



## Legislation Details (With Text)

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**File created:** 9/22/2020    **In control:** City Council  
**On agenda:** 10/20/2020    **Final action:** 10/20/2020  
**Title:** Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Jeremy Mathew Located at 4020 Hicone Road in Connection with the Hicone Road Waterline Extension Project

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Sitemap 1586 (4020 Hicone Rd).pdf, 2. Vicinity 1586 (4020 Hicone Rd).pdf, 3. 20-0687 RES Hicone Rd.pdf

Date	Ver.	Action By	Action	Result
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Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Jeremy Mathew Located at 4020 Hicone Road in Connection with the Hicone Road Waterline Extension Project

Council Priority: Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Legal  
Council District: 2

Public Hearing: NA  
Advertising Date/By: NA

Contact 1 and Phone: Kenny McDowell, ext. 4578  
Contact 2 and Phone: Alan Andrews, ext. 2320

**PURPOSE:**

The City seeks to acquire a proposed Permanent Utility Easement (PUE) of 500 square feet of the property owned by Jeremy Mathew located at 4020 Hicone Road, designated as Parcel No. 126456 in the Monroe Township for the Hicone Road Waterline Extension 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 \$175.00 for the property. A claim report was used to calculate the value of the property by like properties for the City. The claim report 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 June 15, 2020. 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 Hicone Road Waterline Extension Project is needed to provide better water quality for residents and sections along Hicone Road and also provide for system redundancy in the event of a water main outage.

The acquisition necessary for this property is a proposed Permanent Utility Easement (PUE) of 500 square feet for the property located at 4020 Hicone Road.

The anticipated date for start of construction is October 2020, and the completion date is yet to be determined. The property is zoned RS-30.

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 503-7030-01.6012 Activity #A 21054. A minimum of \$175.00 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 Jeremy Mathew in connection with the Hicone Road Waterline Extension Project.