

PUBLIC WORKS AND UTILITIES COMMITTEE

08-0648R

RESOLUTION AUTHORIZING AGREEMENT WITH THE TARGET CORPORATION FOR RIGHT-OF-WAY USE AND ACCESS TO MALL DRIVE ADJACENT TO THE TARGET STORE.

CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to enter into an agreement, a copy of which is on file in the office of the city clerk as Public Document No. \_\_\_\_\_, with Target Corporation for use of city-controlled right-of-way for required C-5 landscaping and for access control from the Target parking lot onto Mall Drive.

Approved:

Approved for presentation to council:

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
Chief Administrative Officer

Approved as to form:

Approved:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Auditor

PW&U/ATTY REA:blj 10/17/2008

STATEMENT OF PURPOSE: This resolution approves an agreement with Target Corporation for use of city right-of-way for required C-5 improvements and for access and access controls from the Target parking lot onto Mall Drive.

For many years Target has operated a Target Store on Miller Hill between Highway 53, Maple Grove Road and Haines Road. Later Mall Drive was added as a frontage road between the Target parking lot and Highway 53 and Burning Tree Road was added along the north side of their property. Target has operated under a C-5 plan since the middle 1990's.

Most recently, the acquisitions by Mn/DOT on behalf of the city for the new Miller Hill roadway reconfiguration project has resulted in the need to amend their C-5 plan, which revised plan was approved by the city council on June 19, 2008, in Resolution No. 08-0393. In order to qualify for the needed amendment it was necessary for Target to locate certain landscaping improvements within the property acquired by Mn/DOT which will be transferred to the city upon completion of the acquisition process.

Additionally and the direct subject of the agreement to be approved by this resolution, Target requested a modification of the access to its parking lot from Mall Drive. In order to prevent congestion between the parking lot and Mall Drive the city had initially retained two access driveways connecting the parking lot to Mall Drive, but Target proposed a single access point controlled by stop sign for traffic entering Mall Drive to reduce the impact on the circulation of their lot and the number of parking spaces in their lot. The city engineer was concerned with this solution because, even though not required now, future "warrants" could require that the intersection be signalized under Mn/DOT rules at substantial cost to the city. Because of concerns related to this issue, the city has been reluctant to "greenlight" Target's request for a permit from Mn/DOT to begin constructing their access from the various surrounding streets to the store.

The agreement approved by this resolution constitutes a cooperative solution to these present and future concerns. Under it, the city engineer will "greenlight" Target's state permit which will have one access to Mall Drive controlled by a stop sign. However, if the warrants which would require a signal should exist in the future, Target will agree to either construct the signal at their expense or will agree to construct the second entry to alleviate the need for the signal. If the signalization option is chosen, Target will have the option of installing the signal to the city engineer's specifications and paying the city directly to have it constructed or of having the city assess Target for it. Additionally, if the city needs all of its right-of-way for street and utility purposes, thus displacing Target's C-5 landscaping, the city may retake it. In that case the city agrees to cooperate with Target to revise the C-5 requirements to meet the C-5 objectives within the scope of what is available.