



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

Date: January 22, 2008
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Referral: Honorable Paul Ostrow, Chair Ways & Means Budget Committee
Subject: **Interstate 35W Bridge – Flatiron-Manson (FMJV) use of city lands**

Recommendation:

- a. Authorize City officials to enter into lease agreement with the Flatiron-Manson Joint Venture (FMJV) to lease city land adjacent to the Interstate I-35W bridge reconstruction.
- b. Authorize City officials to amend the permit with MnDOT to reduce the area covered by the permit.

Previous Directives:

August 31, 2008 – Approve the issuance of a right of entry permit for MnDOT on the City parcel of land known as Dredge Site “D”

Prepared by: Jon Wertjes, (673-2614)

Approved by:

Steven A. Kotke, P.E., City Engineer, Director of Public Works

Presenters: Jon Wertjes, P.E., PTOE, Director, Traffic and Parking Services

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
 Business Plan: Action is within the plan. Action requires a change to plan.
 Other financial impact (Explain):
 Request provided to department’s Finance Dept. contact when provided to the Committee Coordinator

Community Impact

Neighborhood Notification: FMJV and MnDOT have been informing the neighborhoods about construction changes.

City Goals: Maintain the physical infrastructure to ensure a healthy, vital and safe city

Comprehensive Plan: Comprehensive Plan is being met.

Zoning Code: Not Applicable

Background Information

As part of the I-35W St Anthony Falls Bridge reconstruction efforts, the design-build contractor, Flatiron-Manson Joint Venture (FMJV) has requested temporary use of city lands. FMJV sent the two attached letters regarding use of City lands for reconstruction of the I-35W Bridge dated December 19 and 27, 2007 respectively.

Public Works and City attorney staff met and discussed how best to respond to these requests in accordance with City ordinances. We have concluded the following regarding temporary use of City lands:

- A. FMJV request includes two types of city lands – fee title and public right-of-way. These types of lands result in different mechanisms that are available to allow FMJV's use.
- B. The fee title land is the dredge pile area easterly of the 35W right-of-way. The City is allowed to lease this fee title land per its ordinances. We would agree to lease this land temporarily at its recently appraised value. MnDOT has appraised and offered \$2.87 per square foot for temporary construction easement directly west of the parcel. We have determined the parcel includes two portions a) area not offered to MnDOT but between the 35W and 10th Avenue rights of way and b) the area under the 10th Avenue Bridge. These two portions total 22,519 and 4,400 square feet respectively for a total of 27,019 square feet. Based on the value and square footage, the overall lease price for this parcel would be \$77,544.53.

Previously, MnDOT requested a right of entry permit to access the City dredge site under and adjacent to the 35W bridge. The City issued MnDOT the permit on August 31, 2008. Given that MnDOT no longer needs all of this property and FMJV has requested such property, Public Works recommends that the existing permit with MnDOT be amended to exclude the area that is not subject to the MnDOT purchase request.

- C. The other five city lands requested are public right-of-way. The City allows temporary use of public right-of-way through its ordinances via encroachment and obstruction permits. To simplify the process, the City would issue one encroachment permit for these five city lands which would allow for certain conditions, restoration requirements, liability, safety, and other provisions as needed. The encroachment permit fee is less than \$200.
- D. In addition, an obstruction permit is needed by ordinance to close off public rights-of-way. Obstruction permits are granted for a time period and charges are calculated on a daily basis and billed monthly.
- E. Four of the five parcels meet the obstruction permit ordinances; the 19th Avenue right-of-way does not. The four parcels are:
 - o Former south Bluff Street corridor from I-35W west to 13th Avenue – this is an alley and its obstruction fee is \$0.25 per lineal foot per day. The City has determined this parcel is 248 lineal feet or \$62.00 per day or \$22,630 for 365 days.
 - o Under the 10th Avenue Bridge from former Norton property to West River Parkway – this is a boulevard and its obstruction fee is \$0.15 per lineal foot per day. The City has determined this parcel is 675 lineal feet or \$101.25 per day or \$36,956.25 for 365 days.

- o 2nd Street SE from 8th Avenue to east edge of 10th Avenue (two parcels as requested in your 12/27/07 letter) – In review of the Project RFP which states: *“The Contractor shall not close 2nd Street SE with this project. Any construction impacts to 2nd Street SE shall be coordinated with the City of Minneapolis and with businesses in the project area (including Metal Matic).”*, thus the City has determined that the entire length of 2nd Street SE should be covered by this obstruction permit and not limited to the portions outside of the I-35W right-of-way. 2nd Street SE is a street with two travel lanes, two parking lanes and a sidewalk on one side. Its obstruction fee includes:
 - \$0.50 per lineal foot per day for each travel lane
 - \$0.15 per lineal foot per day for each parking lane
 - \$0.15 per lineal foot per day for the sidewalk calculated back to the nearest intersections (8th Ave and 4th St SE)

The City has determined this parcel is 830 lineal feet for the travel and parking lanes and 1430 feet for the sidewalk. These dimensions equate to \$1293.50 per day or \$472,127.50 for 365 days. MnDOT has turned over the site to the contractor and the use/closure of 2nd Street has begun.

- F. One parcel not requested by FMJV was the portion of Bluff Street from 35W to 20th Avenue (both east and west of the 10th Avenue bridge). The easterly portion is a curved right-of-way around park land (1921 Bluff St) that connects to 20th Avenue. The westerly portion is between the former Norton property and park land (1900 Bluff St) between 10th Avenue and 35W. Only a small portion of this parcel would be covered under the obstruction permit ordinance. As such there is a sidewalk/trail that would be used and its obstruction fee is \$0.15 per lineal foot per day. The City has determined this parcel is 175 lineal feet or \$26.25 per day or \$9,581.25 for 365 days. Public Works is working with FMJV to confirm their need for this parcel.

As noted in previous FMJV discussions, the City has indicated that use of these lands has already begun and will continue to incur costs for the use of such lands. Public Works will further discuss and confirm the effective start dates for all parcels and confirm/execute proper FMJV agreements and permits to use these city lands per these provisions.

Recommendations

Based on the above information, Public Works requests that the City Council:

- a. Authorize City officials to enter into lease agreement with the Flatiron-Manson Joint Venture (FMJV) to lease city land adjacent to the Interstate I-35W bridge reconstruction.
- b. Authorize City officials to amend the permit with MnDOT to reduce the area covered by the permit.

Attachments

December 19, 2007, 2007 FMJV letter – closing of 2nd St SE
December 27, 2007 FMJV letter – temporary use of City land
Highlighted Map of the Approximate Parcel Locations

Cc: Bob Edwards, FMJV
Jon Chiglo, MnDOT
Dennis Morris
Doug Maday