

Meeting date: September 27, 2011

For Metropolitan Council Meeting October 12, 2011

ADVISORY INFORMATION

Date: September 14, 2011

Subject: Authorization to Acquire Fee Title, Permanent and Temporary Easements and to File a Condemnation Petition, Interceptor 7019-B Rehabilitation, MCES Project 802815, Resolution 2011-29

District(s), Member(s): District #4, Gary Van Eyll

Policy/Legal Reference: Minnesota Statutes 473.504, Chapter 117

Staff Prepared/Presented: Scott Dentz 651-602-4503

Division/Department: MCES c/o William G. Moore 651-602-1162

Proposed Action

It is recommended that the Metropolitan Council pass Resolution 2011-29 which authorizes acquisition of the fee title, permanent and temporary easements necessary for the Interceptor 7019-B Rehabilitation, MCES Project No. 802815, and which authorizes the Council's legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation.

Background

Facility planning is complete and detailed engineering design is underway for the rehabilitation of interceptor 7019-B in Victoria, MN. The interceptor alignment runs along the shoreline of two existing lakes through residential property. Rehabilitation of interceptor 7019-B will require approximately 18 temporary construction easements to facilitate construction access. The need for permanent easements will be determined during final design. Construction is scheduled to begin in 2012. Appraisals on each parcel will be obtained by an independent, licensed appraiser. Land acquisition costs are included in the project budget and construction funding is being requested in the proposed 2012 Capital Budget.

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

Construction funding will be requested in the 2012 Capital Program. The project cost is \$4.65 million and land acquisition services and land acquisition cost is estimated at \$392,000 (10% of construction cost).

Known Support / Opposition

No known opposition.

RESOLUTION NO. 2011 - 29

**RESOLUTION AUTHORIZING ACQUISITION OF FEE TITLE, PERMANENT AND
TEMPORARY EASEMENTS
Interceptor 7019-B Rehabilitation
MCES PROJECT 802815**

WHEREAS, the Council requires acquisition of fee title, permanent and temporary easements for construction of the Interceptor 7019-B Rehabilitation,

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire fee title, permanent and temporary easements for construction of the Interceptor 7019-B Rehabilitation prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of fee title, permanent and temporary easements identified in the Interceptor 7019-B Rehabilitation plans and specifications is reasonably necessary and convenient for 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, permanent and temporary easements necessary for construction of the Interceptor 7019-B Rehabilitation by negotiation; and
3. That, pursuant to Minnesota Statutes Chapter 473, the Council has the authority to acquire the property interests by eminent domain, the permanent and temporary easements necessary for construction of the Interceptor 7019-B Rehabilitation, 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
4. That the Council hereby approves and certifies that the total just compensation for the permanent and temporary easements acquired for construction of the Interceptor 7019-B Rehabilitation as indicated in the appraisals submitted to the Council.

Adopted this 12th day of October, 2011

Susan Haigh, Chair

Laurie Nistl, Recording Secretary