



Legislation Details (With Text)

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Title: Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of YSM Associates of Greensboro Located at 3723 Open W. Market Street in Connection with the Holden Road Sidewalk Project

Sponsors:

Indexes:

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Attachments: 1. Vicinity 1459 (3723 Open W Market St).pdf, 2. Sitemap 1459 (3723 Open W Market St).pdf, 3. 18-0555 YSM- resolution.pdf

Date	Ver.	Action By	Action	Result
9/25/2018	1	City Council	adopt	Pass

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of YSM Associates of Greensboro Located at 3723 Open W. Market Street in Connection with the Holden Road Sidewalk Project

Department: Legal
Council District: 4

Public Hearing: NA
Advertising Date/By: NA

Contact 1 and Phone: Kenny McDowell, Engineering Director, ext. 4578
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 669 square feet of the property owned by YSM Associates of Greensboro located at 3723 Open W. Market Street, designated as Parcel No. 0061368 in the Morehead/Gilmer Township for the Holden 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 \$1,075.00 for the property. The total appraised value is based on the county tax value of the property. PM sent an initial written Offer to Purchase to the property owner on March 12, 2018. 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 Holden Road Sidewalk Project is to provide pedestrians with a safe walking route along Holden Road, connecting existing sidewalks along Holden Road from Walker Avenue to Madison Avenue.

The acquisition necessary for this property is a Proposed Temporary Construction Easement (TCE) of 669 square feet for the property located at 3723 Open W. Market Street.

The anticipated date for start of construction is January 2, 2020, with an anticipated completion date of July 2, 2021. The property is zoned GO-M (General Office-Moderate).

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 #A11171. This is a federally funded project. A minimum of \$1,075.00 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 YSM Associates of Greensboro in connection with the Holden Road Sidewalk Project.