



## Request for City Council Committee Action From the Department of Public Works

**Date:** October 20, 2009

**To:** Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

**Referral:** Honorable Paul Ostrow, Chair Ways & Means Committee

**Subject:** **Cedar Lake Trail Authorization to Condemn Property**

**Recommendation:**

- a) Acquisition through negotiations or condemnation of temporary construction easements and permanent easements across the parcels therein for trail and other transportation-related uses.

**Previous Directives:**

- Resolution 2009R-328 (July 17, 2007) Authorizing the filing of an amendment to the condemnation petition in the City of Minneapolis v. BNSF Railway Company, et al. for the purpose of acquiring temporary construction easements.
- Resolution 2009R-327 (July 17, 2007) Authorizing the filing of an amendment to the condemnation petition in the City of Minneapolis v. Land Partners II, et al. for the purpose of acquiring an additional temporary access easement over Parcel 15 (Duddy Limited Partnership).
- Resolution 2009R-307 (June 26, 2009), Approving a right of entry agreement with Minnesota Ballpark Authority for Cedar Lake Trail - Phase III.
- Resolution 2009R-235 (May 22, 2009), Approving the acquisition of permanent and temporary easements for transportation purposes and authorizing the use of eminent domain proceedings from the owners of Parcels 16; 17;19; 21; and 24.
- Resolution 2009R-079, Approving an agreement with the Hennepin County Regional Railroad Authority ("HCRRA") for the acquisition of permanent and temporary easements for transportation purposes, and authorizing use of eminent domain proceeding.
- Council Action (March 9, 2007) Authorization to enter into negotiations or condemnation for the Cedar Lake Trail Phase III Project.
- Resolution 2006R-634, Authorization to enter into negotiations with abutting property owners for the acquisition of trail easements.
- Resolution 2006R-584, Appropriation Increase to PW- Fund (0600-943-9480) by \$1,800,000 & increasing the revenue source (0600-943-9480-3215) by \$1,800,000; and Increasing the appropriation in PW- Fund (4100-943-9470- BIK01) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000.
- Council Action (November 17, 2006), Authorization to execute a Metropolitan Council Grant Agreement (No. SG-2006-145) in the amount of \$1,800,000 for the Cedar Lake Trail.
- Resolution 2005R-658, 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase 3 Project with the revenue source being Net Debt Bonds
- Resolution 2005R-661, Requesting the issuance and sale of bonds including the Cedar Lake Bike Phase 3 Project
- Resolution 2005R-075, Supporting the completion of the Cedar Lake Bike Phase to the Mississippi River • Resolution 2004R-580, 2005-2009 Five Year Capital Budget which

included an appropriation of \$2,160,000 for the Cedar Lake Bike Phase 3 Project with the revenue source being Federal Government

- Council Action (September 28, 2001), Authorizing the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470 - Project A7002990) for a temporary Cedar Lake Trail Phase III bike lanes alignment.
- Council Action (August 24, 2001), Recommendation that the proper City officers apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III
- Resolution 2001R-147, Amending the 2001 Capital Improvement Appropriation Resolution which included an increase to the Cedar Lake Bike Trail of \$300,000 with the revenue source being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for off-site public improvements.
- Council Action (March 2, 2001), Directing Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area.
- Council Action (December 17, 1999), Authorization to enter into two easements for the Cedar Lake Bike Trail Phase III.

**Prepared by:** Jack Yuzna, P.E., Principal Project Engineer, 673-2415

**Approved by:**

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Steven A. Kotke, P.E., City Engineer, Director of Public Works

**Presenters:** Jack Yuzna, P.E., Principal Project Engineer,  
Department of Public Works, Transportation Planning & Engineering Division

#### Reviews

Permanent Review Committee (PRC):	Approval	NA	Date
Civil Rights Affirmative Action Plan	Approval	NA	Date
Policy Review Group (PRG):	Approval	NA	Date

#### Financial Impact

Action is within current department budget

#### Community Impact

Neighborhood Notification: Not Applicable

City Goals: The city's infrastructure will be well-maintained, people will feel safe in the city.

Comprehensive Plan: Not Applicable

Zoning Code: Not Applicable

#### Background/Supporting Information

The extension of the Cedar Lake Trail from Royalston Avenue to West River Parkway continues to be a high priority. All property acquisitions for the extension of the trail are scheduled for completion this year. Construction is expected to commence in early 2010.

From the onset of the Twins Ballpark Project, City, County and Minnesota Ballpark Authority (MBA) staffs worked to determine how the Cedar Lake Trail Phase III should pass along the Ballpark. The alignment selected was for the trail to continue along the westerly side of the Ballpark under the promenade.

The City and MBA have also been discussing the form of property rights (i.e. a permanent easement or lease) that would be granted for the trail. To assist in easement acquisitions, Robert Lindall of Kennedy &

Graven has been retained as outside counsel for the city's condemnation work for the trail. Unrecorded third party property rights were also found to exist within the trail area that would need to be addressed.

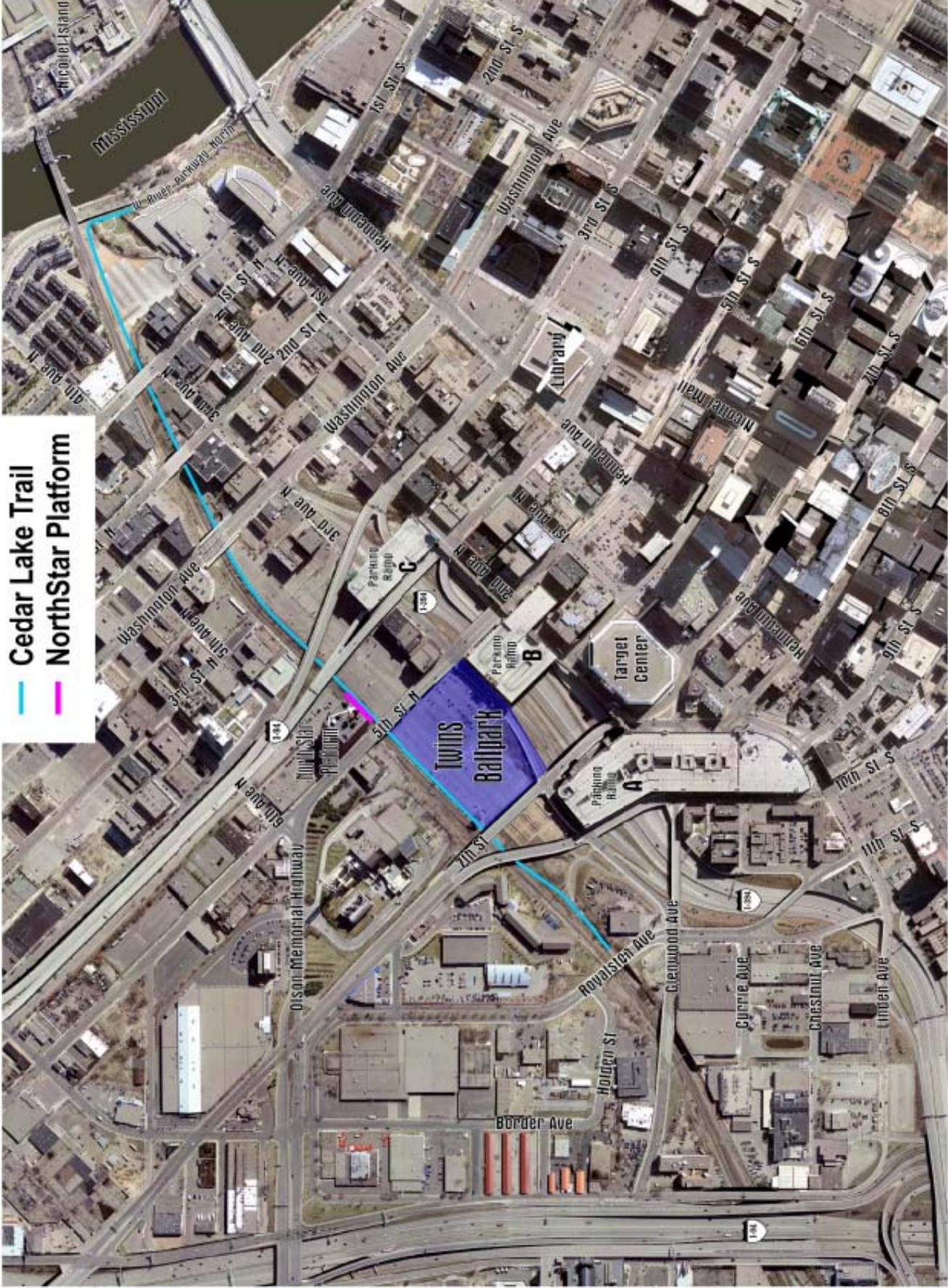
City and MBA staffs are working towards finalizing the form and the value of the remuneration for the trail property rights. However, due to the limited time left to complete property rights acquisition and the uncertainty in resolving the third party rights, the Mr. Lindall has advised that we move forward with condemnation so as not to jeopardize the project schedule. Therefore, Mr. Lindall has recommended that the City Council adopt the attached resolution regarding authorization for condemnation and identifying the public purpose served by and necessity for the transportation easements. This will maintain the critical path for transfer of the property.

Attachments    Resolution  
                    Cedar Lake Trail map

Cc:    CM Goodman, Ward 7

# Cedar Lake Trail - Phase III

JUNE 11, 2008



- Cedar Lake Trail
- NorthStar Platform