

Agenda Item: 8.b.

MEMORANDUM TO: Programs, Projects & Operations Subcommittee

SUBJECT: Elk Creek Emergency Watershed Project / Right-of-Way Acquisition

DATE: March 4, 2013

FROM: Dick Sklenar

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Last year the Natural Resources Conservation Service (NRCS) allocated \$750,000 from their Emergency Watershed Protection Program to remediate damage to the Elk Creek levee system in Dakota County that suffered extensive damage as a result of the Missouri River Flood of 2011. The District then complemented that amount with an additional allotment of \$250,000, for a total of \$1 million. The work to initiate repair of the levee system on the east bank is expected to commence this spring. The project entails moving the entire levee system 50 feet to the east, and away from the creek channel.

The District's staff and the NRCS have previously met with the landowners about the project. All were in agreement that something needed to be done. Survey work for additional right-of-way and appraisals were then completed during the past 60 days. The acquisition from landowners amounts to purchasing fee title for a 50 foot wide strip of land (adjacent to the existing levee), with an additional 50 foot wide strip for a temporary construction easement. In recent weeks, the appraised amount was offered to the owners of Tracts #1, #2, #3 and #4 (see attached map). All have accepted the appraised amount offered and have executed the purchase agreement.

As of this writing, the District staff has yet to meet with the owner of Tract #5 (Roost). As a businessman, he is out of town frequently. The staff is hopeful that the appraised amount for the right-of-way is acceptable to the owner.

A summary of the appraised amounts and acres to be acquired are as follows:

| <u>Name / Tract</u> | <u>Fee Title</u> | <u>Temp. Easement</u> | <u>Total Compensation</u> |
|---------------------|------------------|-----------------------|---------------------------|
| Nelson / #1         | 1.52 ac.         | 1.59 ac.              | \$21,967.00               |
| Knudsen / #2        | 1.70 ac.         | 1.98 ac.              | \$27,834.00               |
| Albrecht / #3       | 3.18 ac.         | 3.17 ac.              | \$48,503.00               |
| Mari / #4           | 1.53 ac.         | 3.37 ac.              | \$27,951.00               |
| Roost / #5          | 5.31 ac.         | 5.31 ac.              | \$75,933.00               |
| <b>TOTALS</b>       | <b>13.24 ac.</b> | <b>15.42 ac.</b>      | <b>\$202,188.00</b>       |

**It is recommended that the Subcommittee recommend to the Board of Directors that the appraised amounts of \$21,967.00 for Tract #1 (Nelson), \$27,834.00 for Tract #2 (Knudsen), \$48,503.00 for Tract #3 (Albrecht), \$27,951.00 for Tract #4 (Mari), and \$75,933.00 for Tract #5 (Roost) be approved for the Elk Creek Emergency Watershed Project, that the General Manager be authorized to execute the purchase agreements and any related documents in the acquisition of the five before mentioned tracts for the Elk Creek Emergency Watershed Project, and that Account # 01-04-360-4430 (Elk/Pigeon Cr. Drainage Project-Land Rights) be allowed to exceed 110% of the budgeted amount of \$35,000.**

