

Anoka County Highway Dept – Frequently Asked Questions

Who are the project contacts and how can they be contacted?

The project manager is Curt Kobilarcsik, Engineering Program Manager at Anoka County. He can be reached by telephone at 763-862-4223, or by e-mail at curt.kobilarcsik@co.anoka.mn.us.

The property acquisitions contact is Mike Kelly, Chief Right of Way Agent for Anoka County. He can be reached by telephone at 763-323-5521, or by e-mail at mike.kelly@co.anoka.mn.us.

The environmental document contact is Jack Corkle, Senior Transportation Planner for Anoka County. She can be reached by telephone at 763-862-4219, or by e-mail at jack.corkle@co.anoka.mn.us.

Where can I find information on the project?

Additional information can be found on the Anoka County Website. The link to the project is the following: <http://www.tkda.com/anoka/csa52-csa116.htm>. This Website includes a project description, the most current project layout, public comments and responses for the three Public Open Houses, and contact information.

What is the status of the project?

There are four separate activities concurrently taking place on this project: the engineering plan preparation, environmental review document, project approvals, and right of way acquisition. Current status of the activities are noted below:

- Construction plans are being finalized and coordinated with the Minnesota Department of Transportation (Mn/DOT) for final approval. Final plan approval expected by the end of August, 2009.

- The Environmental Assessment (EA) document is being reviewed by the Federal Highway Administration (FHWA) and Mn/DOT. Once their review is complete, it will be distributed to the public for review and comment. We anticipate this to occur in early July, 2009. Approval of this document is expected in August, 2009.

- Project Approvals: The city of Blaine and Anoka County have a signed Memorandum of Understanding (MOU). The Joint Powers Agreement between the City of Blaine and Anoka County is an agenda item at the June 18th City Council Meeting.

-Property acquisitions: Appraisals have been completed. Offer letters have been sent out to property owners that the county needs to purchase property from. The property required for the proposed project is in negotiations between the county and the impacted property owners. So far, 24 of the 61 parcels impacted by this project have settled with the county. You may have also seen several garage reconfigurations and driveway removals that have taken place.

-Construction Schedule: The project is scheduled for construction to begin late this fall or next spring and extend through 2010 and into 2011.

Why has this project taken so long? I thought it should have been under construction by now?

One of the environmental review issues under evaluation is the issue of noise impacts. Because there are federal highway funds paying for a portion of this project, the Federal Highway Administration (FHWA) has review and approval authority over this project. The FHWA has recently revised its assessment and determination of how noise is to be studied, evaluated and mitigated. Unfortunately for the steady progress of this project, this new assessment and determination is still a work in progress and the review and approval for this aspect of the project has been delayed. Anoka County has worked diligently with the FHWA and Mn/DOT to ensure that noise impacts are correctly modeled, analyzed, and if required, mitigated on this project. This effort is now coming to completion so we are now able to complete the environmental document, construction plans and right of way acquisition.

What is the purpose of the project and how is the new roadway safer for drivers and adjacent property owners?

The new roadway provides many safety enhancements from the existing roadway, including dedicated right- and left-turn lanes, shoulders, center concrete median, curb and gutter, ditch removal, and increased sight distance through the curves. These changes are statistically proven to reduce crashes, including drivers running off the roadway, thus making it safer for both drivers and adjacent property owners. There is also a trail included in the project which will increase safety for pedestrians and bicyclists.

Why does the new roadway need to be four lanes wide?

Existing traffic volumes are currently at the threshold where a four-lane highway is required. In addition, traffic studies indicate a substantial increase in traffic volumes in the future and thus the roadway demands additional lanes to accommodate the increased number of vehicles. The additional lanes are also a safety improvement as they provide the space for gaps in traffic, increase the sight distance through the curves, and allow space for vehicles to pass a vehicle disabled along the roadway. In addition, while the

new signal at Quail Creek Parkway/129th Ave provides for safe access onto Radisson Road, the signal causes additional delays in mainline traffic, furthering the need for additional traffic lanes.

But, won't adding lanes cause more traffic on Radisson Road?

No. As you have probably already noticed, the traffic volumes on Radisson Road have steadily increased through the years on the existing two-lane road and this trend will continue regardless of doing the improvement or not.

Who has been contacted about the project?

All residents within ½ mile of the project have been sent postcards notifying them of all public open house meetings. In addition to these general mailings, property owners that abut the highway are contacted directly as follows:

- The county engineering group contacts property owners with significant property impacts or driveway revisions.
- The county right of way group contacts property owners whose land is being acquired for the project.
- The appraiser hired by the county contacts property owners to begin the property valuation process.

Who has not been contacted about the project?

Residents whose property is not being acquired for the project will not get contacted as noted above with the exception of the invitation to public open house meetings.

In addition, if a resident hires an attorney to handle the real estate transaction on behalf of the property owners, it is legal protocol that the County Attorney's office coordinates directly with the property owner's attorney. The property owner is not contacted directly as all correspondence goes through the attorneys.

What is the policy for removing existing fences located outside the existing right-of-way, but may be impacted by the construction?

This is typically an item that the right of way agent will discuss with the resident. The county pays for the relocation of the fence. The property owner obtains two competitive bids for a new fence and hires a contractor. Upon satisfactory completion, the property owner sends the invoice to the county for payment. The work is not performed by the

county's contractor for the project. We handle this work in this manner so that a fencing contractor performs this work and not our heavy/highway contractor.

What if I need a fence up at all times because I run a daycare or have pets?

There may be two fence relocations if the property owner needs to maintain a fenced in property during construction. A temporary fence can be constructed before the existing fence is taken down and the new fence erected. This should be discussed with the right of way agent handling your property acquisition.

Can I upgrade my replacement fence?

Yes. The county pays for the cost to relocate the existing fence, however, the property owner can pay the additional cost to upgrade to a fence of their choice.

What is the policy for removal of existing sprinkler systems located outside the existing right of way?

See "Fences" above.

What happens if my fence or sprinkler system is currently within the county's right-of-way?

The owner will be responsible for the relocation of their fence off the roadway right of way.

If the sprinkler system is not removed prior to excavation activity, the sprinkler system will be cut and capped at the right of way line by the county contractor. The homeowner will be responsible for the cost and additional modifications to relocate the sprinkler system.

If the county is buying additional right-of-way, the homeowner may negotiate how this work is performed/compensated as part of the overall right-of-way settlement with the county.

Why does the county allow me only one driveway access?

In the interest of public safety, it is county policy to allow only one driveway per residential lot onto a county highway. Each additional driveway along the roadway corridor is an additional conflict point for drivers and increases the risk of a crash. If

needed, a turn-around may be constructed to allow the property owner to turn their vehicle around before entering the roadway.

How is it determined which trees will be removed for the project and will I be compensated for their removal?

All trees and other obstructions will be removed if they are in the highway right-of-way. These trees are removed for utility placement, snow storage, drainage, signage, and public safety (clear zones, sight lines). Trees inside the existing right-of-way (located on county property) will be removed with no compensation to residents. However, the property owner may have these trees relocated prior to construction, at their expense with proper approvals.

Trees inside the proposed right-of-way (that were purchased by the county) will be removed and homeowners are compensated for this tree removal.

Trees outside the proposed right-of-way, but within the construction limits and temporary easement may also need to be removed. Homeowners are compensated for the removal of the trees. If the homeowner requests that an impacted tree at the edge of the construction limits be left in place, the tree may be left in place but the homeowner accepts all future responsibility if the tree dies and needs to be removed as the county has already compensated the property owner for this tree removal.

Enclosed with this FAQ is a drawing that helps to show these various conditions.

How are trees valued?

Tree valuation is very complex. For this reason, Anoka County specifically identifies the amount of the damages for the taking of the tree(s) on the appraisal summary sheet to make it clear to the property owner. Eminent domain and case law has established that the amount of money due to a property owner is the difference between its market value before the taking and the value after the taking. In other words how much less would a prospective buyer want to pay for fewer trees if he/she knew about the original property? Or, how much less would the property owner be willing to take for the absence of the trees?

Generally, trees that are deliberately planted as part of an overall landscape plan that was designed to benefit the primary structure on the property have considerably more value than trees that are growing on a volunteer basis well away from the home. Anoka County has always asked its appraisers to carefully consider these differences. Unless providing some specific benefit, trees are likely to be valued by the appraiser as part of the lot and wooded lots will be used as comparables to the land value. Individual, well located trees that provide a benefit are more important and are handled differently. Many appraisers want to utilize one of the common tree valuation formulae that are “out there.” These,

unfortunately, do not meet the requirement of the “before and after” market value process used in eminent domain proceedings.

Will the county transplant the trees that need to be removed for the project?

No. However, the property owner may use funds from their overall property acquisition settlement to have trees transplanted.

How are the locations of the right-of-way and temporary easements set for the project?

Right-of-way is a permanent property acquisition needed for the final roadway width. The total right-of-way width used by the county for a typical project with four travel lanes, center median, and a trail is typically in the range of 120 – 140 feet. This allows enough room for project signage, snow storage during winter months, utilities, and a clear zone for driver safety. This right of way is parallel to the new roadway.

A temporary easement is a temporary property acquisition needed only during construction usually to properly blend the new construction into the existing topography. This easement guarantees the county access to the property during construction for areas outside of the right-of-way. The property owner is compensated for “renting” this land to the county for the purpose of constructing the roadway and for the establishment of grass. An easement end date of typically one year after construction is used to guarantee establishment of the grass.

How does the new roadway impact property values?

Valuation studies have shown that property values may either be increased or decreased as the result of a highway project.

In general, all properties show an increase in value due to new highways which decrease accidents, reduce commuter travel time, and enhance access. Individual properties are visually enhanced due to new pavement, trails, sidewalks, ponding, etc.

Properties can also potentially experience a loss in value as a result of a highway project due to a number of factors including loss of real estate, landscaping, trees, and privacy. Property owners are compensated for these value losses through the appraisal process.

Finally, if no improvement is made to this roadway and it continues to become more congested, dangerous, and noisy, adjacent properties will be negatively impacted as well.

What if I disagree with the county's appraised offer for my property?

You have a right to have a second opinion done by your own appraiser and the county will pay for it up to \$1,500 for an appraisal on single-family and two-family residential property and up to \$5,000 for other types of property.

What are the steps needed to have a second appraisal?

The property owner can select any certified appraiser and contract with them for the work. At the time the appraisal is completed, the property owner should read it carefully to be sure it reflects his/her desires and then submit the invoice and proof of payment to the county for reimbursement. If reimbursement is requested, a copy of the appraisal must be given to the county.

Does the county provide references for a property owner's appraisal?

To keep the process open and to ensure the property owner has an independent appraisal, the county does not provide a recommendation.

What happens if I don't agree with the county appraisal and would like to use my own appraisal?

The county's appraisal was prepared by a state licensed, appropriately certified appraiser. According to state and federal requirements, it was then submitted to a second such appraiser for review. The county has a high level of confidence in its appraisals, but each appraiser has his/her own levels of expertise and personal experiences, so Anoka County is always willing to listen to a differing opinion. The property owner can contest any position he/she wants, regardless of the results of either appraisal. As with any real estate transaction, the County and property owner can negotiate an appropriate settlement. In the event no agreement can be reached, then there is an informal hearing before three commissioners, appointed by a District Court Judge, who are knowledgeable in real estate values. At this hearing both the county and the landowner present evidence concerning the value (damages) of the property taken. If either party is dissatisfied with an award made by the three commissioners, that decision can be appealed to District Court for either a court or jury trial.

What happens if my appraisal is lower?

Anoka County would not reduce its offer. The homeowner can elect to show the new appraisal with Anoka County, or not. To be reimbursed for the cost of the appraisal, a copy must be submitted to the county.

Who receives the settlement funds?

If the property owner does not have a mortgage or other liens, they receive the funds. Otherwise, it depends on the language in individual mortgages. Virtually all mortgages contain some clause that specifically describes what will happen to the proceeds from eminent domain actions. These terms were agreed to by the property owner when they signed their mortgage and Anoka County must abide by these agreements. The property owner is free to contact his/her mortgager and discuss a different agreement, but Anoka County is not a party to the agreement and has no standing to discuss any changes.

How do I find out what other property owners have received as settlements?

The Data Privacy Act does not allow us to disclose terms of other agreements. The best source to find settlement details for other property owners would be to contact them directly and ask if they are willing to share details of their settlement.

What is the procedure for determining where noise walls are eligible?

The proposed project received federal funding from a regional grant. When a project receives federal funding, there are specific issues that have to be studied – noise is one of those issues. There are federal rules on how noise is studied.

The process includes measuring and collecting existing noise levels at specific points along the corridor. These sound readings are then entered into an approved noise model. The noise model takes into account existing topography, roadway characteristics (speed, type of roadway surface, mix of vehicles, number of vehicles, etc.), proximity to residential units and roadway design. Noise values are then assigned to all of the homes along the corridor.

A future noise model is also developed which takes into account future traffic volumes, new roadway design, and any locational changes (did the roadway move closer to a home, did the roadway drop in elevation, etc.). Once again, noise values are then assigned to all of the homes along the corridor.

If the noise values reach a certain threshold – 69 decibels – the county is required to analyze whether or not a noise barrier is cost-effective. In order to be considered cost-effective, the noise barrier must reduce the sound by at least five decibels and cost less than \$3,250 per decibel reduced per house.

The modeling completed for the corridors showed that a noise wall would be cost-effective for a short segment between 127th and Quail Creek Parkway on the east side of Radisson Road. Residents in the area were informed of the location and asked for their input on whether or not they desired a noise barrier. The City of Blaine was informed of the cost-effectiveness and the resident input. The Blaine City Council needs to make a

formal resolution indicating whether or not they support construction of a noise barrier in this location. If the residents and the city agree that a noise barrier should be constructed, it will be included as part of the project.

If property owners want a sound wall, but the area did not meet the guidelines for getting one installed, can they have one installed at their own expense? Will the county put it in?

Presently, the county's landscape guidelines do not allow for the construction of noise barriers within 100 feet of the roadway's centerline if they are not required. Such construction would have to be initiated by the property owner or city at its expense. The county will not install a noise barrier that is not required as part of the project.

Since engineered noise walls are so expensive, what if I just want a very tall privacy fence installed?

The city does allow for construction of a privacy fence along county highways. That fence can be up to 10 feet high, and it is installed by the individual property owner. The property owner will have to work through the city permitting process and meet city ordinances for setbacks, etc.

FYI: The construction cost of a noise wall is approximately \$25 a square foot. The cost for an 8 ft high, 150 ft long noise wall would be \$30,000. The approximate cost of a comparable privacy fence would be \$7,500.

Can I attach my side fence to the noise wall?

Depending on the actual connection type, this may be allowed, but this would be within the County Permanent Maintenance Easement and may need to be removed when wall maintenance is necessary.

How are speed limits determined?

The proposed roadway design is required to match the existing speed limits, which have been set by state statute. After completion of the construction of the project, a speed zone study may be performed if requested by the city. It should be noted that the county does not have the authority to arbitrarily set speed limits, even on their own highways. Only the Mn/DOT Commissioner of Transportation can set the speed limits. More information regarding speed limits is found at <http://www.dot.state.mn.us/speed/SpeedFlyer2002.pdf>.

Where does the crash data come from that was used for the project?

Crash data was obtained from Minnesota Department of Public Safety records.

Is the trail required for this project?

The trail was included in the original application for federal funds and is an essential safety element on this project. If the trail is removed from the project, the \$7.15 million in federal funds received for the project could be at risk which would dramatically increase the county's and city's share of the project costs. On a related effect, without federal funds no noise walls would be required for this project.

Who decided on the location of the trail?

The location of the trail is determined by several factors including how this trail fits in with the county's Regional Trail System and the city's comprehensive plan; does the trail provide for connections to future trail systems and neighborhoods; and what are the conclusions of engineering design studies to examine impacts to properties depending on trail location.

It may seem that if the trail were moved to the east side of Radisson Road that it would lessen the impacts to properties along the west side of Radisson Road. This is not true. If the trail were moved, the entire roadway would shift to the west to balance the impacts of moving the trail. Traffic would be closer to properties along the west side, and there could be even more impacts to properties on the west side.

Because the trail is a city owned and maintained facility the city ultimately has the final decision on the location of the trail. Working with county staff and taking everything above into account, the city chose to have the trail along the west side of Radisson Road and the county concurs with the decision.

Why does the trail not hook up with the trails south of 125th Avenue?

There is a future trail connection planned to the cul-de-sac at the end of old Radisson Road, south and west of the 125th Avenue/ Radisson Rd intersection. This trail connection is in the city's Comprehensive Plan. This trail connection may be included in a future county project upgrading 125th Avenue from TH 65 to Radisson Road or as a stand alone trail project.

What is the drainage plan for rain and snow? Current ditches are not working, flooding some yards.

The proposed project will be constructed with curb and gutter, a complete storm sewer utility, and a boulevard with a trail. There will no longer be a ditch adjacent to the roadway. This will immediately decrease the amount of snow/water leaving the county roadway and going onto private property. In fact, there will be no water leaving the roadway. The curb and gutter will catch the water before it leaves the roadway. The snow will be plowed and stored on the boulevard, which when melted, drains to the curb and gutter, which drains to a stormwater pond.

If there is a history of flooding in your yard, please let the county staff know and we will work with you individually to fix the problem. For example, after hearing concerns from a resident on this project about water ponding in a low point in their yard, the county extended construction limits to include filling in the low point and sloping it to drain the water.

What happens if the Blaine City Council does not approve the project?

The county cannot proceed with the project without the approval of the city of Blaine or Ham Lake. However, the county does have an option to request a “dispute resolution” process to override lack of the city’s approval. It is the county’s desire to work cooperatively with its cities to deliver high value projects that meet the county’s needs and are sensitive to local issues.

OK, that sounds good, but how has the county been sensitive to local issues?

Before proceeding with the final design and right of way acquisition, the county asked the city of Blaine to enter into a “Memorandum of Understanding” to approve the overall project layout. Prior to signing this agreement, the city requested a traffic signal at Quail Creek Pkwy/129th Avenue, a median break for a left turn at 130th Lane, noise walls at county expense where required. The county has reviewed these issues and has complied with all of these issues.

The county has also worked with the city on adding landscaping and streetscaping elements to the plans, and sewer and water services will be constructed and made available to those residences that are currently not served by city utilities.

The county has also worked with the utility companies along the corridor to provide a best overall solution for placement of utilities along the new roadway. This included the removal of the existing overhead power poles and burying the lines underground at no cost to the county or city.

As we have proceeded with the final design and property acquisition we have strived to work directly with the impacted property owners in addressing their concerns and will continue to do so.

What are the consequences if the project doesn't happen?

First and foremost, all property acquisition required for the project will stop and be reassessed. Total buyouts would no longer be required, but the County may still want to exercise several of the partial strip takings because of the benefit to provide run-off-the-road clear zones and better sight lines regardless of performing the full project or not.

From a financial standpoint, the \$7.15 million in federal funds will be lost and this road will become ineligible for these funds in the future. Therefore, any future project may have much greater property assessments levied against them.

Whether the county performs the project or not, traffic volumes will continue to increase causing worsening levels of congestion, crashes and noise; access from local streets and private driveways will become harder and more dangerous; and many properties along this route will be devalued as a result. The county firmly believes that this project is the right improvement at the right time and will be of great benefit not only to the traveling public but adjacent neighborhoods as well.