

# Memo

**To:** Honorable Mayor and City Council  
**From:** Joe Kohlmann, City Administrator  
**Date:** April 22<sup>nd</sup>, 2014  
**Re:** Three Rivers Park Resolution

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Three Rivers Park District has sent us the following Resolution to go along with the Agreement that we passed last meeting.

The attached resolution essentially provides support for acquiring private property to finish the bridge project.

**Recommended Action:**  
Adopt the Attached Resolution.

## Joe Kohlmann

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**From:** Alex Meyer <AMeyer@threeriversparkdistrict.org>  
**Sent:** Tuesday, April 15, 2014 12:04 PM  
**To:** Joe Kohlmann (jkohlmann@cityoftonkabay.net)  
**Subject:** Final Copy of Resolution  
**Attachments:** 20140415\_ Tonka Bay Res of Support for Easements\_final copy.pdf

Joe,

Attached is the Resolution that was to go with the cooperative agreement. No commitment from J&L Development yet, we did stake out the property lines so they can see exactly where HCRRA property line is and how it impacts their operations. Have not heard back from them, when I met Todd onsite to review surveyed lines he mentioned that he was emailing attorney that day but the attorney was not due back from Florida until May 1<sup>st</sup>.

Can you make three copies of Cooperative Agreement and three copies of this Resolution for signature. I could pick-up them up Wednesday after your council meeting and get them sign by our Board Chair and Superintendent at our next Board Meeting on April 24<sup>th</sup>.  
Call with any questions. Thanks.

Alex Meyer, PLA  
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Design Department  
Three Rivers Park District  
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Plymouth, MN 55441-1299  
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**RESOLUTION NO. 14-09**

**A RESOLUTION OF SUPPORT FOR THE ACQUISITION OF THE  
LAKE MINNETONKA REGIONAL TRAIL COUNTY ROAD 19  
GRADE SEPARATED CROSSING IN THE CITY OF TONKA BAY**

WHEREAS, the City of Tonka Bay (City) supports the Park District's efforts to design and construct a new Lake Minnetonka Regional Trail grade separated crossing of County Road 19 ('Project'); and

WHEREAS, the City entered into a Cooperative Agreement ('Agreement') for the Project with the Park District on April 8, 2014; and

WHEREAS, the Agreement requires the Park District to acquire at Park District cost non-public property rights as may be necessary to safely and effectively construct the Project where achievable through direct purchase; and

WHEREAS, the Agreement requires the City to approve acquisition by Park District of said property rights and approve condemnation of property rights if Park District is unable to acquire property through direct purchase; and

WHEREAS, at this time it is necessary to acquire temporary construction easements from a total of two (2) private property owners in order to safely and effectively construct the Project; and

WHEREAS, the Park District is actively negotiating with the property owners with the intent to acquire property rights for the property described below through direct purchase:

**Temporary Construction Easements**

Location	Description
5425 MANITOU ROAD PID: 33-117-23-12-0001 & 33-117-23-12-0006	16,153 square feet for a twelve (12) month easement term commencing no sooner than July 1, 2014 and terminating no later than July 30, 2015.
PID: 33-117-23-12-0001	1,330 square feet for a twelve (12) month easement term commencing no sooner than July 1, 2014 and terminating no later than July 30, 2015.
5420 MANITOU ROAD PID: 33-117-23-12-0048	5,792 square feet from July 1, 2014 and terminating no later than November 20, 2015. This easement is for construction staging purposes.
PID: 33-117-23-12-0050	3340 square feet from July 1, 2014 and terminating no later than November 30, 2015. This easement is for the temporary trail detour route.

WHEREAS, failure to secure property rights for the aforementioned property jeopardizes the availability of a \$1.04 Million Federal Transportation Enhancement Grant and ultimately the ability of the Park District to construct the Project; and

WHEREAS, the City continues to support the Park District efforts to design, construct, operate, and maintain the regional trail and associated structures and acquire any necessary property rights to do so; and

NOW, THEREFORE, BE IT RESOLVED, that the City, in accordance with Minn. Stat. § 398.09 subd. b1, approves the direct purchase of the aforementioned property by the Park District for the Lake Minnetonka Regional Trail County Road 19 Grade Separated Crossing and approves condemnation of property rights described in this resolution if direct purchase is not successful.

PASSED at a regular meeting of the Tonka Bay City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Motion introduced by \_\_\_\_\_ and seconded by \_\_\_\_\_.

Roll Call Vote: Ayes –  
Nays –  
Absent –

\_\_\_\_\_  
Gerry De La Vega, Mayor

ATTEST:

\_\_\_\_\_  
Joseph Kohlmann, Clerk/Administrator