



Dakota County

Legislation Text

File #: DC-518, **Version:** 1

DEPARTMENT: County Administration

FILE TYPE: Regular Action

TITLE

Settlement Authority For Acquisition Of Certain Property Rights Necessary For County Project 9-56A

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 November 30, 2021, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of the property rights identified in Resolution No. 21-436 and the confidential memorandum for County Project 9-56 A.

EXPLANATION OF FISCAL/FTE IMPACTS

Fiscal impact will be discussed in closed session.

- | | | |
|--|---|--------------------------------|
| <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, to provide a safe and efficient transportation system, Dakota County and the City of Lakeville (City) are proceeding with County Project (CP) 9-56; and

WHEREAS, County Project 9-56 will occur in two phases: CP 9-56A and CP 9-56 B; and

WHEREAS, CP 9-56A 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 9-56B 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 9-56A (“the Project”) is to improve safety, operations and capacity along the Project corridor; and

WHEREAS, Dakota County is the lead agency for CP 9-56A with right-of-way acquisition necessary in 2021 for construction to begin in 2022; and

WHEREAS, by Resolution No. 21-436, the 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 parcels; and

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

WHEREAS, on November 30, 2021, the Dakota County Attorney’s Office provided a confidential memorandum to the Dakota County Board of Commissioners explaining the legal strategy accomplishing Dakota County’s acquisition of the property rights identified in Dakota County Right of Way Map No. 490 as Parcels 4, 5 and 13; 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 authorizes the County Attorney’s Office to proceed with settlement negotiations to acquire property rights for County Project 9-56A consistent with the settlement authority requested in the confidential memorandum to the County Board.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

None.

BOARD GOALS

- | | |
|---|--|
| <input type="checkbox"/> A Great Place to Live | <input type="checkbox"/> A Healthy Environment |
| <input type="checkbox"/> A Successful Place for Business and Jobs | <input checked="" 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: Matt Smith

Author: Jeni Reynolds