



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

Date: March 23, 2004
To: Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee
Subject: **Eminent Domain procedures (Condemnation) at 1936 Lyndale Avenue South, Vision Loss Resources (VLR).**

Recommendation: Adoption of the attached resolution authorizing the City Attorney to initiate Eminent Domain proceedings for permanent bridge and temporary construction easements for the Loring Bicycle Bridge Project.

Previous Directives:

- August 22, 2003 - City Council Action authorizing negotiations between the proper City officers and private property owners in order to acquire temporary and permanent easements.

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

Approved by:

Klara A. Fabry, P.E., City Engineer, Director of Public Works

Presenters: Dennis Morris, Right of Way Section, Engineering Design Division

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

Background/Supporting Information:

This Federally funded proposed bicycle bridge is being constructed to create a safe connection for bicyclists over the Hennepin Lyndale Avenue intersection and to complete the bicycle connection between the Downtown Business District and the Uptown Area.

The proposed bridge will be mostly located on Minnesota Department of Transportation right of way and we have already submitted our permit application to them. A small portion of the west

end of the bridge will encroach onto the VLR property. This requires that we obtain a permanent and temporary construction easement from them.

We have contacted the VLR and met with them several times at their property. We have made VLR an offer based on an appraisal we commissioned. VLR has been receptive to our proposal but has decided to commission their own appraisal of the easement areas before responding to our offer.

In order to maintain the Project bid letting and construction schedule we must obtain all necessary easements or have initiated condemnation action to obtain them.

Although we are confident an agreement will be reached prior to any final condemnation action, the condemnation process will take several months and must be started now. The cost of easement acquisitions, including anticipated condemnation actions is included in the Project budget.

Attachment 1 - Easement map

Cc: Vision Loss Resources
Mr. Jay Heffern, City Attorney