



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

Date: June 16, 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 Acquire Right-of-Entry and Easements from the Minnesota Ballpark Authority**

Recommendation:

- a) Authorize execution of a right-of-entry with the Minnesota Ballpark Authority for temporary trail access.
- b) Authorize negotiation and execution of permanent easements for appraised fair market value across the Minnesota Ballpark Authority parcels for trail and other transportation-related uses.

Previous Directives:

- 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:

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

No financial impact

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

Extension of the Cedar Lake Trail from Royalston Avenue to West River Parkway continues to be a high priority. All property acquisition for this extension of the trail is scheduled for completion this summer. Construction is expected to commence in late 2009 or early 2010.

Public Works and Community Planning & Economic Development staff has been negotiating with Minnesota Ballpark Authority (MBA) to acquire a permanent trail easement through ballpark property. The formal appraisal and review appraisal for the MBA property have been delayed due to issues related to the real estate and future utility easements in the same area. A formal offer letter to MBA is now scheduled for later this month and an agreement to acquire the trail easement for fair market value should be finalized in coming weeks.

However, in its Cedar Lake Trail agreement with the North Star project, the City committed to providing maintenance and emergency vehicles access from the Northstar platform via the trail route to a City street by August 1, 2009. To meet this commitment, the City must secure a right-of-entry from the MBA to

construct an intermediate (gravel) access to 3rd Avenue near Royalston now. The intermediate access will follow the alignment of trail and these fill and grading improvements will be incorporated into the final trail project. City forces will do the work during the month of July.

The City and the Duddy LP and Land Partners II property owners have entered into a Stipulation Agreement that gives the City “quick take” of the permanent and temporary easements petitioned for in the condemnation proceedings effective July 6, 2009. This relates to the property from 5th Street to the north end of the Northstar platform near the piers of the 4th Street freeway ramp.

Council approval is requested to authorize execution of a Right of Entry Agreement with the Minnesota Ballpark Authority for temporary access and to authorize the City Engineer to finalize acquisition of a permanent trail easement with the MBA.

Attachments Resolution
 Cedar Lake Trail map

Cc: CM Goodman, Ward 7

