

## Transportation Committee

Meeting Date: October 23, 2017

For the Metropolitan Council meeting of November 8, 2017

**Subject:** Orange Line Authorization for Real Estate Acquisition and Condemnation, Resolution 2017-24

**District(s), Member(s):** District 5 – Steve Elkins, District 7 – Gary Cunningham, District 8 – Cara Letofsky, District 15 – Steven Chavez

**Policy/Legal Reference:** Minnesota Statutes 117.012 and 473.405

**Staff Prepared/Presented:** Brian Lamb, General Manager, 612/349-7510

Charles Carlson, Sr. Manager, BRT Small Starts, 612-349-7639

Christina Morrison, Project Manager, BRT/Small Starts, 612-349-7690

**Division/Department:** Metro Transit BRT/Small Starts

### Proposed Action

That the Metropolitan Council passes Resolution 2017-24 authorizing acquisition of permanent and temporary easements necessary for the METRO Orange Line BRT project, and authorizing Council legal staff to initiate condemnation proceedings for parcels that cannot be acquired by negotiation.

### Background

Orange Line BRT infrastructure improvements require the acquisition of temporary and permanent easements on portions of eight parcels in the I-494 area. Efforts will be made to acquire property through direct purchase, however in some circumstances it may be necessary to use condemnation under Minnesota Statutes 117 to acquire property. Minnesota Statute 117.012 requires that there be a public purpose for the use of condemnation. The attached resolution formally declares that the METRO Orange Line BRT project is a public purpose for the use of condemnation.

The Federal Transit Administration's Small Starts program allows real estate acquisition as an eligible pre-award expenditure following completion of environmental review. Additionally, local funding grants require authorization for pre-award real estate acquisition. This authority is requested from Hennepin County, Hennepin County Regional Railroad Authority, and Dakota County Regional Railroad Authority.

### Rationale

Land acquisition is necessary to implement the planned Knox Avenue Transitway, as well as the Knox Ave & 76<sup>th</sup> Street Station platforms and the Knox Ave & American Boulevard Station platforms. This action resolves that the Project is a valid public purpose under Minnesota Statutes 117.012 and 473.405.

### Thrive Lens Analysis

METRO Orange Line supports Thrive outcomes including livability, prosperity, and equity by providing new access to economic and personal opportunity through the I-35W south corridor. The proposed action advances the stewardship outcome by advancing Orange Line design work efficiently and in close coordination with concurrent work by MnDOT and other agency partners.

### Funding

Funding is available in project 62405.

### Known Support / Opposition

There is no known opposition to the project.

**METROPOLITAN COUNCIL**  
**390 Robert Street North, Saint Paul, Minnesota 55101-1634**  
**Phone (651) 602-100 TDD (651) 291-0904 FAX (651) 602-1550**  
**Metro Info (651) 602-1888**

**RESOLUTION NO. 2017 - 24**

**RESOLUTION AUTHORIZING THE ACQUISITION AND CONDEMNATION OF REAL PROPERTY NECESSARY FOR THE METRO ORANGE LINE BUS RAPID TRANSIT PROJECT**

**WHEREAS**, The METRO Orange Line Bus Rapid Transit (the “Project”), requires the acquisition of real property.

**NOW THEREFORE BE IT RESOLVED:**

The Metropolitan Council finds and declares:

- (1) that the Project is a valid public project with a valid public purpose;
- (2) that the real property needed for the Project will be more particularly identified in the Project Plans or on the Project Work Map (the “Property”);
- (3) that the Property is necessary for the Project and must be obtained before the filing of an award by the court-appointed commissioners;
- (4) that, in the judgment of the Metropolitan Council, the acquisition of the Property will further the public health, safety and welfare, and will be undertaken in accordance with Minnesota Statutes and the Real Property Acquisition Policy of the Metropolitan Council;
- (5) that, under Minnesota Statutes Section 473.405, the Metropolitan Council has the authority to acquire the Property by condemnation, and that the Council directs its attorneys to acquire the Property by condemnation if the Property cannot be acquired by direct negotiation; and
- (6) that the condemnation of the Property will be done in accordance with the procedures authorized under Minnesota Statutes Chapters 473 and 117.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2017

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Alene Tchourumoff, Chair

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Emily Getty, Recording Secretary