



Dakota County

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Title: Approval Of Legal Strategy And Authority For Acquisition Of Right Of Way For County Project 88-24

Sponsors: Office Of The County Manager

Indexes:

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Date	Ver.	Action By	Action	Result
1/24/2023	1	Board of Commissioners	approved	Pass

DEPARTMENT: Office of the County Manager

FILE TYPE: Regular Action

TITLE

Approval Of Legal Strategy And Authority For Acquisition Of Right Of Way For County Project 88-24

PURPOSE/ACTION REQUESTED

Hold a closed executive session.

SUMMARY

The Dakota County Attorney has advised that prior to closing a County Board meeting, pursuant to the Open Meeting Law, Minn. Stat. Ch. 13D, the County Board must resolve by majority vote to close the meeting.

RECOMMENDATION

The County Manager has recommended that a closed executive session be held pursuant to attorney-client privilege during the Dakota County Board meeting of January 24, 2023, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of the property rights from T&M Properties, LLC (Parcels 7 & 10) and Nora Felton/Felton Family Farms (Parcels 2, 3, 4, 22, 23).

EXPLANATION OF FISCAL/FTE IMPACTS

Fiscal impact will be discussed in closed session.

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

RESOLUTION

WHEREAS, Dakota County and Randolph Township are partnering on County Project 88-24 (Project); and

WHEREAS, the Project includes the segment of County State Aid Highway (CSAH) 88 from Trunk Highway (TH) 52 to TH 56; and

WHEREAS, the purpose and need for 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, by Resolution No. 22-428 (October 4, 2022), the Dakota County Board of Commissioners authorized the acquisition of certain properties identified in the resolution and initiation of quick-take eminent domain pursuant to Minn. Stat. §117.042, if necessary, to construct the recommended improvements; and

WHEREAS, the County offered the Landowners compensation based on the County's approved appraised value for the parcel; and

WHEREAS, certain Landowners have not responded or are seeking additional compensation for loss or damages related to the acquisitions; and

WHEREAS, on January 18, 2023, the Dakota County Attorney's Office provided a confidential memorandum to the Dakota County Board of Commissioners explaining the legal strategy for accomplishing Dakota County's acquisition of the property rights identified in Dakota County Right of Way Map No. 495 as Parcels 2, 3, 4, 7, 10, 22, and 23; and

WHEREAS, after review of the information contained in the confidential memorandum the County Board determined a closed session discussion with the County Attorney's Office was not required prior to providing settlement direction.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the County Attorney's Office to proceed with the legal strategy for the acquisition of Parcels 2, 3, 4, 7, 10, 22, and 23 as set forth in the confidential memorandum provided to the Board.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: None.

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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