

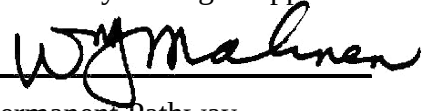
ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 02/23/11
Item No.: 12 . d

Department Approval



City Manager Approval



Item Description: Approve Resolution for the Acquisition of a Permanent Pathway Easement and a Temporary Construction Easement Using Eminent Domain for a portion of property located at 1595 Highway 36, City of Roseville

BACKGROUND

The City is in the process of negotiating with Macy's to acquire a small portion of their property to construct a pathway along Fairview Avenue. The Fairview pathway is a part of the Northeast Suburban Campus Connector (NESCC) Bike/ Pedestrian Project. This project is a partnership between the City of Roseville, the City of Falcon Heights and the University of Minnesota to construct non-motorized transportation connections. This project connects regional shopping centers, commercial businesses and neighborhoods in Roseville to neighborhoods, businesses, and institutions in Falcon Heights, St. Paul, and Minneapolis. The project begins at County Road B-2 in the heart of Roseville's regional shopping area extending to the intercampus transitway connecting the two University of Minnesota campuses. Attached is a map showing the location of the pathway improvements. Below is a description of the proposed improvements:

- ◆ Continuous pathways on both sides of Fairview Ave (between Co Rd B-2 and Co Rd B).
- ◆ A new off- street bituminous pathway (8 feet wide) on the east side of Fairview between Co Rd B and Larpenteur.
- ◆ Converting the existing shoulders on Fairview (between Co Rd B and Larpenteur) and Larpenteur (between Fairview and Coffman) into on-street bike lanes.
- ◆ A new sidewalk along the north side of Larpenteur (between Cleveland and Coffman.
- ◆ On Gortner (between Larpenteur and Folwell) an 8 ft wide pathway will be constructed on the east side.
- ◆ Signal systems within the corridor will be retrofitted with pedestrian countdown timers.
- ◆ Street trees and benches will be installed throughout the corridor to create a more pleasant atmosphere by providing shade and appeal to the non-motorized user.

This project was approved by the City Council after a Public Hearing on May 17, 2010. Since that approval, staff has been working on final plans, environmental documentation, and easement acquisition.

POLICY OBJECTIVE

In 2008, the City was awarded Transit for Livable Communities, Non-Motorized Transportation Pilot Program Grant Funds Federal Surface Transportation Program (STP) funding to construct this project. If we do move forward with construction of this project in 2011, we will be jeopardizing the funding for this project.

32 The City cannot go out to bid for this project without having the easements secured.
33 The City Attorney has reviewed state statutes and has determined that it is necessary for the City
34 Council to make the determination that the proposed Eminent Domain action has no relationship
35 with the Comprehensive Plan prior to approving the resolution to commence Eminent Domain
36 proceedings.

37 **FINANCIAL IMPACTS**

38 The Non-Motorized Transportation Pilot (NTP) Funds grant is for \$1,078,000. At the time that
39 we applied for the grant we were not aware that we needed to purchase this easement. The
40 easement costs are not eligible for reimbursement. It is anticipated that the cost of the easement
41 will be paid for through the City's Construction fund.

42
43 The appraised value for this easement is \$18,200. This includes both temporary and permanent
44 easement values. Attached is the easement sketch.

45 **REQUESTED COUNCIL ACTION**

46 Approve Resolution Regarding the Determination of the Relationship of the Acquisition of Real
47 Property to the Comprehensive Plan

48 AND

49 Approve Resolution for the Acquisition of a Permanent Pathway Easement and a Temporary
50 Construction Easement Using Eminent Domain for a portion of property located at 1595
51 Highway 36, City of Roseville.

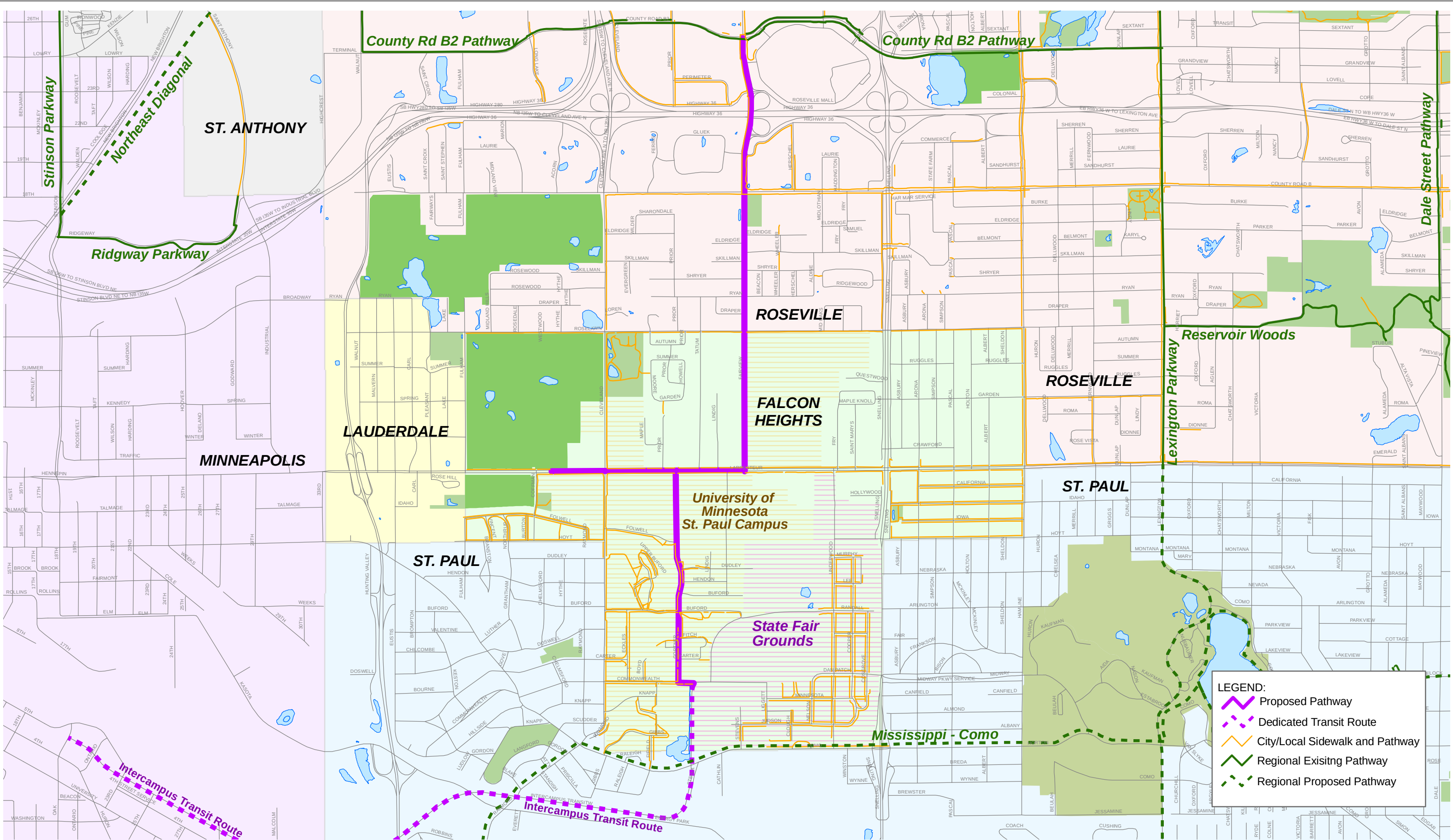
Prepared by: Debra Bloom, City Engineer

Attachments: A: Project Map

B: Easement Sketch

C: Resolution Regarding the Determination of the Relationship of the Acquisition of Real
Property to the Comprehensive Plan

D: Resolution for the Acquisition of a Permanent Pathway Easement and a Temporary
Construction Easement Using Eminent Domain



NTP Northeast Suburban Campus Connector Bike/Pedestrian Project

Data Sources and Contacts:
* Ramsey County GIS Base Map (3/5/2007)
* City of Roseville Engineering Department
For further information regarding the contents of this map contact:
City of Roseville, Engineering Department,
2650 Civic Center Drive, Roseville, MN

DISCLAIMER:
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices, and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant the accuracy, completeness or reliability of the data used to prepare this map, and the City does not represent that the GIS data can be used for navigation, tracking or any other purpose requiring accuracy, timeliness, completeness or reliability of the data. If you are a user of this map, you acknowledge that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify, and hold harmless the City from any and all claims brought by third parties in connection with the use of the data provided.

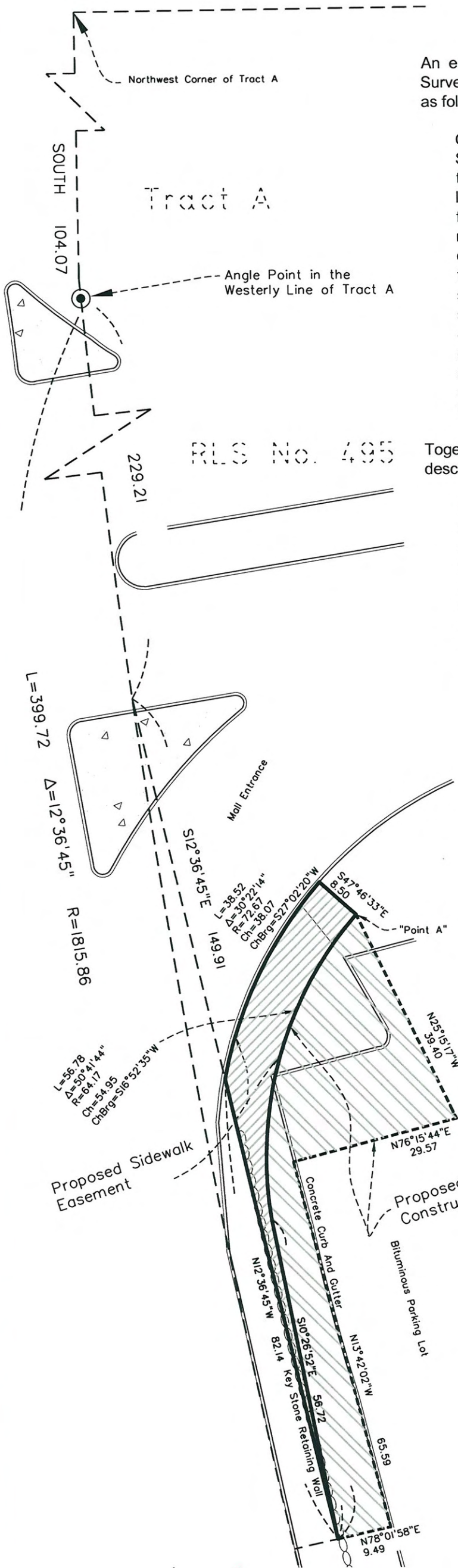
FOR: City of Roseville
Proposed Sidewalk Easement and Temporary Construction
Easement over a Portion of
Macy's Property at Rosedale
(August 27, 2010)

An easement for sidewalk purposes over and across that part of Tract A, Registered Land Survey No. 495, according to the recorded plat thereof, Ramsey County, Minnesota, described as follows:

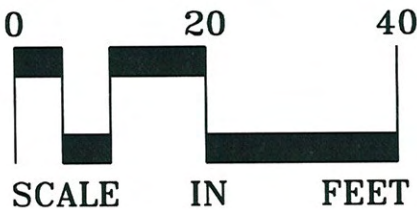
Commencing at the northwest corner of said Tract A; thence on an assumed bearing of SOUTH along the west line of said Tract A a distance of 104.07 feet to a point of curve on the west line of said Tract A; thence southerly a distance of 229.21 feet along the westerly line of said Tract A being a tangential curve concave to the east having a radius of 1815.86 feet to the point of beginning of the line to be described; thence South 12 degrees 36 minutes 45 seconds East, a distance of 149.91 to the point beginning of the easement to be described; thence North 12 degrees 36 minutes 45 seconds West a distance of 82.14 feet; thence northeasterly a distance of 38.52 feet along a non-tangential curve concave to the southeast having a radius of 72.67 feet, a central angle of 30 degrees 22 minutes 14 seconds and a cord that bears North 27 degrees 02 minutes 20 seconds East; thence South 47 degrees 46 minutes 33 seconds East a distance of 8.50 feet to a point hereinafter described as "Point A"; thence southwesterly a distance of 56.78 feet along a non-tangential curve concave to the southeast having a radius of 64.17 feet, a central angle of 50 degrees 41 minutes 44 seconds, and a chord that bears South 16 degrees 52 minutes 35 seconds West; thence southerly to the point of beginning and there terminating

Together with a temporary easement for construction purposes over that part of said Tract A described as follows:

Beginning at "Point A" of the aforescribed described sidewalk easement; thence southwesterly a distance of 56.78 feet along a non-tangential curve concave to the southeast having a radius of 64.17 feet, a central angle of 50 degrees 41 minutes 44 seconds, and a chord that bears South 16 degrees 52 minutes 35 seconds West; thence southerly to the point of terminus of the aforescribed sidewalk easement; thence North 78 degrees 01 minutes 58 seconds East a distance of 9.49 feet; thence North 13 degrees 42 minutes 02 seconds West a distance of 65.59 feet; thence North 76 degrees 15 minutes 44 seconds East a distance of 29.57 feet; thence North 25 degrees 15 minutes 17 seconds West a distance of 39.40 feet to the point of beginning and there terminating.



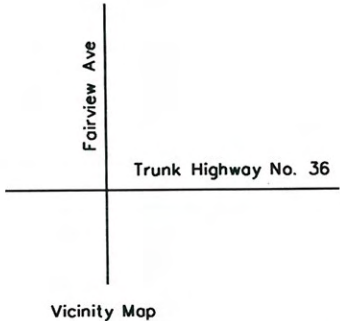
NORTH



SURVEY LEGEND

- CATCH BASIN
- RETAINING WALL
- CONCRETE CURB
- CONCRETE

Proposed Sidewalk Easement Area: 476 sq.ft.
Proposed Temporary Construction Easement Area: 1,301 sq.ft.



DRAWN BY: RLS PROJECT NUMBER: 10-020.00

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Rory L. Synsteliën

44565
License No.

8-2-10
Date

LOUCKS
ASSOCIATES

Planning • Civil Engineering • Land Surveying
Landscape Architecture • Environmental

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Maple Grove, Minnesota 55369-5592
Telephone: (612)424-5505 Fax: (612)424-5822
Web Page: www.LoucksAssociates.com

SUBMITTALS

8-2-10 Drawing Issued
8-27-10 Revised Easement Description

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 28 day of February, 2011, at the Roseville City Hall at 6:00 p.m.

The following members were present:

and the following were absent: .

Member introduced the following resolution and moved its adoption:

RESOLUTION NO.

**A RESOLUTION REGARDING THE DETERMINATION OF THE
RELATIONSHIP OF THE ACQUISITION OF REAL PROPERTY TO THE
COMPREHENSIVE PLAN.**

WHEREAS, the City of Roseville proposes to construct sidewalks, trailways and other pathways and associated improvements within the City as part of a regional trailway system; and

WHEREAS, in order to construct the trailway system and improvements the City needs to acquire the permanent and temporary easements described in Exhibit A attached hereto; and

WHEREAS, Minnesota Statutes § 462.356, Subd. 2, requires that the City shall not acquire an interest in real property until the planning agency has reviewed the proposed acquisition and reported in writing to the City Council its findings as to the compliance of the proposed acquisition with the Comprehensive Plan; and

WHEREAS, Minnesota Statutes § 462.356, Subd. 2 further provides that the City Council may, by resolution adopted by two-thirds vote, dispense with the requirements of Minnesota Statutes § 462.356, Subd. 2, when in its judgment it finds that the proposed acquisition of real property has no relationship to the Comprehensive Plan; and

WHEREAS, the City Council has determined that the acquisition of the property does not affect the Comprehensive Plan;

44 NOW THEREFORE, BE IT RESOLVED THAT the City Council finds the proposed
45 acquisition of real property has no relationship to the Comprehensive Plan and hereby
46 dispenses with the requirements of Minnesota Statutes § 462.356, Subd. 2.

47
48
49 The motion for the adoption of the foregoing resolution was duly seconded by Member

50
51 , and upon a vote being taken thereon, the following voted in favor thereof:

52
53 and the following voted against the same: none.

54
55 WHEREUPON said resolution was declared duly passed and adopted.

56

Resolution – Determination of Relationship of the Acquisition

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 28 day of February, 2011 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 28 day of February, 2011.

William J. Malinen, City Manager

(Seal)

1 **EXTRACT OF MINUTES OF MEETING**
2 **OF THE**
3 **CITY COUNCIL OF THE CITY OF ROSEVILLE**

4
5 * * * * *

6
7 Pursuant to due call and notice thereof, a regular meeting of the City Council of the City
8 of Roseville, County of Ramsey, Minnesota was duly held on the 28 day of February
9 2011, at the Roseville City Hall at 6:00 p.m.

10
11 The following members were present:

12
13 and the following were absent: .

14
15 Member introduced the following resolution and moved its adoption:

16
17 **RESOLUTION NO.**

18
19 **A RESOLUTION FOR THE ACQUISITION OF A PERMANENT PATHWAY**
20 **EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT USING**
21 **EMINENT DOMAIN FOR A PORTION OF PROPERTY LOCATED AT 1595**
22 **HIGHWAY 36, CITY OF ROSEVILLE.**

23
24 WHEREAS, the City of Roseville proposes to construct sidewalks, trailways and other
25 pathways and associated improvements within the City of Roseville as part of a regional
26 trailway system; and

27
28 WHEREAS, the City Council of the City has determined that the construction of such
29 trailway system is in the public interest and promotes the public health, safety and
30 welfare of the community; and

31
32 WHEREAS, in order to construct the trailway system and improvements the City needs
33 to acquire the permanent and temporary easements described in Exhibit A attached
34 hereto; and

35
36 WHEREAS, the City has been unable to successfully negotiate the acquisition of the
37 above-referenced easements; and

38
39 WHEREAS, the City has the power under Minn. Stat. Chapter 117 to take and acquire
40 the above-referenced easements by way of eminent domain; and

41
42 WHEREAS, the City Council of the City has determined that it is necessary to acquire
43 the above-referenced easements prior to the filing of an award by the court appointed
44 commissioners pursuant to Minn. Stat. § 117.042.
45

46 NOW THEREFORE, BE IT RESOLVED:
47

- 48 1. The City Council of the City of Roseville hereby authorizes the acquisition of
49 the permanent sidewalk, trailway and pathway easement and temporary
50 construction easements described in Exhibit A attached hereto by eminent
51 domain and the taking title and possession of such easements prior to the
52 filing of an award by the court appointed commissioners by “quick take”
53 pursuant to Minn. Stat. § 117.042.
54
- 55 2. The City Manager and City Attorney are directed and authorized to
56 commence and carry out the necessary proceedings in condemnation under the
57 power of eminent domain, in the name of and on behalf of the City, and to
58 prosecute such action to a successful conclusion or until it is abandoned,
59 dismissed or terminated by the City or the court.
60

61 The motion for the adoption of the foregoing resolution was duly seconded by Member
62

63 , and upon a vote being taken thereon, the following voted in favor thereof:
64

65 and the following voted against the same: none.
66

67 WHEREUPON said resolution was declared duly passed and adopted.

