



Legislation Text

File #: ID 15-0770, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Miguel Plata Patricio Located at 1829 Boulevard Street in Connection With the Boulevard Street Storm Drainage Project

Department: Legal
Council District: 5

Public Hearing: NA
Advertising Date/By: NA

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Contact 2 and Phone: Jennifer Schneier, Assistant City Attorney, ext 2320

PURPOSE: The City seeks to acquire a Proposed Permanent Drainage Easement (PDE) of 826 square feet, and a Proposed Temporary Construction Easement (TCE) of 500 square feet of the property owned by Miguel Plata Patricio located at 1829 Boulevard Street, designated as Parcel # 0053289 in the Morehead/Gilmer Township for the Boulevard Street Storm Drainage 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 \$1,008.00 for the property. The value of the property was calculated by an independent appraiser, Lynn B. Ritchy, General Appraiser A2814, 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 attempted to communicate with the property owner on multiple occasions from January of 2015 to May of 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 Boulevard Street Storm Drainage Project is needed because the existing storm drainage line is undersized. The City needs to upgrade the storm drainage line to accommodate the additional runoff that is generated by the nearby apartment complex. The acquisition necessary for this property is a Proposed Permanent Drainage Easement (PDE) of 826 square feet, and a Proposed Temporary Construction Easement (TCE) of 500 square feet of the property located at 1829 Boulevard Street. The property is zoned RM-18.

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.

BUDGET IMPACT: The funding for this condemnation is budgeted in Account Number 506-7014-06.6012 and Activity #A15047. The funding comes from the Stormwater Capital Improvement Fund. A minimum of \$1,008.00 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 Miguel Plata Patricio in connection with the Boulevard Street Storm Drainage Project.