

  
**REQUEST FOR COUNCIL ACTION**

Date: 3/09/2009  
Item No.: 12.b

Department Approval

City Manager Approval



Item Description: Authorization of the use of Eminent Domain for the acquisition of parcels for street and utility purposes within the Twin Lakes Redevelopment Area

**BACKGROUND**

In the spring of 2008, the City Council authorized staff to hire WSB Engineering to design the Twin Lakes infrastructure (roads, sewer, water, and storm water) for the area between Cleveland Ave. and Fairview Ave. The design has been ongoing since that time and will be complete by the end of March.

In the fall of 2008, the City Council approved the completion of final plans for the first phase of the infrastructure improvements. Phase I improvements include the construction of Twin Lakes Parkway from Cleveland Avenue to Mount Ridge Road and Mount Ridge Road from County Road C2 to Twin Lakes Parkway where it will terminate in a roundabout. Phase I also includes the associated sewer, water, and storm water infrastructure improvements in those areas. The City Council authorized the improvements to be put out to bid this spring, with the expectation that the improvements will be constructed in the 2009 construction season.

In February 9, 2009, the City Council authorized the hiring of consultants to conduct appraisals (Dwyer, Dahlen, and Foley) and negotiate the acquisition of land for the needed right-of-way and easements for the Phase I project (WSB Engineering). This work is ongoing and the appraisals are expected to be completed by mid-March. Once the appraisals are complete, WSB Engineering will draft an offer letter to the property owners for the purchase of the right-of-way and easements. On March 23, 2009, it is planned for the City Council to consider the release of the offer letters.

On February 23, 2009, the City Council authorized entering into an inter-agency agreement with Metropolitan Council for Metro Transit's Park and Ride Facility on Iona Lane. As part of this agreement, the City committed to the construction of the Phase I Twin Lakes infrastructure would be complete by the end of 2009.

Staff believes the construction of Phase I of the Twin Lakes infrastructure is important to undertake at this time since the completion of the first phase will allow for the necessary infrastructure to be in place for when development arrives in the Twin Lakes area. The construction project will also open up the area so it has better visibility to the public and development interests. Finally, the construction of the Phase I infrastructure will demonstrate that Twin Lakes is a "real project" and it is "open for business".

The City fully intends to make every attempt complete a direct transaction with the property owners. Initial contact with all of the affected property owners regarding the purchase of land

for the project has been met favorably. The property owners understand the benefit of constructing the infrastructure in 2009.

However, in order to for the City to maintain the needed construction schedule, it will be necessary to begin the “quick take” eminent domain action to ensure the timely acquisition of the right-of-way and easements. The “quick take” will serve as a backstop to ensure that the City will have the necessary land to award the construction contract this spring and begin construction early this summer. The City Council should note that the use of eminent domain is only for the acquisition of land for road and infrastructure purposes. Staff is not proposing the City acquire the land for development purposes.

Staff has informed the property owners that the City Council will be considering the use of eminent domain at the March 9<sup>th</sup> City Council. To date, staff has had direct conversations with several of the larger property owners and have not received any objections with the City using eminent domain to acquire their property. Staff will continue to solicit feedback from the property owners and will inform the City Council of their comments.

#### **POLICY OBJECTIVE**

The action being considered will lead to the construction of infrastructure in the Twin Lakes redevelopment area. Twin Lakes has long been indentified in the Roseville Comprehensive Plan as in important redevelopment area for the City.

#### **BUDGET IMPLICATIONS**

The costs for the acquisition of the property needed for the roads and utilities and the construction of the infrastructure will come from a variety of funding sources, including the required contribution from Metro Transit, a Department of Employment and Economic Development grant, and existing TIF balances. In the long term, developers will pay for the cost of the improvements when their property develops, using the cost allocation formulas described in the “Infrastructure Improvements for the Twin Lakes AUAR Area- Final Report”.

#### **STAFF RECOMMENDATION**

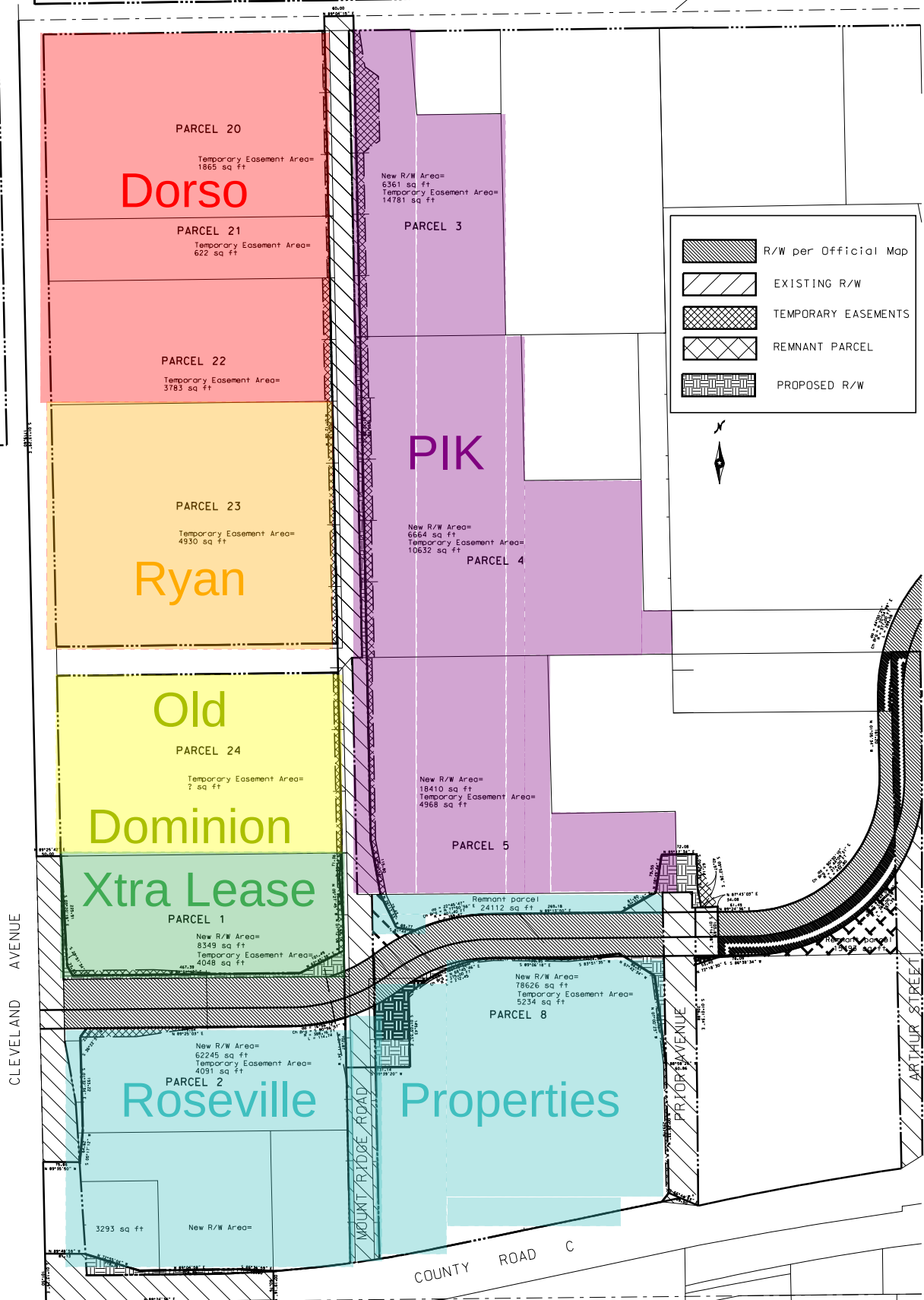
Staff recommends approval a resolution authorizing the use of eminent domain for the acquisition of the necessary right-of-way and easement for the Phase I Twin Lakes infrastructure project.

#### **REQUESTED COUNCIL ACTION**

Motion to approve a resolution authorizing the use of eminent domain for the acquisition of the necessary right-of-way and easement for the Phase I Twin Lakes infrastructure project.

Prepared by: Patrick Trudgeon, Community Development Director (651) 792-7071

Attachments: A: Exhibit showing Road Improvements and needed land and easement acquisitions from properties.  
B: Resolution authorizing the use of eminent domain to acquire right-of-way and construction easements in the Twin Lakes redevelopment area.



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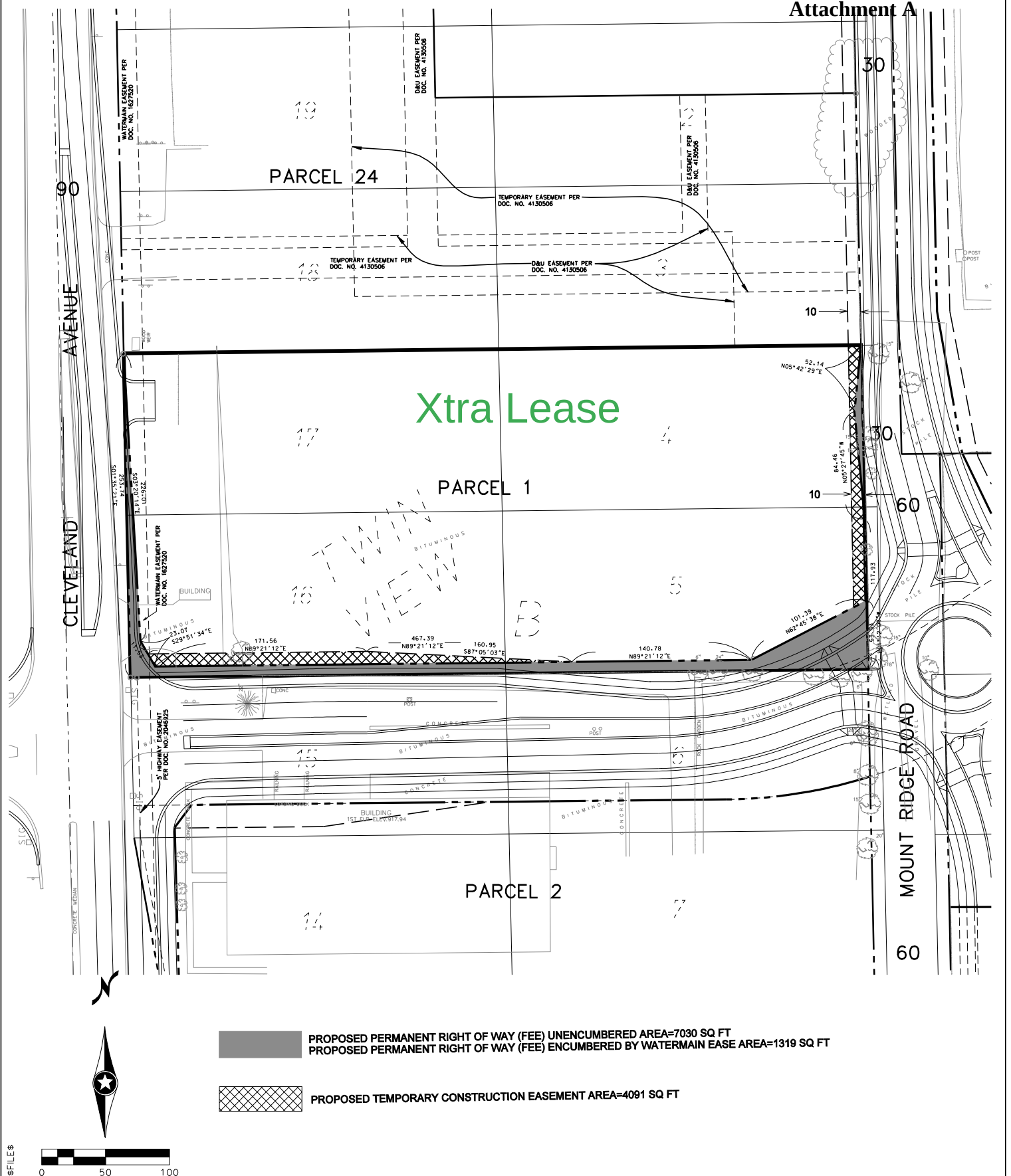
763-541-4800 - Fax 763-541-1700  
INFRASTRUCTURE ENGINEERING PLANNING CONSTRUCTION

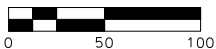
**Twin Lakes West**  
**Roadway Improvements**  
**Roseville, Minnesota**

WSB Project No. 1814-00

Date: 2/26/09

## Phase I Overview





PROPOSED PERMANENT RIGHT OF WAY (FEE) UNENCUMBERED AREA=59,395 SQ FT  
 PROPOSED PERMANENT RIGHT OF WAY (FEE) ENCUMBERED BY WATERMAIN EASE AREA=1578 SQ FT  
 PROPOSED PERMANENT RIGHT OF WAY (FEE) ENCUMBERED BY HIGHWAY EASE AREA=1272 SQ FT

PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA=3146 SQ FT

COUNTY ROAD C2

N. LINE OF SW 1/4  
SEC. 4, T29, R23

MOUNT RIDGE ROAD

PARCEL 3  
PIK

PROPOSED PERMANENT RIGHT OF WAY (FEE) UNENCUMBERED AREA=6361 SQ FT

PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA=14,781 SQ FT

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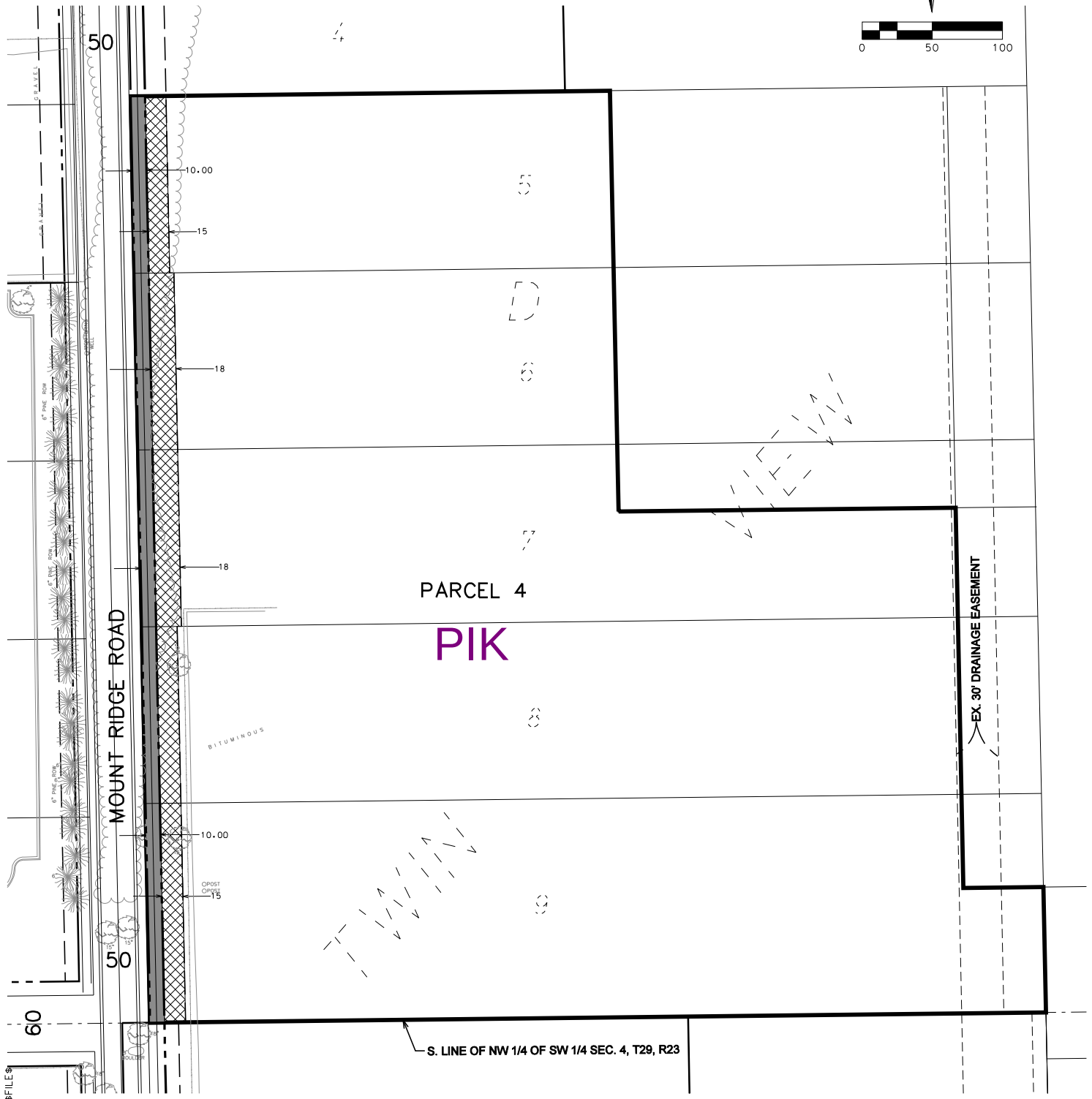
Twin Lakes West  
Roadway Improvements  
Parcel Sketch  
Roseville, Minnesota

WSB Project No. 1814-00

Date: 2/17/09

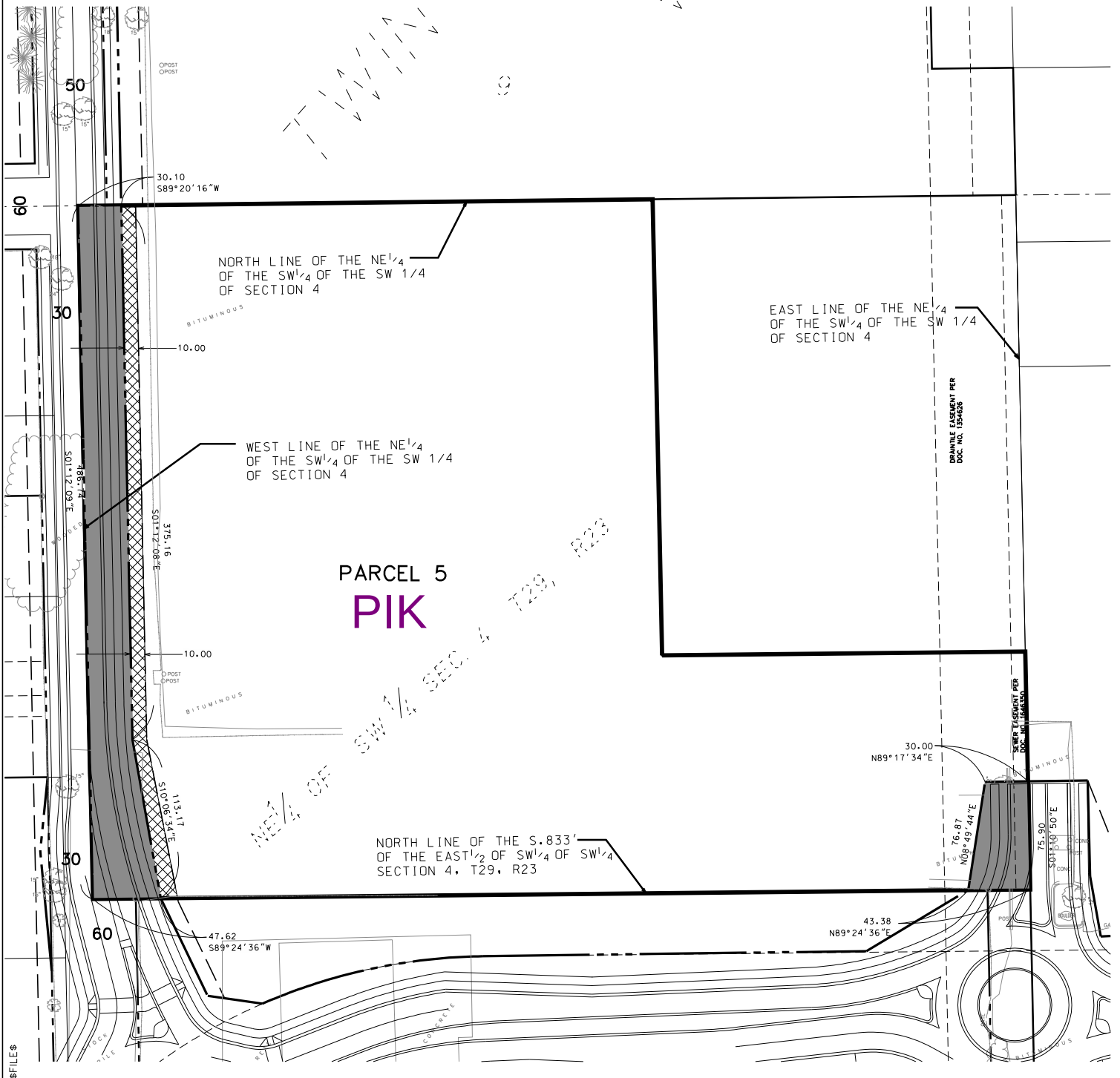
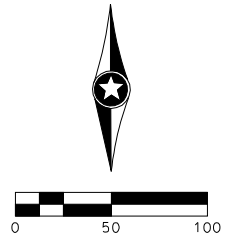
Parcel No. 3

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PROPOSED PERMANENT RIGHT OF WAY (FEE) UNENCUMBERED AREA=15,625 SQ FT  
 PROPOSED PERMANENT RIGHT OF WAY (FEE) ENCUMBERED BY DRAINTILE EASE AREA=2025 SQ FT  
 PROPOSED PERMANENT RIGHT OF WAY (FEE) ENCUMBERED BY SAN SEWER EASE AREA=760 SQ FT

PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA=4968 SQ FT



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 Roseville, Minnesota

WSB Project No. 1814-00

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Parcel No. 5

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PROPOSED PERMANENT RIGHT OF WAY (FEE) UNENCUMBERED AREA=71,687 SQ FT  
 PROPOSED PERMANENT RIGHT OF WAY (FEE) ENCUMBERED BY DRAINTILE EASE AREA=6939 SQ FT

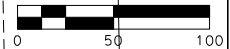
PROPOSED TEMPORARY CONSTRUCTION EASEMENT UNENCUMBERED AREA=2987 SQ FT  
 PROPOSED TEMPORARY CONSTRUCTION EASEMENT ENCUMBERED BY DRAINTILE EASE AREA=2287 SQ FT

# Roseville Properties

PARCEL 8

MOUNT RIDGE ROAD

COUNTY ROAD C



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 Parcel Sketch  
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Parcel No. 8

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COUNTY ROAD C2

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PARCEL 20

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**Dorso**

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PARCEL 21

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5.00

GRAVEL

GRAVEL

GRAVEL

5.00

MOUNT RIDGE ROAD

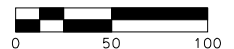
50

PAR

GARBAGE PILE



PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA=1865 SQ FT



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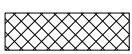
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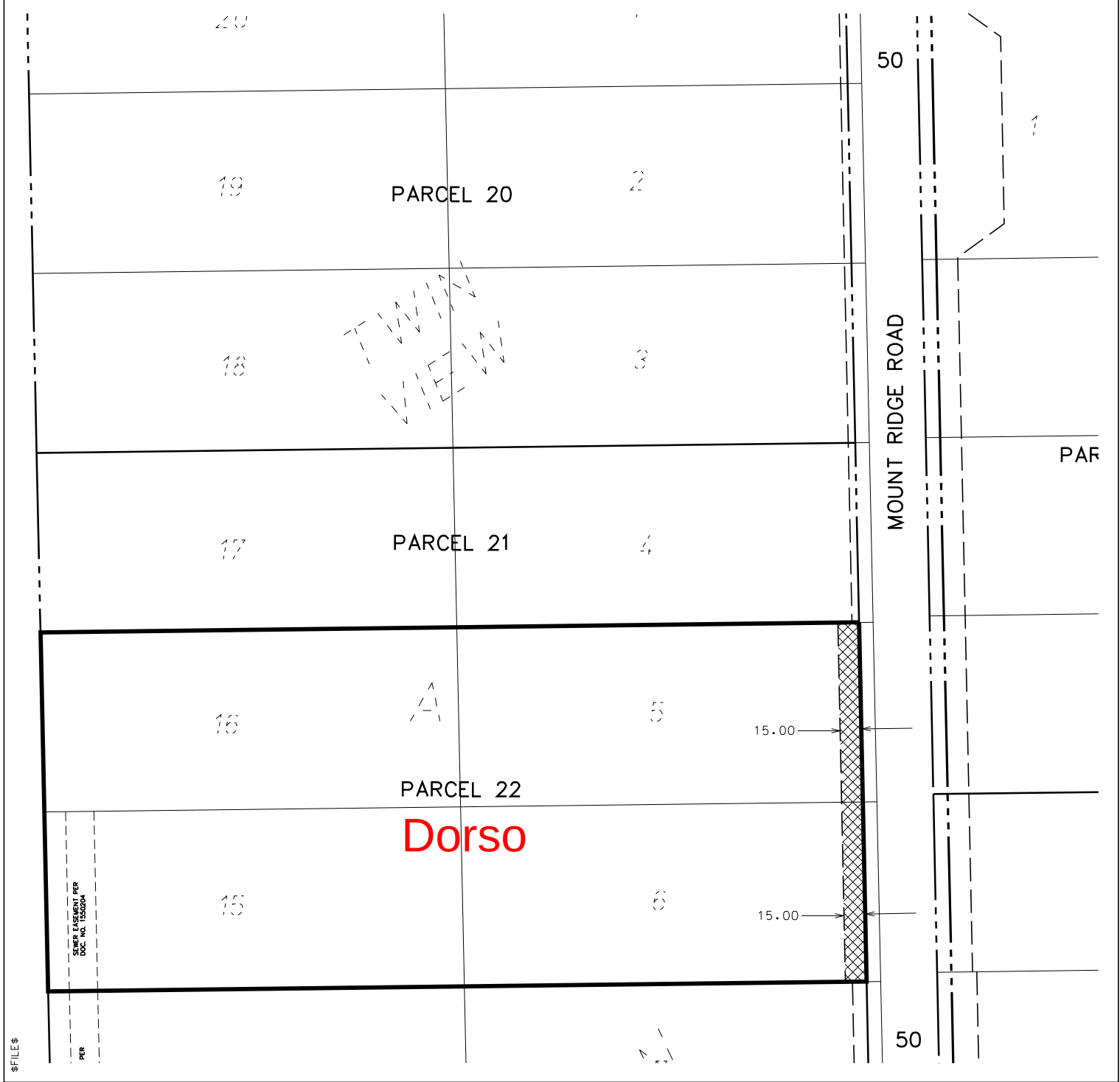
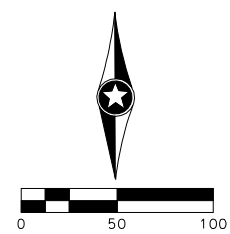
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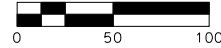


PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA=3783 SQ. FT.





PROPOSED TEMPORARY CONSTRUCTION EASEMENT AREA=4930 SQ FT



CLEVELAND AVENUE

PARCEL 22

50

SEWER EASEMENT PER  
DOC. NO. 1341462

SEWER EASEMENT PER  
DOC. NO. 1341462

SEWER EASEMENT PER  
DOC. NO. 2884924

SEWER EASEMENT PER  
DOC. NO. 1469028

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PARCEL 23

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MOUNT RIDGE ROAD

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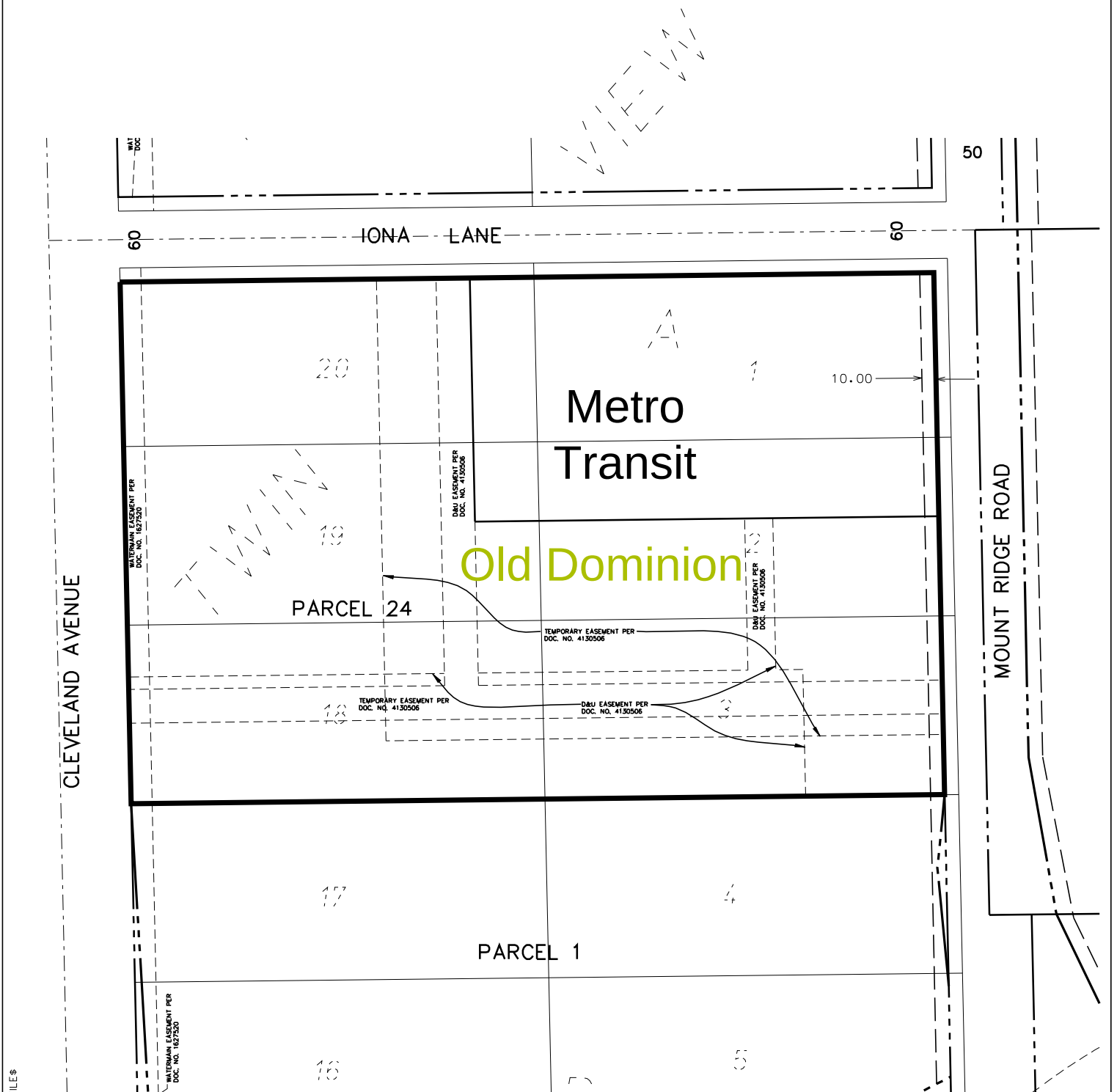
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**Roseville, Minnesota**

WSB Project No. 1814-00

Date: 2/17/09

**Parcel No. 24**

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1 Member \_\_\_\_\_ introduced the following Resolution and moved its  
2 adoption:

3  
4 RESOLUTION APPROVING THE ACQUISITION  
5 OF PROPERTY FOR IMPROVEMENTS TO  
6 MOUNT RIDGE ROAD AND TWIN LAKES PARKWAY  
7

8 WHEREAS, on December 15, 2008, the City approved the final plat and final  
9 PUD for the Roseville Park and Ride Transit Facility in the Twin Lakes redevelopment  
10 area; and

11  
12 WHEREAS, the Metropolitan Council has commenced proceedings to acquire  
13 property for the planned Park and Ride Transit Facility; and

14  
15 WHEREAS, redevelopment of the Twin Lakes area has long been identified in the  
16 Comprehensive Plan as an important priority for the City; and

17  
18 WHEREAS, the Park and Ride Transit Facility will provide increased mass transit  
19 ridership and supplement the successful Rosedale Shopping Center park and ride facility;  
20 and

21  
22 WHEREAS, improvements to Mount Ridge Road and Twin Lakes Parkway are  
23 necessary in order to provide access to the Park and Ride Transit Facility; and

24  
25 WHEREAS, the Metropolitan Council will contribute funding to the City for the  
26 overall infrastructure improvements for the Twin Lakes area; and

27  
28 WHEREAS, the federal funding to be used by the Metropolitan Council to  
29 reimburse the City for infrastructure improvements must be spent by December 31, 2009;  
30 and

31  
32 WHEREAS, the City has entered into an Interagency Agreement with the  
33 Metropolitan Council for the construction of roadway and infrastructure improvements to  
34 provide access to the new Park and Ride Transit Facility; and

35  
36 WHEREAS, as part of the Interagency Agreement, the City must construct  
37 improvements to Mount Ridge Road and Twin Lakes Parkway; and

38  
39 WHEREAS, failing to construct the infrastructure improvements under the  
40 Interagency Agreement would jeopardize the City's collection of the Metropolitan  
41 Council's infrastructure funding contribution; and  
42

43 WHEREAS, the necessary improvements to Mount Ridge Road and Twin Lakes  
44 Parkway require the City to acquire additional property adjacent to the existing roadways;  
45 and  
46

47 WHEREAS, the City has identified the portions of adjacent properties necessary  
48 for the improvements; and  
49

50 WHEREAS, said portions of properties to be acquired are owned by XTRA Lease,  
51 Inc.; Roseville Acquisitions Three, LLC; Roseville Acquisitions, LLC; Pikovsky  
52 Management, LLC; PIK Terminal Company; Anthony Dorso; MN Industrial Properties;  
53 and Old Dominion Freight Line, Inc.; and  
54

55 WHEREAS, acquisition of the properties is needed as soon as possible so that  
56 construction of the roads can be completed by the end of 2009 and the City can be  
57 reimbursed for certain infrastructure improvement costs by the Metropolitan Council; and  
58

59 WHEREAS, the construction of the improvements to Mount Ridge Road and  
60 Twin Lakes Parkway necessitate the City obtaining temporary construction easements in  
61 order to access and perform the necessary construction; and  
62

63 WHEREAS, acquisition of the properties and temporary construction easements is  
64 necessary and for the public purpose of providing infrastructure improvements and access  
65 to the planned Park and Ride Transit Facility; and  
66

67 WHEREAS, the City desires to acquire the necessary properties and easements  
68 through negotiation with the owners; and  
69

70 WHEREAS, if negotiations with the owners prove unsuccessful, the City must  
71 commence quick take condemnation proceedings to acquire the properties and temporary  
72 construction easements in a timely manner; and  
73

74 NOW, THEREFORE, BE IT RESOLVED by the City Council that the City  
75 Administration is directed to immediately proceed with acquisition of the properties and  
76 temporary construction easements necessary for the construction and improvement of  
77 Mount Ridge Road and Twin Lakes Parkway. Said acquisitions are to be either through  
78 negotiation and/or quick take condemnation pursuant to the City's eminent domain  
79 authority.  
80

81  
82 Member \_\_\_\_\_ seconded the foregoing Resolution and upon a  
83 vote being taken thereon, the following voted in favor thereof:  
84  
85

86 and the following voted against the same:

87

88

89 Whereupon said Resolution was declared duly passed and adopted.

90

91

92 Dated: March \_\_\_\_, 2009

93

94

95 RRM: 128773

96