

**T** Transportation Committee

For the Metropolitan Council meeting of December 10, 2008

Item: 2008-354 SW

Non-consent

**ADVISORY INFORMATION**

**Date Prepared:** December 9, 2008

**Subject:** Acquire Property at 18040 Cedar Avenue in Lakeville

**Proposed Action:**

That the Metropolitan Council authorize the Regional Administrator to negotiate and acquire fee title to that portion of the property, together with temporary easements, at 18040 Cedar Avenue in Lakeville, and should negotiations fail, by eminent domain, in accordance with the attached resolution.

**Summary of Committee Discussion / Questions:**

A brief presentation by staff outlined the need for this property purchase.

Councilmember Scherer suggested that staff obtain an update to the appraisal due to current economic conditions. Mr. Jones responded that the appraisal was done in August, but that staff would get it updated.

The item was moved and seconded. The item passed unanimously.

# T Transportation Committee

**Meeting date: December 8, 2008**

**For Metropolitan Council meeting: December 10, 2008**

**ADVISORY INFORMATION**

<b>Date:</b>	December 1, 2008
<b>Subject:</b>	Acquire Property at 18040 Cedar Avenue in Lakeville
<b>District(s), Member(s):</b>	District 16, Brian McDaniel
<b>Policy/Legal Reference:</b>	MN Statutes 473.129 and 473.405
<b>Staff Prepared/Presented:</b>	Brian J. Lamb, General Manager, 612 349-7510 Tom Thorstenson, Director Engineering & Facilities 612 349-7689 Pat Jones, Assistant Director Facilities Engineering 612-349-7606
<b>Division/Department:</b>	Metro Transit / Engineering and Facilities Department

### **Proposed Action**

That the Metropolitan Council authorize the Regional Administrator to negotiate and acquire fee title to that portion of the property, together with temporary easements, at 18040 Cedar Avenue in Lakeville, and should negotiations fail, by eminent domain, in accordance with the attached resolution.

### **Background**

The Urban Partnership Agreement (UPA) provides funding for property acquisition and construction of additional park and ride space within the Cedar Avenue Bus Rapid Transit (BRT) corridor. Dakota County commissioned a concept study that identified sites for a facility in the vicinity of 179<sup>th</sup> and Cedar Avenue in Lakeville.

The concept study proposes the acquisition of approximately eight acres of property, as outlined in the attached resolution, to support a 400-space park and ride, together with an access road, bus turn around and layover space, a passenger shelter and driver restrooms. Initial construction would provide approximately 200 of the 400 spaces.

Staff have met with representatives for the property and are prepared to begin detailed discussions. The value of the property is supported by an appraisal completed earlier this year in the amount of about \$500,000.

### **Rationale**

Property is required for the construction of the park and ride within the time limits established in the UPA. The property owner has expressed a willingness to sell the property to the Council and staff will attempt to reach a negotiated settlement with the owner. However, as stated in the attached resolution, eminent domain may be used in the unlikely event that the property cannot be acquired by direct negotiation.

### **Funding**

Funding for this acquisition is available from designated UPA funds.

### **Known Support / Opposition**

The County and City support a park and ride at the proposed location.

**METROPOLITAN COUNCIL**

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

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**RESOLUTION NO. 2008 -**

**RESOLUTION AUTHORIZING ACQUISITION OF FEE TITLE PROPERTY**

**A portion of 18040 Cedar Avenue, Lakeville, Minnesota**

**18040 Cedar Avenue, Lakeville, Park and Ride**

**WHEREAS**, the Council requires acquisition of fee title to that portion of the property at 18040 Cedar Avenue, Lakeville, Minnesota, together with temporary easements, as shown on the attached exhibits for the construction of a Park and Ride; and

**WHEREAS**, the Metropolitan Council hereby finds and declares that it must acquire possession of the fee title required for the 18040 Cedar Avenue, Lakeville, Park and Ride prior to the filing of an award by the court-appointed commissioners;

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

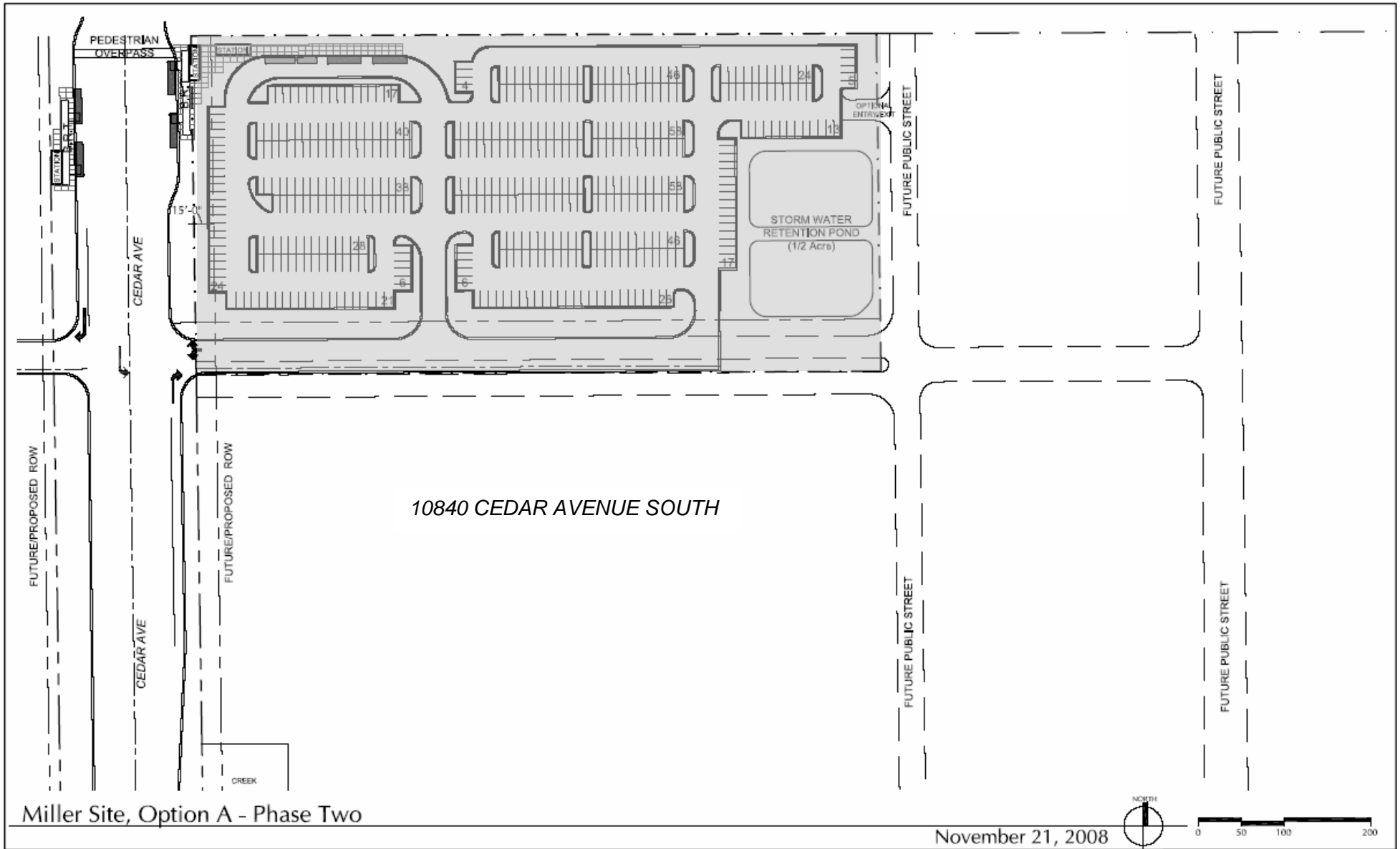
1. That the acquisition of fee title of that portion of the property at 18040 Cedar Avenue, Lakeville, Minnesota, together with temporary construction easement and permanent drainage easements all as shown on the EXHIBIT A attached, is for a public purpose and public use as defined by Minnesota Statutes § 117.025, is necessary for the furtherance of the construction of a Park and Ride 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 that portion of the property at 18040 Cedar Avenue, Lakeville, Minnesota, together with temporary easements 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 of that portion of the property at 18040 Cedar Avenue, Lakeville, Minnesota, together with temporary easements as shown on the attached exhibits is as indicated in the appraisals submitted to the Council.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Peter Bell, Chair

\_\_\_\_\_  
Pat Curtiss, Recording Secretary

EXHIBIT A-1 – PROPERTY TO BE ACQUIRED



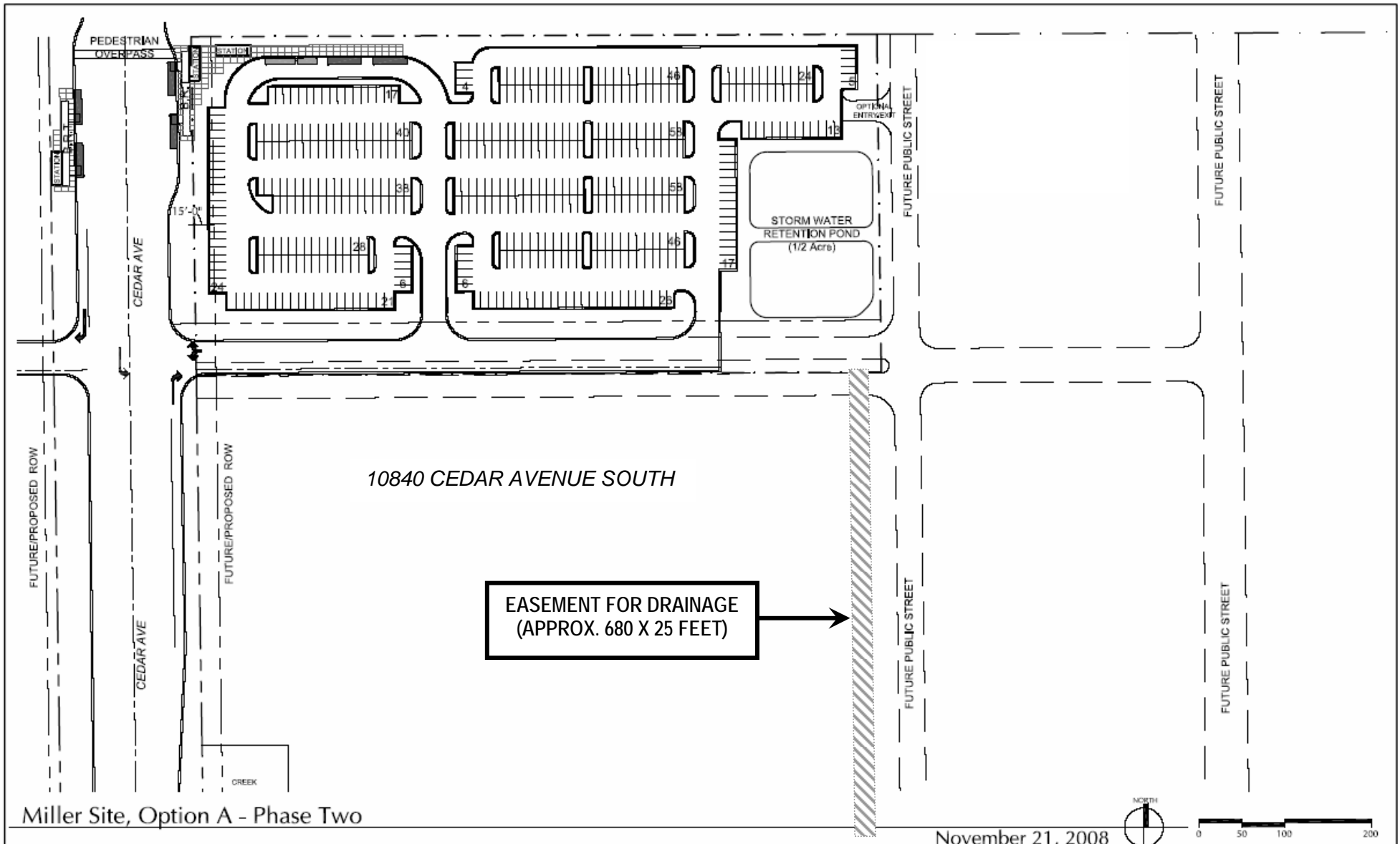
Miller Site, Option A - Phase Two

November 21, 2008

**Metro Transit - Lakeville 180th Street Park and Ride**



**, EXHIBIT A-2 – PERMANENT DRAINAGE EASEMENT** 



Miller Site, Option A - Phase Two

November 21, 2008

**Metro Transit - Lakeville 180th Street Park and Ride**



**EXHIBIT A-3 – SLOPE AND CONSTRUCTION EASEMENT**

