



# Dakota County

## Legislation Details (With Text)

|                        |   |                      |                        |
|------------------------|---|----------------------|------------------------|
| <b>File #:</b>         | DC-1765   | <b>Version:</b>      | 1                      |
| <b>Type:</b>           | Consent Action  | <b>Status:</b>       | Passed                 |
| <b>File created:</b>   | 12/22/2022  | <b>In control:</b>   | Board of Commissioners |
| <b>On agenda:</b>      | 1/24/2023   | <b>Final action:</b> | 1/24/2023              |
| <b>Enactment date:</b> | 1/24/2023   | <b>Enactment #:</b>  | 23-048                 |
| <b>Title:</b>          | Authorization To Execute Encroachment Agreement With Xcel Energy For County Project P00127 In City Of Eagan |                      |                        |
| <b>Sponsors:</b>       | Parks, Facilities, and Fleet Management   |                      |                        |
| <b>Indexes:</b>        |   |                      |                        |
| <b>Code sections:</b>  |   |                      |                        |
| <b>Attachments:</b>    | 1. Project Map  |                      |                        |

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

**DEPARTMENT:** Parks, Facilities, and Fleet Management

**FILE TYPE:** Consent Action

### TITLE

**Authorization To Execute Encroachment Agreement With Xcel Energy For County Project P00127 In City Of Eagan**

### PURPOSE/ACTION REQUESTED

Authorize an encroachment agreement with Xcel Energy for the encroachment of private utility easements on County Project P00127 in the City of Eagan.

### SUMMARY

Dakota County is proceeding with the Minnesota River Greenway Fort Snelling Segment (P00127) to construct 3.7 miles of the Minnesota River Greenway between trailheads located near Nicols Road and Lone Oak Road in Eagan, including a pedestrian bridge to cross over railroad owned by Union Pacific (see Attachment: Project Map).

Development of the greenway alignment has addressed constraints and requirements raised by multiple utilities within the project area, including transmission infrastructure owned by Xcel Energy. The greenway crosses Xcel easements at four locations, with transmission lines crossing overhead. Through Resolution 21-118, Dakota County entered into a contract with Xcel Energy to engineer and construct a new transmission line structure to replace one in conflict with the trail and pedestrian bridge design. County and Xcel Energy staff have additionally agreed to an encroachment agreement as the appropriate means to define practices and responsibilities for construction activity within their easements to avoid impacts to their existing facilities. This agreement would be executed prior to tree-clearing work scheduled for this winter.

## RECOMMENDATION

Staff recommends execution of an encroachment agreement with Xcel Energy to identify responsibilities for each party associated with the construction of CP P00127 near the Xcel easements.

## EXPLANATION OF FISCAL/FTE IMPACTS

None related to the requested action.

- |  |   |                                |
|--|---|--------------------------------|
| <input checked="" type="checkbox"/> None     | <input type="checkbox"/> Current budget       | <input type="checkbox"/> Other |
| <input type="checkbox"/> Amendment Requested | <input type="checkbox"/> New FTE(s) requested |                                |

## RESOLUTION

WHEREAS, the Minnesota River Greenway runs along the south side of the Minnesota River in Eagan and Burnsville, extending from I35-W in Burnsville to Lilydale Regional Park in Saint Paul; and

WHEREAS, by Resolution No. 11-516 (October 18, 2011), the Dakota County Board of Commissioners adopted the Minnesota River Greenway Plan; and

WHEREAS, the rapidly developing and robust recreational network that has developed in the area has created increased demand for completion of the trail connection between the recently constructed Lone Oak Trail Head, the Cedar Nicols Trailhead, and the Minnesota River Greenway Black Dog Segment to the west; and

WHEREAS, design and engineering activities are completed for the Fort Snelling segment of the Minnesota River Greenway (P00127); and

WHEREAS, P00127 requires an encroachment agreement with Xcel to allow for construction underneath transmission infrastructure crossing the trail alignment; and

WHEREAS, sufficient funds for P00127 were allocated through previous adopted Parks budgets.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an encroachment agreement with Xcel, subject to approval by the County Attorney's Office as to form.

## PREVIOUS BOARD ACTION

21-118; 3/9/21

## ATTACHMENTS

Attachment: Project Map

## BOARD GOALS

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> A Great Place to Live         | <input type="checkbox"/> A Healthy Environment        |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input type="checkbox"/> Excellence in Public Service |

## PUBLIC ENGAGEMENT LEVEL

- |  |                                  |                                  |   |
|--|----------------------------------|----------------------------------|---|
| <input type="checkbox"/> Inform and Listen | <input type="checkbox"/> Discuss | <input type="checkbox"/> Involve | <input checked="" type="checkbox"/> N/A |
|--|----------------------------------|----------------------------------|---|

**CONTACT**

Department Head: Taud Hoopingarner

Author: Joe Morneau