



MEETING AGENDA – SEPTEMBER 03, 2019

BOARD ROOM
4000 EAST RIVER ROAD NE
ROCHESTER, MN 55906

4:00 PM

Call to Order

1. Closed Meeting

A meeting closed pursuant to Minn. Stat. 13D.05, subd. 3(b) and (c) to receive information from the city attorney and to develop or consider offers or counteroffers for the purchase or sale of real or personal property. The property being considered is a part of the S 1/2 of the NE 1/4 of S 12, T 106 N, R 14 W and a part of the S 1/2 of the NW 1/4 of S 7, T 106 N, R 13 W, involving property identification numbers 64.12.14.025975, 64.12.14.049875, 63.07.23.025663, and 64.12.14.025974.

1. Closed Meeting

2. Open Meeting

1. Authorization to Initiate Eminent Domain Proceedings

Resolution: Authorization to Initiate Eminent Domain Proceedings

3. Adjourn

The agenda and board packet for Utility Board meetings are available on-line at www.rpu.org and <http://rochestercitymn.iqm2.com/Citizens/Default.aspx>

FOR BOARD ACTION

Agenda Item # (ID # 10945)

Meeting Date: 9/3/2019

SUBJECT: Closed Meeting

PREPARED BY: Mark Kotschevar

ITEM DESCRIPTION:

A meeting closed pursuant to Minn. Stat. 13D.05, subd. 3(b) and (c) to receive information from the city attorney and to develop or consider offers or counteroffers for the purchase or sale of real or personal property. The property being considered is a part of the S 1/2 of the NE 1/4 of S 12, T 106 N, R 14 W and a part of the S 1/2 of the NW 1/4 of S 7, T 106 N, R 13 W, involving property identification numbers 64.12.14.025975, 64.12.14.049875, 63.07.23.025663, and 64.12.14.025974.

FOR BOARD ACTION

Agenda Item # (ID # 10947)

Meeting Date: 9/3/2019

SUBJECT: Authorization to Initiate Eminent Domain Proceedings

PREPARED BY: Mark Kotschevar

ITEM DESCRIPTION:

The attached resolution is prepared for the Board's consideration. This authorization allows the project to move forward should continued negotiations fail to result in a mutually acceptable agreement.

UTILITY BOARD ACTION REQUESTED:

Approve the attached resolution and request Common Council concurrence.



RESOLUTION

WHEREAS, it is necessary for the City of Rochester to acquire certain lands or interests in the area of the proposed construction of an electric substation in southeast Rochester; and,

WHEREAS, the lands which it is necessary for the City to acquire for construction and operation of the City's proposed electric substation and related facilities are those which are described on Exhibit A which is attached hereto:

WHEREAS, the right of title and possession of the lands or interests in lands necessary for the project must be acquired by the City in order to construct the electric substation project; and,

WHEREAS, it may not be possible that all interest or interests in lands necessary will be acquired by the City through a process of voluntary negotiation with the several property owners; and,

WHEREAS, the electric substation project will enable the City to provide the necessary electrical service and reliability for existing and future customers, and constitutes a lawful and public purpose; and,

WHEREAS, construction of the project is anticipated to begin soon and therefore acquisition of such property is needed as soon as is legally possible.

NOW, THEREFORE, BE IT RESOLVED by the Utility Board of the City of Rochester that the City negotiate and acquire the needed real estate for costs approved by the Board.

BE IT FURTHER RESOLVED that, with the concurrence of the City Council, the City Attorney is authorized and directed, at the request of the General Manager, to initiate, in the name of the City of Rochester, appropriate proceedings pursuant to Minnesota Statutes, Chapter 117, including the 90-day "quick take" proceeding, in order to acquire any interest or interests in lands necessary which cannot be otherwise obtained voluntarily, needed to facilitate the construction of the electric substation.

Passed by the Public Utility Board of the City of Rochester, Minnesota, this 3rd day of September, 2019.

President

Secretary

EXHIBIT A

Cane Parcel

That part of the North 341 feet of the North 341 feet of the East 1043 feet of the South half of the Northeast Quarter, Section 12, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows: Commencing at the Northeast corner of said South one half; thence South 89 degrees 46 minutes 55 seconds West, assumed bearing, along the North line of said South half, 50.00 feet to the point of beginning; thence South 89 degrees 46 minutes 55 seconds West, along said North line, 450.00 feet; thence South 00 degrees 09 minutes 35 seconds East, parallel with and 500 feet West of the East line of said South one half, 70.00 feet; thence North 89 degrees 46 minutes 55 seconds East, parallel with and 70.00 feet South of the North line of said South half, 415.26 feet; thence South 28 degrees 20 minutes 16 seconds East, 131.25 feet; thence North 08 degrees 29 minutes 58 seconds West, 187.72 feet to the point of beginning. Containing 0.79 acres, more or less.

And also: The East 500.00 feet of the North 679.20 feet of the South one-half of the Northeast Quarter of Section 12, Township 106 North, Range 14 West, Olmsted County, Minnesota, except that part described as follows:

Beginning at the northeast corner of said South one-half; thence North 89 degrees 56 minutes 31 seconds West, assumed bearing, along the north line of said South one-half, 500.00 feet; thence South 00 degrees 06 minutes 59 seconds West, parallel with and 500.00 feet west of the east line of said South one-half, 70.00 feet; thence South 89 degrees 56 minutes 31 seconds East, parallel with and 70.00 feet south of the north line of said South one-half, 415.26 feet; thence South 28 degrees 03 minutes 42 seconds East, 131.25 feet; thence South 08 degrees 13 minutes 24 seconds East, 157.00 feet to the east line of said South one-half; thence North 00 degrees 06 minutes 59 seconds West along said east line, 341.13 feet to the point of beginning.

Also except the following described property: Commencing at the northeast corner of said South one-half; thence South 00 degrees 06 minutes 59 seconds West, assumed bearing, along the east line of said Northeast Quarter, 341.13 feet for a point of beginning; thence continue South 00 degrees 06 minutes 59 seconds West along said east line, 81.20 feet to the north line of Block 1, VILLA PLACE (the next two courses are along the north and northwesterly sides of Block 1); thence North 89 degrees 55 minutes 02 seconds West, 100.58 feet; thence South 40 degrees 29 minutes 05 seconds West, 150.41 feet; thence North 00 degrees 06 minutes 59 seconds East, 196.33 feet; thence South 89 degrees 44 minutes 49 seconds East, 198.00 feet to the point of beginning.

Also except: All that part of VILLA PLACE, Rochester, Minnesota, which lies westerly of the east line of the Northeast Quarter of said Section 12.

Containing in all, 5.27 acres, more or less.

Karey Parcel

A part of the North 341 feet of the South one half of the Northwest Quarter, Section 7, Township 106 North, Range 13 West, Olmsted County, Minnesota, lying West of the center line of T.H. 52, described as follows: Beginning at the Northwest corner of said South half; thence South 00 degrees 09 minutes 35

seconds, East, assumed bearing, along the West line of said South Half 185.84 feet; thence North 89 degrees 58 minutes 37 seconds East 232.00 feet to the centerline of T.H. 52; thence Northwesterly, 212.44 feet, along a nontangential curve, concave to the East, having a radius of 4583.66, central angle of 02 degrees 39 minutes 20 seconds, and chord bears North 29 degrees 01 minutes 23 seconds West, 212.42 feet to the North line of said South Half; thence due West, 129.46 feet to the point of beginning, being subject to a 75.00 foot easement for T.H. 52 right of way over the Easterly boundary thereof and subject to a driveway easement for ingress and egress over the Southerly 50.00 feet thereof. Containing 0.77 acres more or less.

Also, those parts of the North 341 feet of the East 1043 feet of the South Half of the Northeast Quarter, Section 12, Township 106 North, Range 14 West, Olmsted County, Minnesota, described as follows: Beginning at the Northeast corner of said South Half; thence South 00 degrees 09 minutes 35 seconds East, assumed bearing, along the East line of said South Half, 185.84 feet; thence South 89 degrees 58 minutes 37 seconds West, 22.76 feet; thence North 08 degrees 29 minutes 58 seconds West, 187.72 feet, to the North line of said South Half; thence North 89 degrees 46 minutes 55 seconds East, along the North line, 50.00 feet to the point of beginning, subject to a driveway easement for ingress and egress over the Southerly 50.00 feet thereof. Containing 0.15 acres more or less.