



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

Date: July 7, 2009

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

Subject: Cedar Lake Trail Phase III Authorization to amend to the condemnation petition in City of Minneapolis v. Land Partners II, et al. as to Parcel 15 (Duddy) and BNSF Railway Company.

Recommendation:

- a) Authorization for filing an amendment to the condemnation petition in the City of Minneapolis v. Land Partners II, et al., for the purpose of acquiring an additional temporary access easement over Parcel 15 (Duddy Limited Partnership).
- b) Authorization for filing an amendment to the condemnation petition in City of Minneapolis v. BNSF Railway Company, et al., for the purpose of acquiring temporary construction easements.

Previous Directives:

- Resolution 2009R-235 (May 22, 2009), Approving the acquisition of permanent and temporary easements for transportation purposes and authorizing the use of eminent domain proceedings from the owners of Parcels 16; 17;19; 21; and 24.
- Resolution 2009R-079, 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.
- Council Action (March 9, 2007) Authorization to enter into negotiations or condemnation for the Cedar Lake Trail Phase III Project.
- Resolution 2006R-634, Authorization to enter into negotiations with abutting property owners for the acquisition of trail easements.
- Resolution 2006R-584, Appropriation Increase to PW- Fund (0600-943-9480) by \$1,800,000 & increasing the revenue source (0600-943-9480-3215) by \$1,800,000; and Increasing the appropriation in PW- Fund (4100-943-9470- BIK01) by \$1,800,000 and increasing the revenue source (4100-943-9470-3215) by \$1,800,000.
- Council Action (November 17, 2006), Authorization to execute a Metropolitan Council Grant Agreement (No. SG-2006-145) in the amount of \$1,800,000 for the Cedar Lake Trail.
- Resolution 2005R-658, 2006-2010 Five Year Capital Budget which included an appropriation of \$583,000 for the Cedar Lake Bike Phase 3 Project with the revenue source being Net Debt Bonds
- Resolution 2005R-661, Requesting the issuance and sale of bonds including the Cedar Lake Bike Phase 3 Project
- Resolution 2005R-075, Supporting the completion of the Cedar Lake Bike Phase to the Mississippi River • Resolution 2004R-580, 2005-2009 Five Year Capital Budget which included an appropriation of \$2,160,000 for the Cedar Lake Bike Phase 3 Project with the revenue source being Federal Government
- Council Action (September 28, 2001), Authorizing the expenditure of \$40,000 from the Commuter Bike Fund System (4100-943-9470 - Project A7002990) for a temporary Cedar Lake Trail Phase III bike lanes alignment.

- Council Action (August 24, 2001), Recommendation that the proper City officers apply for a series of federal funds (TEA-21) including \$2,160,000 for Cedar Lake Bike Trail Phase III
- Resolution 2001R-147, Amending the 2001 Capital Improvement Appropriation Resolution which included an increase to the Cedar Lake Bike Trail of \$300,000 with the revenue source being the settlement from the Federal Reserve Bank Project Tax Increment Financing District for off-site public improvements.
- Council Action (March 2, 2001), Directing Public Works to develop a temporary bike route plan for Cedar Lake Trail Phase III due to construction delays caused by other projects in the area.
- Council Action (December 17, 1999), Authorization to enter into two easements for the Cedar Lake Bike Trail Phase III.

Prepared by: Meseret Wolana, Engineer I, 673-3527
 Jack Yuzna, P.E., Principal Project Engineer, 673-2415

Approved by:

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

Presenters: Jack Yuzna, P.E., Principal Project Engineer, Department of Public Works, Transportation Planning & Engineering Division

Reviews

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| Permanent Review Committee (PRC): | Approval | NA | Date |
| Civil Rights Affirmative Action Plan | Approval | NA | Date |
| Policy Review Group (PRG): | Approval | NA | Date |

Financial Impact

Action is within current department budget

Community Impact

Neighborhood Notification: Not Applicable
 City Goals: The city's infrastructure will be well-maintained, people will feel safe in the city.
 Comprehensive Plan: Not Applicable
 Zoning Code: Not Applicable

Background/Supporting Information

Extension of the Cedar Lake Trail Phase III, from Royalston Avenue to West River Parkway, continues to be a high priority. All property right acquisitions for this extension of the trail are scheduled for completion this summer. Construction is expected to commence in late 2009 or early 2010. The project funding is a combination of federal grants, a state grant and City net debt bonds. The state and a federal grant are available to assist with the property rights acquisition costs.

Duddy Limited Partnership (Parcel 15) Temporary Access Easement

An additional temporary construction access easement is needed in order to expedite construction of the Cedar Lake Trail in 2010 and minimize disruption of the operating Northstar commuter trains. The temporary easement is perpendicular to the trail and is currently used by the Northstar project for construction access to the area adjacent to the train platform (between the Third Street N & Fourth Street

N ramps) from the street grid on Third Avenue N. The Northstar Commuter Rail Project has control of this area until December 2009. This additional easement provides a more direct access for deliveries and installation of storm sewer pipe. The easement will also be used on occasion by emergency vehicles and maintenance equipment of the Northstar, MNDOT, and the Metropolitan Council during construction. Authorization is needed to amend the condemnation proceeding to include this easement.

BNSF Railway Company, et al., Temporary Construction Easements

During our initial discussions with the BNSF, it was felt by City and BNSF that a temporary construction easement would not be necessary. Upon further investigation of land survey information, it is clear that temporary construction easements are needed to construct the Cedar Lake Trail adjacent to the BNSF right of way (Parcels 17, 19, and 24). The temporary construction easements are adjacent to and northwesterly of the permanent easements currently being acquired. An appraisal to determine the value of these temporary easement areas is underway. Authorization is needed to amend the condemnation proceeding to include the temporary construction easements.

Attachments Resolutions
 Cedar Lake Trail map

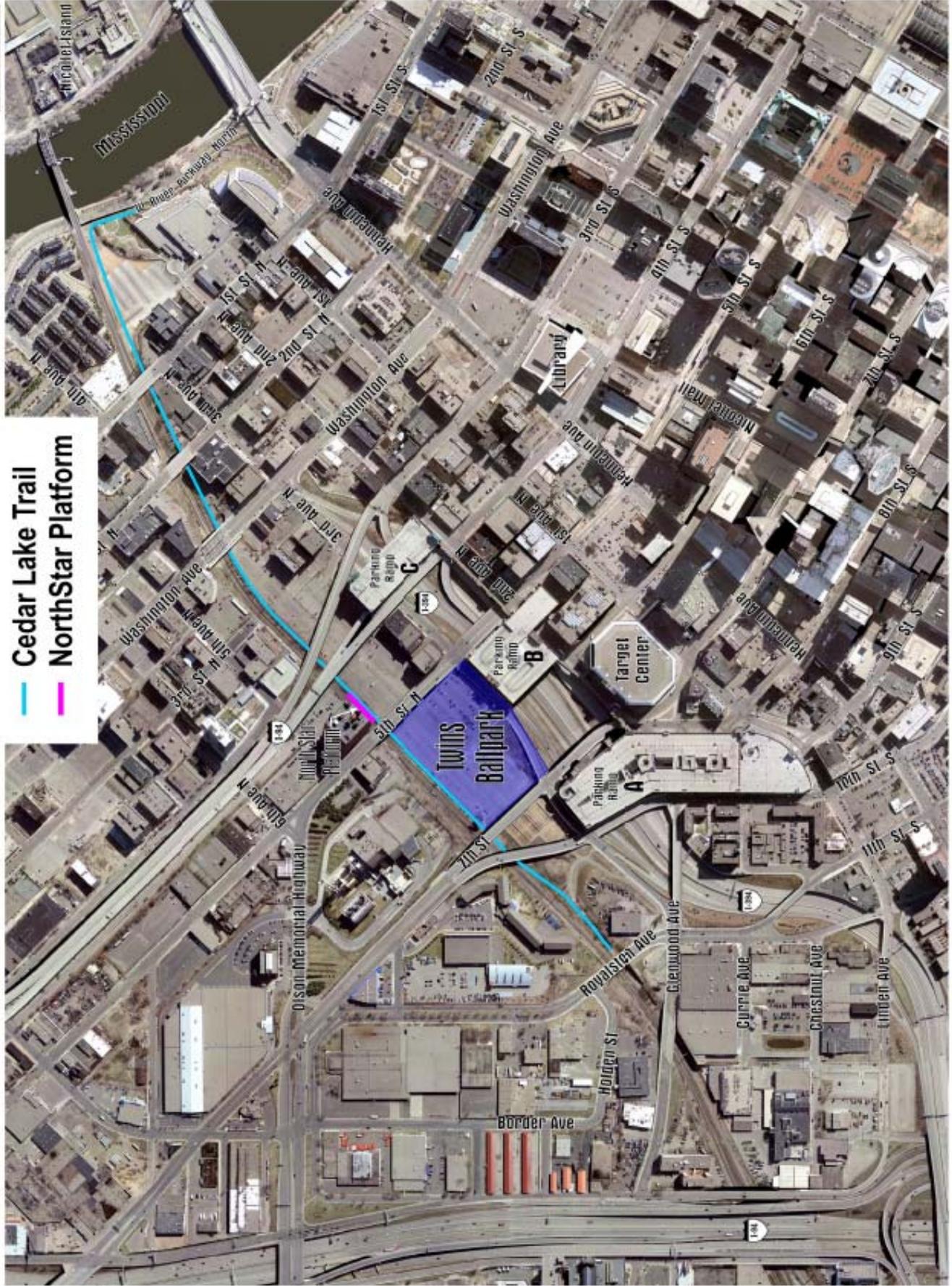
cc: CM Goodman, Ward 7

Cedar Lake Trail - Phase III

JUNE 11, 2008



MINNESOTA
PUBLIC WORKS



- Cedar Lake Trail
- NorthStar Platform