

# **E** Environment Committee

For the Metropolitan Council meeting of November 9, 2011

## **ADVISORY INFORMATION**

Date Prepared: November 9, 2011

Subject: Authorization to Acquire Temporary Easements and to File a  
Condemnation Petition, Savage Interceptor Improvements – Phase 1,  
MCES Project 806950, Resolution 2011-33

### **Proposed Action:**

It is recommended that the Metropolitan Council pass Resolution 2011-33 which authorizes acquisition of temporary easements necessary for the Savage Interceptor Improvements – Phase 1, MCES Project 806950, and which authorizes the Council's legal staff to initiate condemnation proceedings for those easements which staff cannot acquire by negotiation.

### **Summary of Committee Discussion / Questions:**

There was no discussion. Motion to approve proposed action was made, seconded, and passed unanimously.



# Environment Committee

SW Business Item:

Meeting date: November 8, 2011

Item: 2011-315

For Metropolitan Council Meeting November 9, 2011

## ADVISORY INFORMATION

**Date:** October 27, 2011

**Subject:** Authorization to Acquire Temporary Easements and to File a Condemnation Petition, Savage Interceptor Improvements – Phase 1, MCES Project 806950, Resolution 2011-33

**District(s), Member(s):** District 4 Gary Van Eyll and 15, Steve T. Chávez

**Policy/Legal Reference:** Minnesota Statutes 473.504, Chapter 117

**Staff Prepared/Presented:** Bill Moeller 651-602-4504

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

### Proposed Action

It is recommended that the Metropolitan Council pass Resolution 2011-33 which authorizes acquisition of temporary easements necessary for the Savage Interceptor Improvements – Phase 1, MCES Project 806950, and which authorizes the Council's legal staff to initiate condemnation proceedings for those easements which staff cannot acquire by negotiation.

### Background

The project consists of proposed improvements to the existing gravity interceptor system located in the City of Burnsville. Closed circuit television inspection of this interceptor revealed severe corrosion damage and structural deficiencies.

Rehabilitation of this pipe will require approximately 24 temporary construction easements to facilitate construction access. 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

Budget Information					
Annual or Capital	Project No.	Estimated Project Cost	Current Auth.	Unencumbered funds	Requested Amount
Capital	806950	\$5,800,000	\$6,300,000	\$6,200,000	\$330,000

### Known Support / Opposition

No known opposition.

**METROPOLITAN COUNCIL**

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**RESOLUTION NO. 2011 – 33**

**RESOLUTION AUTHORIZING ACQUISITION OF TEMPORARY EASEMENTS**

**Savage Interceptor Improvements – Phase 1**

**MCES PROJECT 806950**

**WHEREAS**, the Council requires acquisition of temporary easements for construction of the Savage Interceptor Improvements – Phase 1,

**WHEREAS**, the Metropolitan Council hereby finds and declares that it must acquire temporary easements for construction of the Savage Interceptor Improvements – Phase 1 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 Savage Interceptor Improvements – Phase 1 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 temporary easements necessary for construction of the Savage Interceptor Improvements – Phase 1 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 temporary easements necessary for construction of the Savage Interceptor Improvements – Phase 1, 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 temporary easements acquired for construction of the Savage Interceptor Improvements – Phase 1 as indicated in the appraisals submitted to the Council.

Adopted this 9th day of November, 2011

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Susan Haigh, Chair

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Laurie Nistl, Recording Secretary