



Legislation Details (With Text)

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Title: Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Home SFR Borrower III, LLC located at 1913 Lee's Chapel Road in Connection with the Lee's Chapel Road Sidewalk Project

Sponsors:

Indexes:

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Attachments: 1. Home SFR-Secretary of State.pdf, 2. Vicinity 1433 (1913 Lees Chapel Rd).pdf, 3. Sitemap 1433 (1913 Lees Chapel Rd).pdf, 4. 18-0069 Home SFR - resolution.pdf

Date	Ver.	Action By	Action	Result
2/20/2018	1	City Council	adopt	Pass

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Home SFR Borrower III, LLC located at 1913 Lee's Chapel Road in Connection with the Lee's Chapel Road Sidewalk Project

Department: Legal
Council District: 2

Public Hearing: NA
Advertising Date/By: NA

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

PURPOSE: The City seeks to acquire a proposed Temporary Construction Easement (TCE) of 510 square feet of the property owned by Home SFR Borrower III, LLC located at 1913 Lee's Chapel Road, designated as Parcel No. 0078774 in the Morehead / Gilmer Township for the Lee's Chapel 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 \$100.00 for the property. An independent appraiser, Deborah L. Cable, Certified General Real Estate Appraiser, license # A4361, calculated and submitted the value of the property for the City. The appraiser used generally accepted appraisal methods and calculated the value based upon the nature of the taking and the square footage taken. PM sent an initial written Offer to Purchase to the property owner on July 14, 2017. 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 him 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 Lee's Chapel Road Sidewalk Project is to provide pedestrians with a safe walking route between Yanceyville Street to Brightwood School Road, on both sides, where none exist.

The acquisition necessary for this property is a proposed Temporary Construction Easement (TCE) of 510 square feet for the property located at 1913 Lee's Chapel Road.

The anticipated date for start of construction is July 2018, with an anticipated completion date of April, 2019. The property is zoned CD-RM-8 (Conditional District-Residential Multi-Family-8).

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 401-4546-01.6012 Activity #A15138. This is a federally funded project. A minimum of \$100.00 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 Home SFR Borrower III, LLC in connection with the Lee's Chapel Road Sidewalk Project.