

# REPORT / RECOMMENDATION



**To:** Members of the Edina Housing & Redevelopment Authority **Agenda Item #:** HRA V.

**From:** Bill Neuendorf *Bill Neuendorf*  
Economic Development Manager

**Action**   
**Discussion**   
**Information**

**Date:** September 17, 2013

**Subject:** Resolution No. 2013-13, Authorizing the Acquisition of a Fee Simple Interest in Property Located at 3944 West 49-1/2 Street

## Action Requested:

Adopt Resolution.

## Information / Background:

After many years in business, the owners have retired and closed the Hooten Dry Cleaning business located at 3944 West 49-1/2 Street. This site is located immediately adjacent to the North Parking Ramp that provides public parking for the employees and customers located at the 50<sup>th</sup> and France Business District.

City staff has been in contact with the property owners for several months as they contemplated closing the business. Efforts to acquire the property through a negotiated sale have not been successful.

The Housing and Redevelopment Authority (HRA) intends to use its condemnation authority to acquire the site while the building is without active businesses. The acquisition will allow the City /HRA to expand public parking options for the business district. The first floor of the expanded parking ramp may also include space for future municipal liquor operations.

This authorization is requested after the owners and other interested parties have had an opportunity to voice their opinions in a Public Hearing.

## Attachments:

HRA Resolution No. 2013-13

**HRA RESOLUTION NO. 2013-13**

**AUTHORIZING THE ACQUISITION OF A FEE SIMPLE INTEREST  
IN PROPERTY LOCATED AT 3944 WEST 49-1/2 STREET**

WHEREAS, the Housing and Redevelopment Authority of Edina, Minnesota (the "HRA"), owns and operates an off-street parking facility known as the North Parking Ramp at 3936-3940 West 49-1/2 Street ("North Parking Ramp") to provide public parking in the 50<sup>th</sup> and France business district;

WHEREAS, the City of Edina ("City") and the HRA have studied the parking availability for the 50<sup>th</sup> and France business district and have determined that additional public parking is needed to support the continued success of this district;

WHEREAS, the HRA has determined that expansion of the North Parking Ramp is necessary to provide additional public parking;

WHEREAS, the HRA has determined that acquisition of a fee simple interest in the single story building located at 3944 West 49-1/2 Street, immediately west of the North Parking Ramp, is necessary to expand the North Parking Ramp to provide additional public parking;

WHEREAS, the business owners have closed the business formerly operated at 3944 West 49-1/2 Street;

WHEREAS, the City owns and operates a municipal liquor store at 3943 West 50<sup>th</sup> Street and has further determined that it may be necessary in the future to relocate said liquor store to a new location within the 50<sup>th</sup> and France business district;

WHEREAS, a portion of the property at 3944 West 49-1/2 Street could be used to relocate the municipal liquor store currently located at 3943 West 50<sup>th</sup> Street, while still using the remainder of the 3944 West 49-1/2 Street site for expansion of the North Parking Ramp;

WHEREAS the City and HRA have been negotiating with the owners of 3944 West 49-1/2 Street property to acquire a fee simple interest in said property and to date have not entered into an agreement to acquire said property;

WHEREAS, in order to construct the expansion of the North Parking Ramp and to have a site available for the possible relocation of the Edina municipal liquor store currently located at 3943 West 50<sup>th</sup> Street, it will be necessary to procure the 3944 West 49-1/2 Street property through the right of eminent domain; and

WHEREAS, the construction of the expansion of the North Parking Ramp makes it necessary for the City and HRA to acquire the 3944 West 49-1/2 Street property as soon as possible, and no later than April 1, 2014, and in order to construct such improvements on a timely basis it will be necessary to procure the

required property interest through a "quick take" condemnation action, pursuant to Minnesota Statutes, Section 117.042;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HRA, that in order to expand the North Parking Ramp and obtain a site for the possible relocation of the municipal liquor store, the HRA proceed to acquire the required fee simple interest in the property located at 3944 West 49-1/2 Street under its power of eminent domain and pursuant to Minnesota Statutes, Section 117.042, having first fulfilled the requirements of Minnesota Statutes, Section 117.036 and all other necessary requirements for the exercise of eminent domain power; and that the attorneys for the HRA be instructed and directed to advise and assist the HRA with regard to fulfilling any necessary legal conditions for the initiation of an eminent domain action, and to file the necessary petition or petitions therefore and to prosecute such action or actions to a successful conclusion, or until it is abandoned, dismissed or terminated by the HRA or the Court; and that the attorneys for the HRA and the Commissioners, employees and agents of the HRA do all things necessary to be done in the commencement, prosecution and successful termination of such eminent domain proceedings;

BE IT FURTHER RESOLVED, that it is hereby found and declared that the acquisition of a fee simple interest in the property located at 3944 West 49-1/2 Street by the HRA under its power of eminent domain is necessary to expand the North Parking Ramp and to obtain a site for possible relocation of the municipal liquor store.

Dated: September 17, 2013.

Attest: \_\_\_\_\_  
Ann Swenson, Secretary

\_\_\_\_\_ James B. Hovland, Chair

STATE OF MINNESOTA)  
COUNTY OF HENNEPIN) SS  
CITY OF EDINA )

CERTIFICATE OF EXECUTIVE DIRECTOR

I, the undersigned duly appointed and acting Executive Director for the Edina Housing and Redevelopment Authority do hereby certify that the attached and foregoing Resolution is a true and correct copy of the Resolution duly adopted by the Edina Housing and Redevelopment Authority at its Regular Meeting of September 17, 2013, and as recorded in the Minutes of said Regular Meeting.

WITNESS my hand and seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Executive Director