



## Resolution 2024-85

### **RESOLUTION GRANTING TEMPORARY CONSTRUCTION AND PERMANENT UTILITY EASEMENTS TO THE METROPOLITAN COUNCIL FOR DUAL FORCEMAIN SEWER PURPOSES IN THE MALL PARK**

Whereas, The Minneapolis Park and Recreation Board (MPRB) was created by the Minnesota Legislature in April 1883 and has the authority to manage and operate park facilities;

Whereas, MPRB owns and operates The Mall Park, a neighborhood park in the Minneapolis park system;

Whereas, Metropolitan Council Environmental Services (MCES) owns and operates sanitary sewer facilities within The Mall Park, which exist without easements;

Whereas, MCES owns and operates a lift station that pumps regional wastewater through a forcemain, directly serving 140 residential units from Minneapolis;

Whereas, The forcemain is reaching the end of its service life after approximately 50 years of use;

Whereas, MCES has been incrementally replacing the forcemain, including previous replacements through MPRB parkland;

Whereas, MCES requires access and legal rights to renovate, maintain, use, and operate the forcemain and move its water main, a portion of both of which are located in The Mall Park;

Whereas, MCES intends to replace its facilities in The Mall Park and requires permissions in the form of a temporary easement from MPRB for the purposes of accessing and replacing its facilities located on MPRB parkland;

Whereas, MCES further requires permissions in the form of a permanent easement to operate and maintain those facilities located on MPRB parkland;

Whereas, At the conclusion of the project, MCES will restore the parkland as directed in MPRB's plan for The Mall Park, adopted as part of the Southwest Service Area Master Plan in November of 2020;

Whereas, MPRB through its Land Policy requires compensation for parkland encumbered by easements and MPRB staff has estimated the costs of the temporary and permanent easements;

Whereas, The organizational flow chart of MPRB governance begins with the community;



Whereas, The Mall Park is a neighborhood park within the East Isles community;

Whereas, The Mall Parkway promotes safe traffic flow in and out of the East Isles neighborhood, including fire and emergency access for the multi-family housing fronting The Mall, within a historic symmetric design;

Whereas, The East Isles Neighborhood Association (EINA) is requesting the Met Council Environmental Services' (MCES) would restore the road at completion of their sanitary sewer project;

Whereas, Over 500 residents in East Isles and surrounding neighborhoods have signed a petition to save The Mall's current design;

Whereas, No data assessing neighborhood traffic and fire and emergency access impact was included in the SW Service Area CAC work or currently. During CAC discussions, the impact of future city and county infrastructure projects in the area were not considered;

Whereas, Removing two blocks of The Mall parkway will eliminate 25 parking spaces, compounding the current and forthcoming loss of street parking on nearby Hennepin Ave and Lagoon Ave. Currently, the Mall parking spaces are consistently full... used by visitors to the nearby Bde Maka Ska pavilion and regional park system, renters (52% of East Isles' population) and patrons of nearby businesses; and

Whereas, This resolution is supported by Parks For All, the MPRB Comprehensive Plan 2021-2026, under Goal 3: "Provide core services with care" and Goal 4: "Work from our strengths and determine our role in partnerships;"

RESOLVED, That the Board of Commissioners grants temporary construction and permanent easements to Metropolitan Council for dual forcemain sewer purposes in The Mall Park;

Resolved, The Board of Commissioners direct staff to present and discuss The Mall's entire master plan design with the Minneapolis City Engineer and Minneapolis Fire Marshal to get expert confirmation that this plan creates no public safety impacts for emergency access or neighborhood traffic patterns;

Resolved, The Board of Commissioners will pause the decision-making regarding the implementation of the master plan at the conclusion of the MCES project until this information is available;

Resolved, Strike the tenth Whereas clause in Resolution 2024-85 and edit the resolution's background information to support this new direction; and



RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.



TO: Planning Committee

FROM: Michael Schroeder, Assistant Superintendent, Planning

DATE: 24 April 2024

SUBJECT: RESOLUTION GRANTING TEMPORARY CONSTRUCTION AND PERMANENT UTILITY EASEMENTS TO THE METROPOLITAN COUNCIL FOR DUAL FORCEMAIN SEWER PURPOSES IN THE MALL PARK

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## **BACKGROUND**

This action considers granting the temporary construction and permanent utility easements to the Metropolitan Council (Council) (*Attachment A*). Metropolitan Council Environmental Services (MCES), operator of the metro-area wastewater collection and treatment system, is planning to replace and enlarge the aging regional sanitary sewer pipe and structures near Lake of the Isles and The Mall Park (Park) in south Minneapolis.

The 50-year-old forcemain has reached the service life of the pipe. Due to the gasses created by the sanitary wastewater, the inside layer of concrete has deteriorated to a point of high risk of failure. This pipe is located in a sensitive area and if it fails could spill wastewater into nearby protected waters of the state (Lake of the Isles and Bde Maka Ska). Advancing this project is important to the protection of public health and the environment. MCES will be replacing the existing sewer pipes along The Mall Park between East Bde Maka Ska Parkway and Humboldt Avenue South with new and larger pipes. The MPRB plan for The Mall Park, adopted as part of the Southwest Service Area Master Plan in November of 2020, indicates improvements should occur over the location of the MCES facilities. MCES will restore the disturbed parkland according to the adopted Master Plan for the Park, which specifies green space instead of two blocks of roadway.

### **Proposed Easements**

The permanent easement proposed for the new pipes will be in the same location as the existing 30" concrete forcemain. The temporary easements needed to install the new forcemains are located adjacent to the permanent easement. This will allow the contractor to stage its work alongside a trench where the new pipe would be installed.

### **Easement Fees**

Minneapolis Park and Recreation Board (MPRB) staff have been working with the Council since 2020 on this project. For various reasons, the initial plan to bring this action together with a cooperative construction agreement has stalled a few times over the past 4 years. The cooperative construction agreement is still not finalized, but staff is bringing this action forward independently because of the increasing urgency of the needed repairs. It is important to



remember that discussion and negotiation between MPRB and MCES began years before the adoption of the current Land Policy. Temporary easement fees have been calculated based on practices from that time that have now been codified in the Land Policy, and reflect local property values and the amount of time parkland will be unavailable for use by the public. Permanent easement fees have been under negotiation for years, and though they are keyed to local property values, they do not completely follow current practice. This is because of the timing of the negotiation and the fact that the infrastructure in question is not new. The total cost of temporary and permanent easement fees equal \$351,674 (*Attachment B*).

Legal Counsel has reviewed and approved the Agreement as to form and legality.

## **RECOMMENDATION**

Staff recommends that the Board of Commissioners grant temporary construction and permanent utility easements to the Metropolitan Council for dual forcemain sewer purposes in The Mall Park.

This action is supported by the following goals and strategies in Parks for All, the MPRB Comprehensive Plan 2021-2036:

**Goal:**

**03.** Provide core services with care

**Strategy:**

3.16: Strive to achieve equitable levels of service across the system through data-driven analysis and alignment with MPRB values.

04. Work from our strengths and determine our role in partnerships

4.7: Partner and improve communications and coordination with other government agencies and non-profits to maintain and improve water quality, manage regional and park stormwater, achieve required Clean Water Act standards, understand future hydrologic conditions, manage natural resources, and restore natural systems.

04. Work from our strengths and determine our role in partnerships

4.13: Collaborate with other agencies and organizations to share best practices in parks and recreation, governance, engagement and public service.

## **Attachments:**

1. ATTACHMENT A - Perm and Temp Easement Agreement - MCES - Dual Forcemain Sewer



2. ATTACHMENT B - Easement Fee Calculation Sheet - MCES - Dual Forcemain Project

*Jbr 4.24.2024.*