



Dakota County

Legislation Text

File #: DC-1858, Version: 1

DEPARTMENT: Transportation

FILE TYPE: Consent Action

TITLE

Authorization To Execute Encroachment Agreement With Northern States Power Company For County State Aid Highway 33 And 140th Street/Connemara Trail Roundabout Improvement, County Project 33-15

PURPOSE/ACTION REQUESTED

Authorize an encroachment agreement with Northern States Power Company (NSP) for the encroachment of private utilities on County State Aid Highway (CSAH) 33 for County Project (CP) 33-15 in the cities of Apple Valley and Rosemount.

SUMMARY

To provide a safe and efficient transportation system, Dakota County and the Cities of Apple Valley and Rosemount are proceeding with CP 33-15, which includes the construction of a single-lane roundabout at CSAH 33 (Diamond Path) and 140th Street/Connemara Trail, restriping 140th Street as a three-lane roadway from CSAH 31 (Pilot Knob Road) to CSAH 33, pavement preservation work on CSAH 33 from CSAH 42 (150th Street) to 140th Street/Connemara Trail, and restriping CSAH 33 from 145th Street to 140th Street/Connemara Trail as a two-lane roadway with turn lanes (see Attachment: Location Map). Dakota County is the lead agency, with construction planned for the summer of 2023.

Northern States Power Company owns an electrical transmission line and poles within their 33- to 50-foot-wide easement that runs north-south along the east side of CSAH 33. Portions of the CSAH 33 and 140th Street/Connemara Trail roundabout will be constructed within NSP's existing transmission line easement (see Attachment: Transmission Line Crossing). Since the easement is owned by NSP, an encroachment agreement is required for the roundabout improvements. Relocation or adjustment of the transmission line or poles is not required with the project.

Encroachment Agreement:

The basic terms of the proposed encroachment agreement with NSP for CP 33-15 include:

- Approve the encroachment of improvements on CP 33-15 within the existing NSP easement.
- Approve the construction details proposed by the County, such as cross-section depth/surfacing and locations of lighting.
- Describe the insurance coverage the County shall procure or cause its contractors to procure during construction.
- Indemnify and hold harmless NSP and other listed parties against any and all claims/liabilities arising from the project. This is a contractual obligation that is not subject to the tort liability

limitation.

RECOMMENDATION

Staff recommends execution of an encroachment agreement with NSP, identifying the responsibilities of the County associated with encroachment of CP 33-15 on the electrical transmission line easement to proceed with CP 33-15.

EXPLANATION OF FISCAL/FTE IMPACTS

The adopted 2023 Transportation Capital Improvement Program includes \$3,748,000 for construction (see Attachment: Financial Summary). Project costs will be split between the County and cities in accordance with County policy.

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

RESOLUTION

WHEREAS, to provide a safe and efficient transportation system, Dakota County and the Cities of Apple Valley and Rosemount are proceeding with County Project (CP) 33-15; and

WHEREAS, CP 33-15 will construct a single-lane roundabout at County State Aid Highway (CSAH) 33 (Diamond Path) and 140th Street/Connemara Trail, restripe 140th Street as a three-lane roadway from CSAH 31 (Pilot Knob Road) to CSAH 33, complete pavement preservation work on CSAH 33 from CSAH 42 (150th Street) to 140th Street/Connemara Trail, and restripe CSAH 33 from 145th Street to 140th Street/Connemara Trail as a two-lane roadway with turn lanes; and

WHEREAS, to address the purpose and need for this Project, safety will be improved along the corridor by constructing a single-lane roundabout at CSAH 33 and 140th Street/Connemara Trail, reducing the number of lanes on 140th Street from CSAH 31 to CSAH 33 and on CSAH 33 from 145th Street to 140th Street/Connemara Trail and adding turn lanes; and

WHEREAS, Dakota County and the Cities of Apple Valley and Rosemount are partnering on the Project; and

WHEREAS, portions of the CSAH 33 and 140th Street/Connemara Trail roundabout will cross Northern States Power Company's (NSP) existing electrical transmission line easement that runs north-south along the east side of CSAH 33; and

WHEREAS, NSP's electrical transmission line and poles are within their own easement at the crossing locations of the CSAH 33 and 140th Street/Connemara Trail roundabout; and therefore, an encroachment agreement is needed to complete the CP 33-15 work within the easement; and

WHEREAS, in order to proceed with the project, NSP is requesting that Dakota County execute an encroachment agreement with NSP to identify responsibilities and approved encroachments associated with CP 33-15 crossing the NSP easement; and

WHEREAS, staff recommends execution of an encroachment agreement with NSP identifying the responsibilities of the County and NSP associated with encroachment of CP 33-15 on the electrical transmission line easement.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Physical Development Director to execute an encroachment agreement with Northern States Power Company for the portion of County State Aid Highway 33 within Northern States Power Company's electrical transmission line easement, subject to approval by the County Attorney's Office as to form.

PREVIOUS BOARD ACTION

None.

ATTACHMENTS

Attachment: Location Map

Attachment: Transmission Line Crossing

Attachment: Financial Summary

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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