

E Environment Committee

Meeting date: October 23, 2007

For the Metropolitan Council Meeting of November 14, 2007

ADVISORY INFORMATION	
Date:	October 9, 2007
Subject:	Authorization to Acquire Easements and to File Condemnation Petition – Lift station Improvements Project – MCES Project 805500, Resolution No. 2007-____
District(s), Member(s):	District 4, vacant; District 6, Peggy Leppik; District 10, Kris Sanda; District 11, Georgeanne Hilker; District #15, Daniel Wolter; District 16, Brian McDaniel
Policy/Legal Reference:	Minnesota Statutes 473.504, Subd. 9 and Chapter 117
Staff Prepared/Presented:	Bill Moeller, 651-602-4504
Division/Department:	MCES c/o William G. Moore, 651-602-1162

Proposed Action/Motion

It is recommended that the Metropolitan Council pass the attached Resolution 2007-____ authorizing the Council to acquire by negotiation and, if necessary, to file a petition for condemnation of the property interests necessary for the Lift Station Improvements Project– MCES Project 805500.

Issue(s)

- Improvements to pumping station and interceptor facilities are proposed for nine facilities. The proposed improvements will require acquisition of temporary and permanent easements.
- Construction for Lift Station Improvements project is planned to start in May 2008. In order to complete acquisition of the real property interests necessary to start construction, Council legal staff may have to initiate condemnation proceedings on those parcels which staff cannot obtain by negotiation.

Overview and Funding

This project consists of proposed improvements to existing lift station systems. The proposed improvements are required to renovate aged facilities, replace aged equipment, and/or provide additional capacity for future service needs. The lift stations and proposed improvements are:

<u>Lift Station</u>	<u>Proposed Improvements</u>
White Bear L-6, Little Canada L-10	Reconstruction of entire pumping station
Mahtomedi L-7, Burnsville L-13	Renovation and replacement of aged equipment, new forcemain
Lakeville L-15, Crystal L-30, Mounds View L-35, Eagan L-56, Savage L-66	Renovation and replacement of aged equipment

Following authorization, Council staff will commence negotiations with property owners for acquisition of the easements. However, to ensure the Council’s right to begin construction on all parcels in May 2008, the Council’s staff may have to initiate condemnation proceedings with respect to those parcels that staff cannot acquire through negotiation.

This project is funded in the 2007 Capital Budget. The costs for acquisition of the property interests necessary for the project are included in the present budget.

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RESOLUTION NO. 2007-__

**RESOLUTION AUTHORIZING ACQUISITION OF PERMANENT AND TEMPORARY
EASEMENTS**

Lift Station Improvements Project – MCES Project 805500

WHEREAS, the Council requires acquisition of permanent and temporary easements for the construction of the Lift Station Improvements Project – MCES Project 805500 and

WHEREAS, the Metropolitan Council hereby finds and declares that it must acquire possession of the easements required for the Lift Station Improvements Project – MCES Project 805500, 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 Lift Station Improvements Project – MCES Project 805500, plans and specifications is for a public purpose and public use as defined by Minnesota Statutes § 117.025, is necessary for the furtherance of the construction of Lift Station Improvements Project – MCES Project 805500, 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 the Lift Station Improvements Project – MCES Project 805500, by negotiation; and
3. 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 those property interests, including fee title property, permanent and temporary easements which 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 being acquired for construction of the Lift Station Improvements Project – MCES Project 805500, is indicated in the appraisals submitted to the Council.

Adopted this 14th day of November, 2007

Peter Bell, Chair

Pat Curtiss, Recording Secretary