



ADVISORY INFORMATION

Date Prepared: August 10, 2011

Subject: Authorization to Acquire Permanent Easements and to File a
Condemnation Petition, East Bethel Reclaimed Water Distribution System,
MCES Project 801620, Resolution No. 2011-14

Proposed Action:

That the Metropolitan Council pass resolution 2011-14 which authorizes the acquisition of permanent and temporary easements necessary for the East Bethel Reclaimed Water Distribution System, MCES Project 801620, and which authorizes the Council's legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation.

Summary of Committee Discussion / Questions:

Council Member Rummel asked about the typical amount of land needed to be acquired for something like this. Staff responded that in this case, because the pipeline is relatively shallow, approximately 20 feet of permanent easement is required, and another 40 feet for temporary easement. If the Minnesota Department of Transportation is agreeable to a permit for right-of-way for some of the construction activities, less temporary easement will be needed from property owners.

Council Member Rummel asked if payment is made for both permanent and temporary easements. Staff said that independent appraisers are used by MCES. The appraisal starts with valuing the property, and then the value of the permanent easement is established (i.e. before and after value difference), followed by the cost of the temporary easement (i.e. land rental).

Staff also noted that the option to file a condemnation petition occurs after an offer has been made and negotiations have made slow progress, such that a schedule to resolve the issue can be established. Nearly all easement acquisitions are completed via negotiations with the property owners.

Council Member Schreiber noted that the 50 easements that are required involve vacant land, and asked if staff anticipates that there will be no problems with property owners. Staff agreed that most of the easements involve vacant land, and no problems are anticipated.

Motion to approve proposed action was made, seconded, and passed unanimously.



Environment Committee

Business Item: 2011-215

Meeting date: August 9, 2011

For Metropolitan Council Meeting August 24, 2011

ADVISORY INFORMATION

Date:	August 2, 2011
Subject:	Authorization to Acquire Permanent Easements and to File a Condemnation Petition, East Bethel Reclaimed Water Distribution System, MCES Project 801620, Resolution No. 2011-14
District(s), Member(s):	District #9, Edward Reynoso
Policy/Legal Reference:	Minnesota Statutes 473.504, Chapter 117
Staff Prepared/Presented:	Jim Roth 651-602-1123; Bryce Pickart 651-602-1091
Division/Department:	MCES c/o William G. Moore, 602-1162

Proposed Action

That the Metropolitan Council pass resolution 2011-14 which authorizes the acquisition of permanent and temporary easements necessary for the East Bethel Reclaimed Water Distribution System, MCES Project 801620, and which authorizes the Council's legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation.

Background

The East Bethel Reclaimed Water Distribution will convey treated wastewater from the East Bethel Regional Water Reclamation Plant to two land application sites located at distances 3.5 and 5 miles from the plant site. This project will require acquisition of approximately 50 permanent and temporary easements along the pipeline alignment. Construction of the project is scheduled for 2012. Appraisals on each parcel will be obtained by an independent, licensed real estate appraiser. Land acquisition costs are included in the 2011 MCES Capital program for this project.

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

This project is funded in the 2011 Capital Program. The estimated project cost is \$27.7 million. The budget for land acquisition for the project is \$1.4 million. Land has been acquired for the water reclamation plant site, land application sites and interceptor easements at a cost of approximately \$950,000. The estimated cost of easements for the reclaimed water distribution system is \$450,000.

Known Support / Opposition

Supported by the City of East Bethel. No known opposition.

RESOLUTION NO. 2011 – 14

**RESOLUTION AUTHORIZING ACQUISITION OF PERMANENT AND TEMPORARY
EASEMENTS
East Bethel Reclaimed Water Distribution System
MCES PROJECT 801620**

WHEREAS, the Council requires acquisition of permanent and temporary easements for construction of the East Bethel Reclaimed Water Distribution System,

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire permanent and temporary easements for construction of the East Bethel Reclaimed Water Distribution System prior to the filing of an award by the court-appointed commissioners;

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of permanent and temporary easements identified in the East Bethel Reclaimed Water Distribution System plans and specifications is reasonably necessary and convenient for the furtherance of the East Bethel Reclaimed Water Distribution System 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 permanent and temporary easements necessary for construction of the East Bethel Reclaimed Water Distribution System
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 East Bethel Reclaimed Water Distribution System, 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 East Bethel Reclaimed Water Distribution System as indicated in the appraisals submitted to the Council.

Adopted this 24th day of August, 2011

Susan Haigh, Chair

Laurie Nistl, Recording Secretary