



Dakota County

Legislation Text

File #: DC-1770, **Version:** 1

DEPARTMENT: Office of the County Manager

FILE TYPE: Regular Action

TITLE

Authorization Of Settlement For Acquisition Of Certain Property Rights From Clifford Gergen 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 3, 2023, to discuss the following:

- the legal strategy of accomplishing Dakota County's acquisition of the property rights from Clifford Gergen (Parcel 8 & 9) for County Project 88-24.

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, 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, to build the Project, the County must partially acquire property owned by Clifford Gergen ("Owner"), identified as Parcels 8 & 9 by Dakota County R/W Map No. 495 ("Subject Property"); and

WHEREAS, the County's certified appraisal of value for the acquisition is \$354,000; and

WHEREAS, the County's acquisition will require the Owner to relocate from the Subject Property; and

WHEREAS, Minn. Stat. § 117.187 requires the County to compensate the owner in an amount sufficient for an owner to purchase a comparable property in the community; and

WHEREAS, the County's relocation consultant performed an analysis that indicated \$565,000 would be necessary for the Owner to purchase a comparable property within the community; and

WHEREAS, as a condition of settlement, the Owner indicated his desire for the County to purchase the totality of the Subject Property in fee rather than be left with the remainder tract; and

WHEREAS, 49 CFR 24.403(a)(3) of the Uniform Relocation and Real Estate Acquisition Act allows the County to offer to purchase the entirety of a tract when the partial acquisition of which requires relocation of the owner and the remaining land comprises a buildable lot; and

WHEREAS, to facilitate settlement of this acquisition, the County is agreeable to purchasing the entirety of the Subject Property in fee for \$565,000; and

WHEREAS, the County Attorney and Transportation Department staff recommend approval of the settlement agreement as being a fair and equitable settlement of the claims in view of the impacts to the property, real estate market data, the additional time, expense and risk involved in initiating condemnation proceedings.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the acquisition of property from Clifford Gergen, legally described below, as being in the best interest of the County, and authorizes the Transportation Department to execute a purchase agreement for the same and to effectuate final settlement of the acquisition in the amount of \$565,000.

Outlot A, Byllesby Shores 3rd Addition, according to the recorded plat thereof, Dakota County, Minnesota.

Also:

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.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: 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

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