

Carver County Board of Commissioners
October 6, 2020
Regular Session

Agenda Amendments

Add to Consent:

- 5.21:** Coordination of COVID-19 Essential Services provision STOC
- 5.22:** Resolution Authorizing Petition for Eminent Domain for US 212 Project – Dahlgren Township

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Coordination of COVID-19 Essential Services provision STOC

Primary Originating Division/Dept:

Meeting Date:

Contact: Title:

Item Type:

Amount of Time Requested: minutes

Attachments: Yes No

Presenter: Title:

Strategic Initiative:

BACKGROUND/JUSTIFICATION:

In accordance with MS 145A and MS 144.419, the provision of Essential Services in a time communicable disease outbreak or pandemic is a mandated function by local Community Boards of Health and their corresponding local public health agency.

The COVID-19 pandemic has placed added responsibilities on local public health to provide these essential services, which include but are not limited to the provisions of food, medicine, personal and other goods and services to facilitate compliance with isolation and/or quarantine requirements.

To meet the needs of residents affected by the pandemic, additional staffing is required to coordinate the provision of these essential services through June 2021. CARES Act funds will be used to fund this requested STOC position through November. Beyond November, funding for this position will come from Local Public Health COVID Grant funds. Total cost for this STOC position is not to exceed \$15,000. No County levy dollars are required to fund this STOC position.

Carver County Public Health has identified a qualified individual to fulfil this STOC position.

ACTION REQUESTED:

Motion to approve creation of a STOC position in Public Health Department to coordinate COVID-19 essential services.

FISCAL IMPACT:

If "Other", specify:

FTE IMPACT:

FUNDING

County Dollars =	<input type="text"/>
LPH COVID Grant	\$12,200.00
CARES Act funds	\$2,800.00
Total	\$15,000.00

Insert additional funding source

Related Financial/FTE Comments:

No County levy dollars required to fund this STOC position.

Office use only:

Carver County Board of Commissioners Request for Board Action

**Agenda Item:****Resolution Authorizing Petition for Eminent Domain for US 212 Project - Dahlgren Township**

Primary Originating Division/Dept: Public Works - Program Delivery

Meeting Date: 10/6/2020

Contact: Zach Mahan Title: Right of Way Agent

Item Type:
ConsentAmount of Time Requested: minutes
Presenter: Title:Attachments: Yes No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

The 2021 construction season includes the US 212 Project - Dahlgren Township which is the reconstruction and expansion of Highway 212 to a four-lane expressway from Highway 11 (Jonathan Carver Parkway) in the City of Carver to approximately Highway 36 on the east side of the City of Cologne. Carver County and MnDOT have entered into a right of way acquisition agreement in which Carver County is the lead agency for this project. Additional right-of-way is needed to complete the project scope. Carver County has contracted with appraisers in order to establish fair market value for the right of way acquisitions needed in support of the project. On June 2, 2020, the County Board authorized Public Works staff to make offers for direct purchase of the impacted properties.

Public Works staff has been negotiating with property owners in good faith, and will continue to do so, to acquire the right-of-way and easements needed for the project. It is anticipated that the vast majority of parcels will be acquired by negotiation, however, in order to meet the schedule for construction bidding, it will be necessary to undertake eminent domain proceedings to acquire the necessary property interests from some property owners along the construction corridor.

The Board adopted Resolution 66-20 on September 15, 2021 to authorize eminent domain, however, Exhibit A of Resolution 66-20 was not complete. This resolution needs to be rescinded and a new one adopted.

ACTION REQUESTED:

Motion to rescind Resolution 66-20 and adopt a new resolution authorizing and directing the County Attorney to take all steps necessary to acquire the right of way and easements necessary for the US 212 Project - Dahlgren Township, by filing an action in eminent domain, negotiation of early entry authorization and the use of the quick-take procedure.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars = \$0.00

FTE IMPACT: None

Total \$0.00

 Insert additional funding source

Related Financial/FTE Comments:

**BOARD OF COUNTY COMMISSIONERS
CARVER COUNTY, MINNESOTA**

Date: October 6th, 2020

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

**Resolution Authorizing Eminent Domain to Acquire
Real Property Interests Needed for
Trunk Highway 212 – Dahlgren Township Project**

WHEREAS, the Board of Commissioners is the official governing body of Carver County (“County”); and

WHEREAS, the 2021 construction season includes the US Highway 212 Project - Dahlgren Township which is the reconstruction and expansion of Highway 212 to a four-lane expressway from approximately Highway 36 on the east side of the City of Cologne to Jonathan Carver Parkway in the City of Carver (Project SP Number 1013-79 and Carver County Project Number 178825), (“Project”); and

WHEREAS, the County, acting by and through its Board of Commissioners, pursuant to Minnesota Statutes, § 163.02, subd. 2; §117.012; and § 117.042, is authorized to acquire land and other real property interests in Carver County which the County needs for a public use or public purpose; and

WHEREAS, to complete the Project, the County must acquire the real property interests described in Exhibit A, attached hereto, from the Owners identified in Exhibit A, attached hereto; and

WHEREAS, based upon appraisal reports of damages obtained by the County from an independent licensed real estate appraiser, and in accordance with authorization of the Board of Commissioners, the Public Works Division Director or agents under his supervision made offers of compensation to owners of affected properties for the real property interests required from those owners for the Project;

WHEREAS, despite good faith efforts, negotiations with the Owners identified in Exhibit A for the direct purchase of the real property interests which the County needs for the Project either have been unsuccessful or the County has been unable to fully execute by today’s date the settlement agreements that the County has negotiated with Owners; and

WHEREAS, the Board of Commissioners finds that it is reasonably necessary, proper, and convenient, in furtherance of the Project, and in the interest of the public health, convenience, and general welfare of the citizens of the County that the County acquire title to and possession of the real property interests described in Exhibit A through use of the power of eminent domain; and

WHEREAS, the County has the right pursuant to Minnesota Statutes, § 117.042 to acquire title to and possession of the real property interests the County needs for the Project prior to the filing of an award of damages by court-appointed commissioners; and

WHEREAS, the Board of Commissioners finds that the funding and construction schedule for the Project make it necessary for the County to acquire title to and possession of the real property interests described in Exhibit A prior to the filing of the final report of the condemnation commissioners to be appointed by the district court.

NOW, THEREFORE, BE IT RESOLVED that County's acquisition of the real property interests described in Exhibit A from the Owners identified in Exhibit A, and the construction of US Highway 212 Project - Dahlgren Township which is the reconstruction and expansion of Highway 212 to a four-lane expressway approximately from Highway 36 on the east side of the City of Cologne to Jonathan Carver Parkway in the City of Carver (Project SP Number 1013-79 and Carver County Project Number 178825), constitutes a valid public use and public purpose; and

BE IT FURTHER RESOLVED that it is the considered judgment of the Board of Commissioners that the County must acquire the real property interests described in Exhibit A, attached hereto and incorporated herein, as though fully set forth at this point, from the Owners identified in Exhibit A, attached hereto and made a part hereof as though fully set forth at this point, for the stated public purposes, and that the County shall acquire said real property interests, if necessary, through the exercise of the power of eminent domain, and early transfer of title to and possession of said real property interests pursuant to Minn. Stat. § 117.042; and

BE IT FURTHER RESOLVED that the County Attorney, the County Attorney's legal staff, and legal counsel retained by the County are hereby authorized to take all steps necessary to acquire the real property interests described in Exhibit A from the Owners identified in Exhibit A, including the filing of the Petition necessary to initiate an action in eminent domain in District Court and using the process provided for in Minn. Stat. § 117.042, and litigating such action and all related matters needed to bring the action to a successful conclusion or until the action is abandoned, dismissed, or terminated by the County or District Court.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of Commissioners, Carver County, Minnesota, at its session held on October 6th, 2020, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this 6th day of October, 2020

Dave Hemze County Administrator

EXHIBIT A

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 1B

Property Tax Identification Number: 04.0080300

Property Address: 8570 Highway 212, Chaska, Minnesota 55318

Fee Owner: Dawn K. Taylor Revocable Trust, Dawn K. Taylor as Trustee

Lender's Interest: Agstar Financial Services, FLCA

Lien: Federal Lien (Document Numbers A677367 and 677368 in Carver County Recorder's Office)

Legal Description of Property to be Acquired:

Parcel 1B, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof,
Carver County, Minnesota.

Estate to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 1B, CARVER COUNTY RIGHT OF
WAY PLAT NO. 31, containing 85,596 sq. ft.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 3

Property Tax Identification Number: 04.0080210

Property Address: Vacant Land, Highway 212, Dahlgren Township, Minnesota 55322

Fee Owner: Richard M. Gorra and Amanda Gorra, Husband and Wife

Legal Description of Property to be Acquired:

Parcel 3 and TE Parcel 3, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estates to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 3, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 247,697 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 3, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 37,355 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 5

Property Tax Identification Number: 04.0090900

Property Address: 7925 Highway 212, Chaska, Minnesota 55318

Fee Owners: James M. Mieseler and Theresa M. Mieseler, Husband and Wife

Legal Description of Property to be Acquired:

Parcel 5 and TE Parcel 5, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estates to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 5, CARVER COUNTY RIGHT OF WAY PLAY NO. 31, containing 416,938 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 5, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 35,169 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 6

Property Tax Identification Number: 04.0090600

Property Address: 7410 Highway 212, Chaska, Minnesota 55318

Fee Owner: SSP Holdings, LP, a Minnesota Limited Partnership

Lender's Interest: Agstar Financial Services, FLCA

Legal Description of Property to be Acquired:

Parcel 6 and TE Parcel 6, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estates to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 6, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 1,049,640 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 6, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 59,875 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 9

Property Tax Identification Number: 04.0151120

Property Address: Vacant Land, Dahlgren Township, Minnesota 55318

Fee Owner: Maxine F. Buckentine, Widow

Legal Description of Property to be Acquired:

Parcel 9 and TE Parcel 9, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estates to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 9, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 50,929 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 9, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 757 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 10

Property Tax Identification Number: 04.0100400

Property Address: 6510 Highway 212, Chaska, Minnesota 55318

Fee Owner: Dale V. Hesse, Marital Status Unknown

Mailing Address: 6510 Highway 212, Chaska MN 55318

Legal Description of Property to be Acquired:

Parcel 10 and TE Parcel 10, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estates to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 10, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 157,063 sq. ft.

AND

A temporary easement for Highway construction purposes over TE Parcel 10, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 9,650 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 11

Property Tax Identification Number: 04.0110501

Property Address: 12575 County Road 43, Chaska, Minnesota 55318

Fee Owner: Chinmaya Mission- Twin Cities, a Minnesota Non-Profit Corporation

Lender's Interest: Bremer Bank, NA

Legal Description of Property to be Acquired:

Parcel 11, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof,
Carver County, Minnesota.

Estate to be acquired:

Fee Simple acquisition for public roadway purposes over Parcel 11, CARVER COUNTY RIGHT OF
WAY PLAT NO. 31, containing 113,376 sq. ft.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 12

Property Tax Identification Number: 04.0110300

Property Address: 6080 Highway 212, Chaska, Minnesota 55318

Fee Owners: LuAllen H. Kettner Trust and Shirley M. Kettner Trust, LuAllen H. Kettner and Shirley M. Kettner
as Trustees

Lender's Interest: Agstar Financial Services, FLCA

Legal Description of Property to be Acquired:

Parcel 12 and TE Parcel 12, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estates to be acquired:

Fee Simple acquisition for public roadway purposes over Parcel 12, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 347,258 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 12, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 3,000 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 13

Property Tax Identification Number: 04.0110210

Property Address: Vacant Land, Dahlgren Township, Minnesota 55322

Fee Owners: Thomas M. Halaychik and Deborah A. Halaychik, Husband and Wife, and Kristine M. Schrempp, Single, and Edward B. Hammers and Teresa Hammers, Husband and Wife, and Amy Hammers, Widow of Joseph R. Hammers, and Roger W. Hammers, Single, and Jeffrey L. Hammers, Single

Legal Description of Property to be Acquired:

Parcel 13 and TE Parcel 13, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estate to be acquired:

Fee Simple acquisition for public roadway purposes over Parcel 13, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 198,397 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 13, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 22,690 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 15

Property Tax Identification Number: 04.0120400

Property Address: 5610 Highway 212, Chaska, Minnesota 55318

Fee Owners: James F. Dolejsi and Patricia M. Dolejsi, Husband and Wife

Legal Description of Property to be Acquired:

TE Parcel 15, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estate to be acquired:

A temporary easement for highway construction purposes over TE Parcel 15, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 660 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 17

Property Tax Identification Number: 04.0130100

Property Address: 5435 Highway 212, Chaska, Minnesota 55318

Fee Owner: John C. Lenzen Revocable Trust, John C. Lenzen as Trustee

Legal Description of Property to be Acquired:

Parcel 17, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estate to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 17, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 3,544 sq. ft.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 24

Property Tax Identification Number: 04.0140410

Property Address: Vacant Land, Highway 212, Dahlgren Township, Minnesota

Fee Owners: John J. Heiland Revocable Trust and Joyce M. Heiland Revocable Trust, John J. Heiland and Joyce M. Heiland as Trustees

Legal Description of Property to be Acquired:

Parcel 24 and TE Parcel 24, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estates to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 24, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 335,665 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 24, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 34,631 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 26

Property Tax Identification Number: 04.0140400

Property Address: 6175 Highway 212, Chaska, Minnesota 55318

Fee Owners: Jeffrey J. Heiland and Ruth C. Heiland, Husband and Wife

Lender's Interest: CU Mortgage Services, Inc.

Legal Description of Property to be Acquired:

Parcel 26 and TE Parcel 26, CARVER COUTNY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estate to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 26, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 39,441 sq. ft.

AND

A Temporary easement for highway construction purposes over TE Parcel 26, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 10,747 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 27

Property Tax Identification Number: 04.0150900

Property Address: 6675 Highway 212, Chaska, Minnesota 55318

Fee Owner: Maxine F. Buckentine, Widow

Legal Description of Property to be Acquired:

Parcel 27 and TE Parcel 27, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estate to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 27, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 1,032,410 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 27, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 28,251 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.

US 212 Project- Dahlgren Township Reconstruction Project
(between Highway 36 and Jonathan Carver Parkway)

Project SP Number: 1013-79

Carver County Public Works Project Number: 178825

Plat Number: 31

Parcel Number: 29

Property Tax Identification Number: 04.0160600

Property Address: 7215 Highway 212, Chaska, Minnesota 55318

Fee Owners: Char A. Jeurissen, Single, and Mark A. Johnson and Jennifer L. Johnson, Husband and Wife

Lender's Interest: Bank of America, NA

Legal Description of Property to be Acquired:

Parcel 29 and TE Parcel 29, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, according to the recorded plat thereof, Carver County, Minnesota.

Estate to be Acquired:

Fee Simple acquisition for public roadway purposes over Parcel 29, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 80,517 sq. ft.

AND

A temporary easement for highway construction purposes over TE Parcel 29, CARVER COUNTY RIGHT OF WAY PLAT NO. 31, containing 9,826 sq. ft., more or less.

Said temporary easement shall expire on December 31, 2023.