



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

**Date:** July 15, 2008

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

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

**Subject:** **Cedar Lake Trail Right-of-Way**

**Recommendation:**

- a. Passage of a resolution authorizing the execution of an inter-agency agreement with the Minnesota Department of Transportation (MnDOT) for Federal Participation in Right-of-Way (City Project No 9844; MnDOT Agreement No 92797) pending satisfactory review by the proper City officers.
- b. Passage of a resolution authorizing the execution of Amendment No. 1 to Metropolitan Council Agreement No. SG-2006-145 (City Contract No. C-23910) pending satisfactory review by the proper City officers.

**Previous Directives:**

- Council Action (December 7, 2007 Petition No 272449), Authorization to execute a Cooperative Agreement with Northstar Corridor Development Authority for the acquisition of a Trail Use Permit and authorization to acquire a permanent trail easement from 127 Building Partners, LLC.
- Council Action (December 22, 2006), Authorization to negotiation the acquisition of trail easements with abutting property owners.
- 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 the 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** (Check those that apply)

- No financial impact - or - Action is within current department budget (If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Business Plan:  Action is within the plan.  Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's Finance Dept. contact when provided to the Committee Coordinator

**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**

### **Interagency Agreement:**

The Cedar Lake Trail, Phase III (from Royalston Avenue to West River Parkway) has been a gap in the trail system since the completion of the first two Phases in 1995. In 2001, the City received a \$2.6 million federal TEA-21 construction grant for Phase III. The 2001 Phase III grant sunset date required that construction of the Trail needed to begin in 2007. The construction was unavoidably delayed by the Twins Ballpark and North Star Commuter Line projects. Due to the conflicts caused by the adjacent projects, Public Works sought and received a sunset extension. The Trail's current sunset requires construction to begin no later than spring of 2010.

During the community engagement process, stakeholders identified a preferred alternative alignment that would maintain the Trail adjacent to the railroad corridor for its entire length. Additional funding was sought to fund the alternative alignment and in 2005 the project received additional federal and state grants. These grants provided an additional \$4.4 million for construction and trail easement acquisitions.

In order for the City to utilize the federal funds for acquiring easement, the City needs to enter into an agreement to have MnDOT act as its agent. MnDOT will then be able to accept and distribute the federal funds to the City for the project. Passing of the attached resolution will ensure that the project receives the needed funding to acquire the easements.

### **Execution of Amendment:**

Though the State Recreation Open Space Grant was to complete the Cedar Lake Trail, Metropolitan Council and Minnesota Department of Finance staff felt that the legislative language was ambiguous as to whether trail easements were eligible expenditures. As part of the bonding bill earlier this year, the state legislature clarified that easement acquisitions were eligible project expenditures. The Metropolitan Council has requested that an amendment be made to the Grant agreement to reflect this year's legislative action. Once the amendment is passed, the Metropolitan Council will begin reimbursing the City for the project's easement acquisitions.

### **Funding:**

Project funding includes:

- 2001 Federal TEA-21 grant of \$2.6 million for construction;
- 2005 Federal SAFETEA-LU earmark grant of \$2.6 million for construction & easement acquisitions;
- 2006 State Recreation Open Space Grant of \$1.8 million for construction & easement acquisitions; and
- City funds of \$1.9 million for design & construction engineering, easements and the requisite federal local matching funds.

### **Schedule:**

- **Design:** The design of the Trail is scheduled to be completed in fall 2008.
- **ROW:** Since January 2007, Public Works has been negotiating with landowners to obtain easements. Public Works has obtained an easement from an adjacent property owner and a use permit from the North Star Project. The majority of remaining seven property owners has indicated their willingness to settle on terms. At this time, we anticipate having the easements resolved this fall.
- **Construction:** It is Public Works' intent to begin construction in spring 2009 with the Phase III Trail open for use on or before the Twins Ballpark Opening Day. However, the Phase III construction start date may be affected by the completion of the easement acquisitions.

Attachments: Project Map

cc: CM Goodman, 7<sup>th</sup> Ward

