



# Dakota County

## Legislation Text

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File #: DC-1423, Version: 1

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**DEPARTMENT:** Transportation

**FILE TYPE:** Consent Action

### TITLE

**Approval Of Right Of Way Acquisition And Authorization To Initiate Quick-Take Condemnation For County Project 88-24 On CSAH 88 (292<sup>nd</sup> Street) In Randolph Township**

### PURPOSE/ACTION REQUESTED

Approve acquisition of necessary right of way and authorize the initiation of quick-take condemnation for County Project (CP) 88-24 on CSAH 88 (292<sup>nd</sup> Street) between Trunk Highway 56 and Finch Court in Randolph Township.

### SUMMARY

To provide a safe and efficient transportation system, Dakota County is proceeding with CP 88-24. County Project 88-24 will consist of preliminary and final engineering designs, public involvement process, surveying, geotechnical analysis, traffic analysis, and environmental analysis services required to reconstruct County State Aid Highway (CSAH) 88 in Randolph Township (see Attachment: Project Location).

The purpose of CP 88-24 is to address pavement quality, safety, and operational issues. The existing road has minimal paved shoulders, no turn lanes, and multiple curves with advisory speeds below the posted speed limit. In addition, CSAH 88 currently intersects Highway 56 at a skew near a railroad crossing, which has led to several crashes. County Project 88-24 will also explore the feasibility of a trail along existing and reconstructed CSAH 88 to connect the Dakota County Park on both ends of the project, utilizing the right-of-way needed for the road reconstruction. This project, when complete, will be consistent with County and CSAH standards for this type of County facility.

The adopted alignment intersects existing Union Pacific Rail on the West half of the project between Finch Court and TH 56. The project has been split into two phases to allow time to work with Union Pacific Rail for the railroad crossing approval needed in phase two. The first phase between the East Dakota County Line and Finch Court is scheduled to begin in the summer of 2023, which is CP 88-20. The right of way needed for phase two, CP 88-24, which is between Finch Court and TH 56, is reflected in the attached confidential memorandum.

Two parcels have been identified from which right of way will be acquired in advance of other parcels by the County. Staff is proposing acquisition of the necessary permanent highway easements from these identified parcels (Attachment: Parcel Location). One appraisal report has been completed by Nicollet Partners for the two parcels (PID: 31-15902-00-010 and PID: 31-01000-42-020). Data about the appraisals has been provided to the County Board in a confidential spreadsheet.

because the appraisal is currently confidential, non-public data pursuant to Minn. Stat § 13.44, subd. 3.

In the event that timely acquisition by direct negotiation of all required parcels does not appear possible, staff recommends that the County Board authorize the County Attorney's Office to initiate a quick-take condemnation of the remaining parcels. Efforts will be made to negotiate agreeable settlements before and after the start of the condemnation process.

## RECOMMENDATION

Staff recommends approval of the right of way acquisition and authorization for potential condemnation for the right of way necessary for CP 88-24.

## EXPLANATION OF FISCAL/FTE IMPACTS

The funding for this acquisition was included as part of the original project budget for CP 88-20, but has since been split into two phases. The budget needed for this acquisition will be transferred to CP 88-24 administratively after a settlement has been reached.

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

## RESOLUTION

WHEREAS, Dakota County and Randolph Township are partnering on County Project 88-24 (the "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, to address the purpose and need for the Project, the County is proposing to reconstruct CSAH 88 to address pavement quality, safety, and operational issues by improving drainage, modifying access, improving sight angles, and adding turn lanes; and

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

WHEREAS, the County utilized public engagement for this project, including a public open house on October 8, 2020, at Lake Byllesby Park and December 16, 2021, at United Methodist Church and presentations at the Randolph Township Meetings on September 15, 2020, May 24, 2022, and June 14, 2022; and

WHEREAS, right of way acquisition is needed to allow for construction to begin in 2023 as scheduled; and

WHEREAS, CP 88-24 design has determined preliminary right of way needs including permanent highway easement and temporary easement from the following two parcels:

PID: 31-15902-00-010

A permanent easement for highway purposes  
Said easement contains approximately 17,894 square feet of new right of way.

PID: 31-01000-42-020

A permanent easement for highway purposes  
Said easement contains approximately 29,623 square feet of new right of way.

An easement for highway purposes over, under, and across Outlot A, Byllesby Shores 3<sup>rd</sup> Addition, according to the recorded plat thereof, Dakota County, Minnesota.

Together with an easement for highway purposes over, under, and across part of the following described subject property:

That part of the Southwest Quarter of the Northwest Quarter, Section 10, Township 112 North, Range 18 West, Dakota County, Minnesota, described as follows:

Beginning at the northwest corner of said Southwest Quarter of the Northwest Quarter; thence South 89 degrees 42 minutes 18 seconds East, bearing assumed, along the north line of said Southwest Quarter of the Northwest Quarter, a distance of 250.00 feet; thence South 00 degrees 17 minutes 28 seconds East a distance of 447.60 feet; thence North 89 degrees 49 minutes 47 seconds West a distance of 250.00 feet to the West line of said Southwest Quarter of the Northwest Quarter; thence North 00 degrees 17 minutes 28 seconds West, along said west line, a distance of 448.15 feet to the point of beginning.

Said easement is described as follows:

Beginning at said northwest corner; thence South 89 degrees 42 minutes 18 seconds East, bearing assumed, along the said north line of said Southwest Quarter of the Northwest Quarter a distance of 56.19 feet; thence South 00 degrees 05 minutes 08 seconds West a distance of 99.51; thence southerly a distance of 354.30 feet along a tangential curve concave to the east having a radius of 1136.00 feet a central angle of 17 degrees 52 minutes 10 seconds to the south line of said subject property; thence North 89 degrees 49 minutes 47 seconds West along said south line a distance of 108.05 feet to the west line of said Southwest Quarter of the Northwest Quarter; thence North 00 degrees 17 minutes 28 seconds West along said west line, a distance of 448.15 feet to the point of beginning.

Said easement area containing approximately 47,517 Square Feet of new right of way.  
; and

WHEREAS, one appraisal has been completed for two parcels by Nicollet Partners; and

WHEREAS, the 2022 Transportation Capital Improvement Program budget for the Project includes sufficient funds for right of way acquisition; and

WHEREAS, two parcels (PID: 31-15902-00-010 and PID: 31-01000-42-020) have been appraised, and the values have been presented to the County Board in a confidential spreadsheet.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby

approves the appraised value prepared by Nicollet Partners for the acquisition of the two parcels as described below for Dakota County Project 88-24 and authorizes County staff, in its discretion, to share the appraisal data with the respective landowner, 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 acquisition of the two parcels for County Project 88-24, at the approved appraised value, and authorizes payment from the 2022 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 properties identified, in the event that timely acquisition by direct negotiations of all properties does not appear possible.

### **PREVIOUS BOARD ACTION**

18-423; 8/14/18

19-887; 12/17/19

20-629; 12/15/20

### **ATTACHMENTS**

Attachment: Project Location

Attachment: Confidential Spreadsheet (Board Only)

### **BOARD GOALS**

☐ A Great Place to Live

☐ A Successful Place for Business and Jobs

☐ A Healthy Environment

☒ Excellence in Public Service

### **PUBLIC ENGAGEMENT LEVEL**

☐ Inform and Listen

☒ Discuss

☐ Involve

☐ N/A

### **CONTACT**

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