

T Transportation Committee
Metropolitan Council meeting: **June 15, 2011**

ADVISORY INFORMATION

Date

Prepared: May 24, 2010

Subject: **Central Corridor Light Rail Transit: Initiate Eminent Domain Proceedings for the Acquisition of Parcel 1Q (BNSF Railway Company)**

Proposed Action:

That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the property rights for Parcel 1Q (BNSF Railway Company) in Minneapolis for the Central Corridor Light Rail Transit (CCLRT) Project.

Summary of Committee Discussion / Questions:

Mark Fuhrmann gave a presentation on the item. Councilmember Brimeyer asked if the action was time critical and Mark confirmed that it was. Councilmember Schreiber asked whether Eminent Domain initiation was often preferred by Railroads for tax purposes, and Mark responded that was sometimes the case. A motion was made by Councilmember Duininck, seconded by Councilmember Munt, and then approved unanimously. The item will be placed on the consent agenda.

T Transportation Committee
Meeting date: May 23, 2011

Metropolitan Council Meeting: June 15, 2011

ADVISORY INFORMATION

Date:	May 5, 2011
Subject:	Central Corridor Light Rail Transit: Initiate Eminent Domain Proceedings for the Acquisition of Parcel 1Q (BNSF Railway Company)
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, 651-349-7510 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 1Q (BNSF Railway Company) in Minneapolis for the Central Corridor Light Rail Transit (CCLRT) Project.

Background

Per 3-3 Expenditure Policy, the Metropolitan Council Regional Administrator authorized the Minnesota Department of Transportation to make an initial offer on February 16, 2011. An offer was subsequently made to the property owner on March 23, 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 1Q must be acquired in a timely manner to enable the Civil West 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

CCPO and Mn/DOT have concurred with the appraisal documents for Parcel 1Q.