



Legislation Text

File #: ID 15-0694, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property Owned by Sackett Greensboro LLC Located at 3020 West Gate City Boulevard (Formerly Known As High Point Road) in Connection With the High Point Road Streetscape Project

Department: Legal
Council District: 4

Public Hearing: NA
Advertising Date/By: NA

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Contact 2 and Phone: John P. Roseboro, Assistant City Attorney, ext 2320

PURPOSE: The City seeks to acquire a Proposed Margin Tract (PMT) of 191 square feet, a Proposed Margin Tract (PMT) of 359 square feet, a Proposed Permanent Drainage Easement (PDE) of 898 square feet, a Proposed Permanent Drainage Easement (PDE) of 1,614 square feet, a Proposed Temporary Construction Easement (TCE) containing 146 square feet, a Proposed Temporary Construction Easement (TCE) containing 1,494 square feet, a Proposed Temporary Construction Easement (TCE) containing 2,714 square feet, and a Proposed Temporary Construction Easement (TCE) containing 161 square feet, of the property owned by Sackett Greensboro LLC located at 3020 W. Gate City Boulevard (formerly known as High Point Road) designated as Parcel #0054207 in Morehead Township for the High Point Road Streetscape 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: PM attempted to negotiate a purchase within the total appraised value of \$36,075.00 for the property. The value of the property was calculated by an independent appraiser, Steven C. Randall of Foster Appraisal Services, Inc., that was contracted by the City to perform the appraisal. 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 a written Offer to Purchase to the property owner(s) on December 4, 2012. Furthermore, PM communicated with the property owners from January 2013 to April 2015 to negotiate a purchase. PM made every reasonable effort 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 30-day letter to the owner giving notice of the City's intent to file a condemnation 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 High Point Road Streetscape Project will enhance the corridor's visual appeal, safety, pedestrian and

bicycle facilities, and transit mobility. The acquisition necessary for this property is a Proposed Margin Tract (PMT) of 191 square feet, a Proposed Margin Tract (PMT) of 359 square feet, a Proposed Permanent Drainage Easement (PDE) of 898 square feet, a Proposed Permanent Drainage Easement (PDE) of 1,614 square feet, a Proposed Temporary Construction Easement (TCE) containing 146 square feet, a Proposed Temporary Construction Easement (TCE) containing 1,494 square feet, a Proposed Temporary Construction Easement (TCE) containing 2,714 square feet, and a Proposed Temporary Construction Easement (TCE) containing 161 square feet, of the property located at 3020 W. Gate City Boulevard (formerly known as High Point Road). Construction has begun and the anticipated completion date is projected for February 2016. The property is zoned A-O Auto Oriented.

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 from the 2008 Transportation Bond Funds is budgeted in Account Number 471-4502-12.6012 Activity # A13106. A minimum of \$36,075.00 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 Sackett Greensboro LLC in connection with the High Point Road Streetscape Project.