

T Transportation Committee
Meeting date: April 26, 2010

Metropolitan Council Meeting: April 28, 2010

ADVISORY INFORMATION

Date:	April 21, 2010
Subject:	Authorization to proceed with the acquisition of Parcels 1 (M. Rasior LTD) and 1A (Diamond Products) for the CCLRT Operations and Maintenance Facility (OMF)
District(s), Member(s):	All
Policy/Legal Reference:	M.S.A., Section 161.441 and M.S.A., Section 117.016 Council Policy – Expenditures 3-3 I.D.
Staff Prepared/Presented:	Brian Lamb, General Manager, 651-349-7510 Mark Fuhrmann, Deputy Gen Mgr, 651-602-1942 Rich Rovang, CCLRT Project Director 651-602-1941
Division/Department:	Metro Transit and Central Corridor Project Office

Proposed Action

That the Metropolitan Council authorize the Office of General Council (OGC) to proceed with the acquisition of Parcels 1 (M. Rasior LTD) and 1A (Diamond Products) for the Central Corridor Light Rail Transit (CCLRT) Operations and Maintenance Facility (OMF).

Background

The Metropolitan Council has determined that it is necessary to acquire fee title property rights in the City of St. Paul for the OMF site in its name. The property to be acquired in fee is currently owned in fee by M. Rasoir, LTD and is encumbered by a lease to Diamond Products. A temporary easement is also required on an adjacent parcel owned in fee by Diamond Products. MnDOT is currently in the process of acquiring property rights from the same property owners for the reconstruction of the Lafayette Bridge.

The initial offer for both parcels will exceed \$500,000. Based on the recent Council approved CCLRT right-of-way acquisition authority (2010-96), the Federal Transit Administration must concur and Regional Administrator approve the initial offer. If the parties cannot reach a negotiated settlement, the Council is required to authorize any eminent domain action.

Rationale

MnDOT has been acting as the Metropolitan Council's agent for the acquisition of right of way (ROW) for the CCLRT Project. MnDOT acquires the property in its name and transfers the property to the Metropolitan Council at a later date. In the location of the OMF, MnDOT also has interest in obtaining property rights from the same parties for MnDOT's Lafayette Bridge Project. To avoid any perceived or actual

conflict of interest, the OGC has determined that the acquisition of this property for CCLRT should be made directly by the Council.

The property to be acquired by the Council is currently encumbered by a permanent easement owned by MnDOT for the Lafayette Bridge. Upon acquisition by the Council, MnDOT will grant rights to the Council to use MnDOT's existing easement to operate and maintain the OMF and the Council will grant an additional easement to MnDOT for the expansion of the Lafayette Bridge. The granting of easement rights will be made at no cost to either party. An agreement between the Metropolitan Council and MnDOT defines the relationship between the parties relative to the cooperative use of the property so that both parties can accomplish the purpose for which it acquired property rights. The agreement was presented to and approved by the Transportation Committee April 12 (2010-121) and will be considered by the Council for approval April 28.

Funding

The Metropolitan Council has sufficient funds allocated for the acquisition of right of way as part of the CCLRT Project.

Known Support / Opposition

The acquisition in the Metropolitan Council's name is supported by the CCLRT Project Office and MnDOT.