

RESOLUTION R2023-150
RESOLUTION AUTHORIZING CONDEMNATION OF LAND FOR PUBLIC PURPOSES

WHEREAS, the City Council of the City of Shakopee (“City”) has determined that it is necessary and expedient for the public health safety and welfare to undertake the Eagle Creek Boulevard and Vierling Drive Intersection Improvement Project, CIF-20-014 (“Project”); and

WHEREAS, it is necessary to acquire certain easements to construct, operate, and maintain the Project improvements; and

WHEREAS, on November 7, 2023, by Resolution R2023-129, the City Council authorized the use of eminent domain to acquire some of the easements needed for the Project;

WHEREAS, the City has been unable to conclude negotiations to timely acquire additional easements needed for the Project;

WHEREAS, the City finds that it is reasonable necessary, convenient, and in the interest of the general welfare that the City acquire for the Project the easements identified in Exhibit A-2 attached hereto (“Easements”); and

WHEREAS, the City is continuing direct negotiation with the owners of and interest holders in the property described in Exhibit A-2, and those discussions remain ongoing; and

WHEREAS, the City Council finds that title to and possession of the Easements is required before construction on the Project can begin and before the final report of the condemnation commissioners to be appointed by the district court; and

WHEREAS, the City has engaged an independent real estate appraiser to provide the City with the appraiser’s opinion of damages caused by the City’s acquisition of the Easements; and

WHEREAS, City staff and consultants have and will continue to work with the property owners and interest holders to acquire the Easements by direct purchase if possible; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA AS FOLLOWS:

1. The acquisition of the Easements is necessary and for a public purpose in furtherance of the Project;
2. The proper City officers and agents are authorized and directed to acquire the Easements by voluntary negotiation and, if necessary, through the exercise of eminent domain;
3. The Council hereby authorizes the City Engineer to approve the appraisals and staff to negotiate with the property owners and interest holders relating to the acquisition of the property and to acquire the property for the appraised values;

4. The City Attorney is authorized to commence eminent domain proceedings to acquire the Easements that cannot be timely purchased and to do so pursuant to the “quick take” provisions of Minnesota Statutes Section 117.042; and,
5. The Mayor and City Clerk are authorized to execute all documents necessary, in the opinion of the City Attorney, to effect the acquisition of the necessary property interests.

Adopted in regular session of the City Council of the City of Shakopee, Minnesota, held this 19th day of December 2023.

Mayor of the City of Shakopee

ATTEST:

Prepared by:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

City Clerk

EXHIBIT A-2

Parcel 1



Parcel 2

