



# Dakota County

## Legislation Details (With Text)

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<b>Enactment date:</b>	11/30/2021	<b>Enactment #:</b>	21-568
<b>Title:</b>	Approval Of Amended Acquisition And Authorization To Initiate Quick Take Condemnation Of Right Of Way On County Project 9-56 A In Lakeville		
<b>Sponsors:</b>	Transportation		
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<b>Attachments:</b>	1. Location Map, 2. Financial Summary		

Date	Ver.	Action By	Action	Result
11/30/2021	1	Board of Commissioners	approved	Pass

**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Amended Acquisition And Authorization To Initiate Quick Take Condemnation Of Right Of Way On County Project 9-56 A In Lakeville**

### PURPOSE/ACTION REQUESTED

Approve amended acquisition and authorize "quick take" condemnation of needed right of way on County Project (CP) 9-56 A in Lakeville.

### SUMMARY

To provide a safe and efficient transportation system, Dakota County is proceeding with CP 9-56. County Project 9-56 has been split into two phases: CP 9-56 A and CP 9-56 B. County Project 9-56 A includes the reconstruction of County State Aid Highway (CSAH) 9 and the construction of 179th Street between Highview Avenue and CSAH 23 (Cedar Avenue) and pavement preservation and intersection improvements along CSAH 23 between 179th Street and CSAH 9 in the City of Lakeville (Attachment: Location Map). County Project 9-56 B includes the reconstruction of CSAH 9 from east of CSAH 23 to CSAH 31 (Pilot Knob Road). The segment of existing CSAH 9 will be part of a jurisdictional transfer (County to City) from east of Highview Avenue to CSAH 31. Upon completion of the improvements, the City and County will transfer jurisdiction of 179th Street (i.e., it will become a County roadway) and CSAH 9 (i.e., it will become a City roadway). County Project 9-56 A is planned for construction in 2022.

Dakota County is the lead agency for CP 9-56 A. Acquisition of right of way from 11 parcels was approved by the Dakota County Board of Commissioners on September 7, 2021 (Resolution No. 21-

436). Through continued design work, it was determined that an additional permanent and temporary easement was needed from the property identified as Parcel 13, Dakota County Right of Way Map No. 490. The original appraisal completed by Valbridge Property Advisors has been amended to include the additional permanent and temporary easement and associated damages. Data about the appraisals has been provided to the County Board in a confidential spreadsheet, as currently the appraisals are confidential, non-public data pursuant to Minn. Stat. § Sec. 13.44, subd. 3.

In the event that timely acquisition by direct negotiation of this parcel does not appear possible, it is necessary for the County Board to authorize the County Attorney's Office to initiate "quick take" condemnation of the parcel. Efforts will be made to negotiate an agreeable settlement before and after the start of the condemnation process.

### RECOMMENDATION

Staff recommends approval of the amended right of way acquisition and authorization for potential condemnation.

### EXPLANATION OF FISCAL/FTE IMPACTS

The adopted 2021 Transportation Capital Improvement Program (CIP) budget includes sufficient funding of \$2,600,000 for design and right of way for CP 9-56 A. The 2022 CIP has another \$7,220,000 budgeted for construction, for a total project budget of \$9,820,000 (Attachment: Financial Summary). There is sufficient budget available for the amended appraisal.

☐ None      ☒ Current budget      ☐ Other  
☐ Amendment Requested      ☐ New FTE(s) requested

### RESOLUTION

WHEREAS, Dakota County and the City of Lakeville are partnering on County Project (CP) 9-56; and

WHEREAS, CP 9-56 has been split into two phases: CP 9-56 A and CP 9-56 B; and

WHEREAS, CP 9-56 A includes the reconstruction of County State Aid Highway (CSAH) 9 and the construction of 179th Street between Highview Avenue and CSAH 23 (Cedar Avenue) and pavement preservation and intersection improvements along CSAH 23 between 179th Street and CSAH 9 in the City of Lakeville; and

WHEREAS, CP 9-56 B includes the reconstruction of CSAH 9 from east of CSAH 23 to CSAH 31 (Pilot Knob Road) in the City of Lakeville; and

WHEREAS, the purpose and need for CP 9-56 A ("the Project") is to improve safety, operations, and capacity along the Project corridor; and

WHEREAS, the County is the lead agency for the Project; and

WHEREAS, the County utilized public engagement for this project, including public open houses, project websites, and project mailings; and

WHEREAS, the acquisition of right of way from 11 parcels is necessary to move forward with CP 9-56 A; and

WHEREAS, the Dakota County Board of Commissioners approved the acquisitions and appraised values, and authorized "quick take" condemnation of right of way of the 11 parcels for CP 9-56 A on September 7, 2021 (Resolution No. 21-436); and

WHEREAS, through continued design work, staff determined additional permanent and temporary easement is needed for project completion from the property identified as Parcel 13, Dakota County Right of Way Map No. 490; and

WHEREAS, the additional permanent right of way is reflected in ROW Map 490 and the temporary easement as legally described as below:

A temporary easement for highway purposes over, under, and across that part of Lot 1 and Lot 8, Block 1, Crossroads 1<sup>st</sup> Addition, according to the recorded plat thereof, Dakota County, Minnesota, described as follows:

Beginning at the northwest corner of Parcel 13, Dakota County Road Right of Way Map No. 490, according to the recorded map thereof; thence North 01 degree 02 minutes 18 seconds West, assumed bearing along the west line of said Lot 1, a distance of 125.00 feet; thence North 88 degrees 57 minutes 42 seconds East a distance of 5.00 feet; thence South 01 degree 02 minutes 18 seconds East a distance of 122.00 feet; thence North 88 degrees 57 minutes 42 seconds East a distance of 270.00 feet; thence South 01 degree 02 minutes 18 seconds East a distance of 3.00 feet to the north line of said Parcel 13; thence South 88 degrees 57 minutes 42 seconds West a distance of 275.00 feet to said northwest corner of Parcel 13 and the point of beginning.

Temporary Easement Area = 1,435 Square Feet

; and

WHEREAS, the appraisal for Parcel 13 (490) has been amended to include the additional value for the permanent and temporary easements and associated damages resulting in a total appraised value for the acquisition of the 11 parcels of \$147,400; and

WHEREAS, data about the appraisals has been provided to the County Board in a confidential spreadsheet, as currently the appraisals are confidential, non-public data pursuant to Minn. Stat. § Sec. 13.44, subd. 3; and

WHEREAS, the 2021 Transportation Capital Improvement Program budget for the Project includes sufficient funds for right of way acquisition.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the amended appraisal value prepared by Valbridge Property Advisors for the acquisition of Parcel 13 (490) for CP 9-56 A and authorize County staff, in its discretion, to share appraisal data with the respective landowners, including all or portions of the completed appraisals as part of the negotiation process; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby approves the amended acquisition of right of way from Parcel 13 (490) for CP 9-56 A at the approved appraised value and in accordance with County policy and authorizes payment from the 2021

Transportation Capital Improvement Program budget; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to initiate "quick take" condemnation on the remaining parcels in Dakota County Road Right of Way Map No. 490 to allow for project construction in Spring 2022, in the event that timely acquisition by direct negotiations of all parcels does not appear possible.

### PREVIOUS BOARD ACTION

21-436; 9/7/21

### ATTACHMENTS

Attachment: Location Map

Attachment: Financial Summary

Confidential Spreadsheet (Board Only)

### BOARD GOALS

☐ A Great Place to Live

☐ A Healthy Environment

☐ A Successful Place for Business and Jobs

☒ Excellence in Public Service

### PUBLIC ENGAGEMENT LEVEL

☐ Inform and Listen

☒ Discuss

☐ Involve

☐ N/A

### CONTACT

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