



**Jess Greenwood, P.E.**  
Public Works Director / County Engineer  
Goodhue County Public Works Department

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2140 Pioneer Road  
Red Wing, MN 55066  
Office (651) 385-3025

TO: Honorable County Commissioners  
Scott Arneson, County Administrator

FROM: Jess Greenwood, Public Works Director / County Engineer

RE: 06 Jun 2023 County Board Meeting – **CONSENT AGENDA**  
**Eminent Domain - CSAH 1 Grading Contract – S.A.P. 025-601-038**

Date: 31 May 2023

### Summary

It is requested that the Board approve the use of eminent domain proceedings to secure the final Right of Way needed for the CSAH 1 Grading Project scheduled to be bid later this year.

### Background

S.A.P. 025-601-038 consists of the grading of CSAH 1 (100<sup>th</sup> Ave.) from CSAH 9 to CSAH 1. The new right of way required for the project has been secured through negotiations with all of the parcel owners except for two parcels. Staff has determined that the time has come to recommend that the County request District Court approval to secure the final parcels to maintain the construction schedule.

By authorizing Public Works to commence with eminent domain proceedings, it does not mean that negotiations will end. Staff will continue to meet with one of the landowners and to determine ownership of the second parcel, with the goal of reaching a mutually acceptable settlements. Ideally, there would be no outstanding parcel that would require the Court's involvement by the time project work commences. However, due to the time it is taking for the negotiations between Public Works and the one landowner and determining the landowners of the second parcel, staff feels that the eminent domain process needs to begin so that the County has possession in time for the construction season.

### Alternatives

- Authorize Public Works to begin the eminent domain proceedings for S.A.P. 025-601-038.
- Delay authorization to begin the eminent domain proceedings and delay the start of this grading project until next year.
- Declare that Eminent Domain will not be used. This action could cause this project to not be started this year and could potentially stop the project as a whole.

### Recommendations

It is recommended that the County Board pass the attached resolution authorizing the commencement of eminent domain proceedings to obtain the two unacquired parcels of land needed for the construction of S.A.P. 025-601-038, with those eminent domain proceedings to include provisions of early possession or "quick take" by Goodhue County.

*"To effectively promote the safety, health, and well-being of our residents"*

**BOARD OF COUNTY COMMISSIONERS  
GOODHUE COUNTY, MINNESOTA**

06 Jun 2023

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WHEREAS, the construction of CSAH 1 (100<sup>th</sup> Ave.) from CSAH 9 to CSAH 1 through S.A.P. 025-601-038, is part of the approved Goodhue County Five-Year Construction Plan; and

WHEREAS, the process for acquiring necessary right of way land for the project has been underway for over a year; and

WHEREAS, the County needs possession of this right of way before the construction of S.A.P. 025-601-038 can begin.

NOW, THEREFORE, BE IT RESOLVED, that the Goodhue County Board of Commissioners authorizes the Public Works Director and the County Attorney to begin eminent domain proceedings, at the appropriate time, against unacquired parcels of land needed for the construction of S.A.P. 025-601-038, with those eminent domain proceedings to include provisions of early possession or ‘quick take’ by Goodhue County.

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State of Minnesota  
County of Goodhue

Flanders	Yes	___	No	___
Anderson	Yes	___	No	___
Betcher	Yes	___	No	___
Majerus	Yes	___	No	___
Greseth	Yes	___	No	___

I, Scott Arneson, duly appointed, qualified, and County Administrator of the County of Goodhue, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Goodhue County, Minnesota at their session held on the 6th day of June, 2023, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Red Wing, Minnesota this 6th day of June, 2023.

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Scott Arneson  
County Administrator