Legislation Details (With Text)

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Title:	Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Waltrust Properties, Inc. Located at 1608 Spring Garden Street in Connection with the S. Josephine Boyd Street/ Walker Avenue Improvements Project				
Sponsors:					
Indexes:					
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Attachments:	1. Sitemap 1514 (1608 Spring Garden St).pdf, 2. Vicinity 1514 (1608 Spring Garden St).pdf, 3. Secretary of State (2).pdf, 4. 19-0299 Waltrust- resolution.pdf				

Date	Ver.	Action By	Action	Result

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Waltrust Properties, Inc. Located at 1608 Spring Garden Street in Connection with the S. Josephine Boyd Street/ Walker Avenue Improvements Project

Department: Legal
Council District: 4

Public Hearing: NA
Advertising Date/By: NA

Contact 1 and Phone: Kenny McDowell, ext. 4578
Contact 2 and Phone: John P. Roseboro, ext. 2320

PURPOSE:
The City seeks to acquire a Proposed Permanent Sidewalk Easement (PSE) of 37 square feet and a Proposed Temporary Construction Easement (TCE) of 125 square feet of the property owned by Waltrust Properties, Inc. located at 1608 Spring Garden Road, designated as Parcel No. 0011824 in the Morehead Township for the S. Josephine Boyd Street/ Walker Avenue 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 $1,675.00 for the property. An independent appraiser, D. Lynn Cable, Certified General Real Estate Appraiser, A4361, calculated 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 the property on November 16, 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 or her 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 S. Josephine Boyd Street/ Walker Avenue Project aims to improve pedestrian safety and access by reconstructing all wheelchair ramps, removing one of the three northbound lanes on S. Josephine Boyd to reduce the distance to cross at the intersection, replace buckling sidewalks and improving traffic signals.

The acquisition necessary for this property is a Proposed Permanent Sidewalk Easement (PSE) of 37 square feet and a Proposed Temporary Construction Easement (TCE) of 125 square feet for the property located at 1608 Spring Garden Road. The property is zoned CD-CM (Conditional District-Commercial Medium).

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 401-4561-01.6012 and Activity Number A14119. A minimum of $1,675.00 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 Waltrust Properties, Inc. in connection with the S. Josephine Boyd Street/ Walker Avenue Improvement Project.