

E Environment Committee

Meeting date: December 9, 2008

For Metropolitan Council Meeting of December 10, 2008

ADVISORY INFORMATION

Date: November 18, 2008

Subject: Authorization to Acquire Fee Title, Permanent and Temporary Easements and to File a Condemnation Petition, Hopkins System Improvements, MCES Projects 800210/804100, Resolution 2008-49

District(s), Member(s): District #6, Peggy Leppik

Policy/Legal Reference: Minnesota Statutes 473.504, Chapter 117

Staff Prepared/Presented: Scott Dentz 602-4503 / Bill Moeller 602-4504

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

Proposed Action

It is recommended that the Metropolitan Council pass Resolution 2008-49 which authorizes acquisition of the fee title, permanent and temporary easements necessary for the Hopkins System Improvements, MCES Project Nos. 800210 and 804100, and which authorizes the Council's legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation.

Background

Both interim improvements and facility planning are being conducted for the Hopkins Forcemain (MSB 7026) and Lift Station (L27). Replacement of the Hopkins Forcemain will require approximately 6 permanent easements and 90 temporary construction easements. The replacement of the Hopkins Lift Station may require acquisition of a parcel by fee title. Construction of interim improvements requiring several temporary and permanent construction easements is scheduled to begin in 2009. Appraisals on each parcel will be obtained by an independent, licensed appraiser. Land acquisition costs are included in the 2009 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 2008 Capital Budget.

Known Opposition / Support

None.

METROPOLITAN COUNCIL
390 North Robert Street, St. Paul, Minnesota 55101-1634
Phone (651) 602-1000 TDD (651) 291-0904 FAX (651) 602-1550 Metro Info. (651) 602-1888

RESOLUTION NO. 2008 – 49

**RESOLUTION AUTHORIZING ACQUISITION OF
FEE TITLE, PERMANENT AND TEMPORARY EASEMENTS
Hopkins System Improvements
MCES PROJECTS 800210/804100**

NOW, THEREFORE, BE IT RESOLVED:

1. That the acquisition of fee title and permanent and temporary easements identified in the [name of project] plans and specifications are reasonably and convenient to 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 fee title and the permanent and temporary easements necessary for the **Hopkins System Improvements , MCES Projects 800210/804100**, by negotiation; and
3. That the Council hereby directs its attorney to acquire by eminent domain those property interests, including fee title and permanent and temporary easements which cannot be acquired by direct negotiation and that such acquisition be in accordance with the procedure authorized under Minnesota Statutes 117.042; and
4. That the Council hereby approves and certifies that the total just compensation for the permanent and temporary easements be acquired for construction of the [name of project] as indicated in the appraisals submitted to the Council.

Adopted this 10th day of December, 2008

Peter Bell, Chair

Pat Curtiss, Recording Secretary