



## **Request for City Council Committee Action from the Departments of Public Works and Community Planning and Economic Development**

**Date:** February 12, 2013

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

**Subject:** Cedar Lake Trail Easement

### **Recommendation**

- A. Authorize the appropriate City officials to sign an amendment to the existing Memorandum of Agreement with HCRRA; and
- B. Authorize proper city officers to reimburse HCRRA for the Cedar Lake Trail easement acquisition in the amount of \$171,500 from PW Fund 4100-9010943BIK01. Funds are available in the project and no additional appropriation is needed.

### **Previous Directives**

- Staff direction on May 25, 2012, directing CPED and Public Works staff to work with Hennepin County and Hines to negotiate preservation of room for the Cedar Lake Trail in the rail corridor, including negotiating modifications to the existing agreement between the City and County so it is clear that when the County is ready to install passenger rail on the existing transportation easement, the installation may proceed on a fixed timeline, and negotiating possible cost sharing for the creation of a new trail alignment, including possible recognition of this expenditure in a subsequent 'settling up' envisioned in the existing agreement.
- Resolution 2009R-079 (March 6, 2009), 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.

**Prepared by:** David Frank, Director of Transit Development

**Approved by:** Jeremy Hanson Willis, Director, CPED \_\_\_\_\_

Steve Kotke, Director, Public Works \_\_\_\_\_

**Presenter in  
Committee:** David Frank, Director of Transit Development

**Financial Impact**

Action is within current department budget.

**Community Impact**

- Neighborhood Notification: Not applicable.
- City Goals: Livable Communities, Healthy Lives - Active lifestyles: walkable, bikeable, swimmable.
- Comprehensive Plan: Policy 2.5 Ensure that bicycling throughout the city is safe, comfortable, and pleasant.
- Zoning Code: Not applicable

**Background/Supporting Information**

In 2009, the City executed a Memorandum of Agreement (“MOA”) with Hennepin County Regional Rail Authority (“HCRRA”) which called for certain steps to be taken prior to displacement of the Cedar Lake Trail, as well as sharing of future Trail relocation costs.

In 2012, HCRRA and the Minnesota Department of Transportation (“MNDOT”) appealed the land use approvals for Hines’ Dock Street Apartments project, based on concerns that the project would not allow room for the Cedar Lake Trail. Modifications were made to the building – which is now under construction – and the appeal was withdrawn. At the conclusion of the discussions among HCRRA, MNDOT, Hines, and the City, HCRRA and Hines entered into an option agreement for additional easement width for the Trail through later phases of Hines’ development on their property.

Later in 2012, MNDOT agreed to make available 80% of the funding for the acquisition of the easement, which reduces the City share of the cost to \$171,500.

As directed by the Council, CPED and Public Works have negotiated language with Hennepin County staff to amend the 2009 Memorandum of Agreement. This amendment clarifies the steps to be taken prior to relocation of the Cedar Lake Trail, as well as the cost sharing of the relocation.

Funding for the acquisition of the easement is available in the Cedar Lake Bike Trail project.

**Attachments:**

Easement Map

2009 Memorandum of Agreement

Amendment to Memorandum of Agreement