

CITY OF SHAKOPEE

RESOLUTION R2019-018

**RESOLUTION AUTHORIZING APPROVAL OF APPRAISED
VALUES, OFFERS OF COMPENSATION, AND ACQUISITION BY
EMINENT DOMAIN FOR 12th AVENUE TRAIL PROJECT**

WHEREAS, the City Council deemed it necessary and expedient that the City of Shakopee, Minnesota (the “City”) construct certain improvements, to-wit: the 12th Avenue Trail Project, CIF-20-003 (the “Project”), and by Resolution R2019-018 the City Council accepted the recommendation of the Public Works department and authorized the City to enter into certain agreements to facilitate the Project; and

WHEREAS, the Project includes additional right of way along 12th Avenue East for the construction of a trail for pedestrian and recreational use to connect existing segments of a planned city-wide trail system; and

WHEREAS, the City Council has approved the final plans and specifications for the Project; and

WHEREAS, it is necessary to acquire certain real property interests, as described and depicted in the attached Exhibit C, to construct and maintain the Project (collectively, the “Real Property Interests”); and

WHEREAS, the City Council finds that it is reasonably necessary, proper, and convenient, and in the interest of the general welfare that the City acquire title to and possession of the Real Property Interests in furtherance of the Project; and

WHEREAS, the City Council finds that the construction schedule for the Project makes it necessary to acquire title to and possession of the Real Property Interests prior to the filing of the final report of the condemnation commissioners to be appointed by the district court; and

WHEREAS, the City has engaged independent real estate appraisers to provide the City with the appraisers’ opinions of damages caused by the City’s acquisition of the Real Property Interests needed for the Project.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Skakopee, Minnesota:

1. That the acquisition of the Real Property Interests is necessary and for a public purpose in furtherance of the Project;

2. That the proper City officers and agents are authorized and directed to acquire the Real Property Interests needed for the Project by voluntary negotiation and, if necessary, through the exercise of the power of eminent domain;
3. That the proper City officers and agents are authorized and directed to make offers of compensation to the respective landowners for the Real Property Interests needed for the Project consistent with the independent appraisals, and to attempt to negotiate the voluntary acquisition of the Real Property Interests;
4. That the law firm of Kennedy & Graven, Chartered, is authorized and directed to take all steps necessary on behalf of the City to acquire through eminent domain the Real Property Interests that are not acquired by voluntary negotiation, including filing an action in eminent domain and using the quick take procedure under Minn. Stat. § 117.042;
5. That the City Engineer is authorized to approve the appraised values for the Real Property Interests if the City Engineer determines that the independent appraisals adequately reflect the fair market values thereof for the purposes of Minn. Stat. § 117.042.

Adopted this 19th day of March, 2019, by the Shakopee City Council.

William Mars, Mayor

ATTEST:

Lori Hensen, City Clerk