

Bcc: Ogren; Carlson; Collins, Dunning



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

Date: February 7, 2002

To: Transportation and Public Works Committee

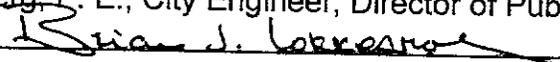
Referral to: None

**Subject:** Encroachment Agreement between the City of Minneapolis and Sixth and Nicollet LLC and M A Mortenson, Inc. (herein referred to as the "Companies")

**Recommendation:** Rejection of the Encroachment Agreement.

**Previous Directives:** None  
(Any past Council actions or directions to staff)

Prepared or Submitted by: Dennis Morris, Right of Way Supervisor, 673-3607

Approved: David J. Sonnenberg, P. E., City Engineer, Director of Public Works  
By: Brian Lokkesmoe 

Presenters in Committee: Brian Lokkesmoe, Deputy City Engineer

**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
- Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

**Community Impact :** None  
Neighborhood Notification  
City Goals  
Comprehensive Plan  
Zoning Code  
Other

## **Background/Supporting Information Attached**

The Companies recently completed construction of a building at the Northwest corner of Nicollet Mall and 6<sup>th</sup> Street South (600 Nicollet Mall). As part of the building construction, The Companies placed steel pilings in Nicollet Mall to form a temporary retention wall while the building foundation was being constructed. Additionally, during the excavation of the building site, a pedestrian/utility tunnel was revealed that was part of the old building structure. The tunnel is beneath 6<sup>th</sup> Street South, approximately 150 west of the Nicollet Mall intersection. The City Council authorized the encroachment of the tunnel by resolution dated March 26, 1909.

The City and the Companies have been in discussion over the past several years regarding the removal of the pilings in Nicollet Mall and the tunnel under 6<sup>th</sup> Street South. The City position is that they both should be removed, based upon City Ordinance and Public Works policy. The Companies position is to partial abandon the pilings by cutting them down to 9 feet below the street grade and by placing fill material within the tunnel.

A proposed Agreement has been drafted by the Companies to resolve this dispute. Public Works and the Companies have reviewed several revisions of the agreement. The final version being presented to the Committee is not acceptable to Public Works. Public Works agrees to all the provisions of the agreement with the exception of the tunnel provisions.