sup>th</sup> Avenue North, Brooklyn Park, Minnesota, as indicated in the appraisals submitted to the Council.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Susan Haigh, Chair

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Pat Curtiss, Recording Secretary