



Legislation Details (With Text)

File #: ID 16-0561 **Version:** 1 **Name:**
Type: Resolution **Status:** Passed
File created: 6/17/2016 **In control:** City Council
On agenda: 6/21/2016 **Final action:** 6/21/2016
Title: Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Tuscany Homeowners Association, Inc., in Connection with the Horse Pen Creek Road Widening Project

Sponsors:

Indexes:

Code sections:

Attachments: 1. 16-0561 Resolution- Tuscany HOA

Date	Ver.	Action By	Action	Result
6/21/2016	1	City Council	adopt	Pass

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Tuscany Homeowners Association, Inc., in Connection with the Horse Pen Creek Road Widening Project

Department: Legal
Council District: 3

Public Hearing: NA
Advertising Date/By: NA

Contact 1 and Phone: Ted Kallam, Engineering Manager, ext 2883
Contact 2 and Phone: John P. Roseboro, Assistant City Attorney, ext 2320

PURPOSE

PARCEL # 0078451 - The City seeks to acquire Proposed Margin Tracts (PMT) of 3,191 square feet and 358 square feet, Proposed Permanent Slope Easements (PSE) of 2,182, and 109 square feet, a Proposed Temporary Construction Easements of 825 square feet and 1,304 square feet of the property owned by Tuscany Homeowners Association, Inc., located at 4005 Near Tuscany Lane, designated as Parcel # 0078451, in Morehead Township for the Horse Pen Creek Road Widening 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(s).

PARCEL # 0078457 - The City seeks to acquire a Proposed Margin Tract (PMT) of 678 square feet, Proposed Permanent Slope Easement (PSE) of 199 square feet, and a Proposed Temporary Construction Easement of 990 square feet of the property owned by Tuscany Homeowners Association, Inc., located at 4042 Near Tuscany Lane, designated as Parcel # 0078457, in Morehead Township for the Horse Pen Creek Road Widening 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(s).

PARCEL # 0078456 - The City seeks to acquire a Proposed Margin Tract (PMT) of 1,817 square feet, Proposed Permanent Slope Easement (PSE) of 1,466 square feet, and a Proposed Temporary Construction Easement of 1,076 square feet of the property owned by Tuscany Homeowners Association, Inc., located at 3906 Near Siena Terrace, designated as Parcel # 0078456, in Morehead Township for the Horse Pen Creek Road Widening 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(s).

BACKGROUND: The purpose of this agenda item is to amend the amount of estimated just compensation for the Tuscany Homeowners Association condemnation (Resolution No. 16-0424) from \$62,630.00 to \$142,380.00. The increased amount is the result of new appraisals that the City's appraisers performed.

The Horse Pen Creek Road Widening Project is needed to relieve the traffic congestion in that specific area. As it stands, the road is a major cut through for the traffic coming from Battleground Road and the surrounding areas. The continued growth in the area has spurred the need for a much wider road with multiple lanes and traffic control devices to be installed. The acquisition necessary for these properties are as follows:

PARCEL # 0078451 - The City seeks to acquire Proposed Margin Tracts (PMT) of 3,191 square feet and 358 square feet, Proposed Permanent Slope Easements (PSE) of 2,182, and 109 square feet, a Proposed Temporary Construction Easements of 825 square feet and 1,304 square feet of the property owned by Tuscany Homeowners Association, Inc., located at 4005 Near Tuscany Lane.

PARCEL # 0078457 - The City seeks to acquire a Proposed Margin Tract (PMT) of 678 square feet, Proposed Permanent Slope Easement (PSE) of 199 square feet, and a Proposed Temporary Construction Easement of 990 square feet of the property owned by Tuscany Homeowners Association, Inc., located at 4042 Near Tuscany Lane.

PARCEL # 0078456 - The City seeks to acquire a Proposed Margin Tract (PMT) of 1,817 square feet, Proposed Permanent Slope Easement (PSE) of 1,466 square feet, and a Proposed Temporary Construction Easement of 1,076 square feet of the property owned by Tuscany Homeowners Association, Inc., located at 3906 Near Siena Terrace.

The anticipated date for start of construction is January, 2017, with an anticipated completion date of January, 2019. The property is zoned PUD.

City staff further recommends that the City Council authorize payment of the estimated amount of the value of the properties 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 properties.

BUDGET IMPACT: The funding for this condemnation is budgeted in Account Number 471-4502-08.6012, Activity #A14074. The funding comes from the Capital Projects/ 2008 Transportation Bonds account. A minimum of \$142,380.00 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 properties of Tuscany Homeowners Association, Inc., in connection with the Horse Pen Creek Road Widening Project.