



Legislation Details (With Text)

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**File created:** 3/9/2020    **In control:** City Council

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**Title:** Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Reverend Dr. Carl Manuel, Jr., Trustee U/W of Bettie S. Echols F/B/O Courtney Nelson Davis Located at 2609 McConnell Road in Connection with the McConnell Road Sidewalk Project

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Sitemap (2609 McConnell Rd).pdf, 2. Vicinity Map (2609 McConnell Rd).pdf, 3. 20-0267 RES 2609 McConnell Rd.pdf

Date	Ver.	Action By	Action	Result
3/31/2020	1	City Council	adopt	Pass

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Reverend Dr. Carl Manuel, Jr., Trustee U/W of Bettie S. Echols F/B/O Courtney Nelson Davis Located at 2609 McConnell Road in Connection with the McConnell Road Sidewalk Project

Council Priority: Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Legal

Council District: 1

Public Hearing: NA

Advertising Date/By: NA

Contact 1 and Phone: Kenney McDowell, Ext. 4578

Contact 2 and Phone: Alan Andrews, Ext. 2320

**PURPOSE:** The City seeks to acquire a Proposed Margin Tract of 88 square feet and a Proposed Temporary Construction Easement (TCE) of 679 square feet of the property owned by Reverend Dr. Carl Manuel, Jr., Trustee U/W of Bettie S. Echols F/B/O Courtney Nelson Davis located at 2609 McConnell Road, designated as Parcel No. 21439 in the Morehead/ Gilmer Township for the McConnell Road Sidewalk Project. The Property Management Section of the Engineering and Inspections Department (PM) requests Council to authorize the initiation of condemnation proceedings because it has been unable to negotiate a purchase price with the property owner.

**BACKGROUND:** PM attempted to negotiate a purchase within the total appraised value of \$550.00 for the property. The property value was based on tax value calculations and submitted via a claim report. PM sent an initial written Offer to Purchase to the property owner on September 5, 2019. PM made several attempts to purchase the property within the appraised amount, but its efforts were not successful. Therefore, PM recommends that the City Council adopt a resolution authorizing the City Attorney to institute proceedings to condemn the required property. Following City Council’s approval, the Legal Department will send a letter to

the owner giving them at least thirty (30) days' notice of the City's intent to file an eminent domain lawsuit. After the lawsuit is filed and discovery is completed, a mediation or Commissioner's Hearing, or both, are held to try to resolve the matter with the property owner before trial. Additionally, the parties are free to continue negotiations through the date of trial.

The McConnell Road Sidewalk Project is needed to provide pedestrians with a safe walking route along McConnell Road connecting any existing sidewalks on both sides of the roadway from Arbor Drive to Beaumont Avenue.

The acquisition necessary for this property is a Proposed Margin Tract of 88 square feet and a Proposed Temporary Construction Easement (TCE) of 679 square feet of the property located at 2609 McConnell Road.

The property is zoned R-5 (Residential Single-Family 5).

City staff further recommends that the City Council authorize payment of the estimated amount of the value of the property to the Clerk of Superior Court for disbursement to the owner. This will allow the City to take possession, which is required before work for this Project can commence on the property.

**BUDGET IMPACT:** The funding for this eminent domain action is budgeted in Account Number 471-4502-15.6012 Activity #A 11171. A minimum of \$550.00 will be expended to acquire this property, in addition to any litigation costs and/or settlement agreements.

**RECOMMENDATION / ACTION REQUESTED:** City Council approval of a resolution authorizing the City Attorney to institute proceedings to condemn a portion of the property of Reverend Dr. Carl Manuel Jr., Trustee U/W of Bettie S. Echols F/B/O Courtney Nelson Davis is in connection with the McConnell Road Sidewalk Project.