



## Legislation Text

---

**File #:** ID 16-0258, **Version:** 1

---

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Properties of Hedgecock Builders Supply Company of Greensboro, located at 120, 110, 104B Guilford College Road in Connection with the West Market Street/College Road Intersection

Department: Legal  
Council District: 5

Public Hearing: NA  
Advertising Date/By: NA

Contact 1 and Phone: Ted Partrick, Engineering Manager, ext 2308  
Contact 2 and Phone: John P. Roseboro, Assistant City Attorney, ext 2320

**PURPOSE:** The City seeks to acquire a Proposed Drainage Easement (PDE) of 4,823 square feet, a Proposed Temporary Construction Easement (TCE) of 2,130 square feet, a Proposed Margin Tract of 5,416 square feet, two proposed Permanent Slope Easements (PSE) of 88 square feet and 823 square feet, a Proposed 5.00 foot Temporary Construction Easement (TCE) of 2,031 square feet and a Proposed Margin Tract of 22 square feet, a Proposed Temporary Construction Easement (TCE) of 1,963 square feet of the properties owned by Hedgecock Builders Supply Company of Greensboro, located at 120, 110, and 104B Guilford College Road, designated as Parcels # 0074559, 0074568 and 0074567 in the Morehead/Gilmer Township for the West Market College Rd Intersection. 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 \$53,685.00 for the property. The value of the property was calculated by an independent appraiser, Tonya L. Brady, Certified General Real Estate Appraiser, A4503, 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 an initial written Offer to Purchase to the property owner(s) on March 24, 2014. The property owner(s) requested a design change in which PM agreed and completed. After the design change was completed, PM sent a revised new Offer to Purchase on August 4, 2015. The property owner did not accept the new offer. 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 W. Market St/ College Rd Intersection & Sidewalk Project is one that the neighborhood requested for the children who walk to school. The neighborhood has no sidewalks on either side and the pedestrians, including children must walk in the road. In addition to the sidewalk, this project will widen W. Market St. and add a turn lane at the intersection of W. Market Street and College Rd. The acquisition necessary for this property is a Proposed Drainage Easement (PDE) of 4,823 square feet, a Proposed Temporary Construction Easement (TCE) of 2,130 square feet, a Proposed Margin Tract of 5,416 square feet, two proposed Permanent Slope Easements (PSE) of 88 square feet and 823 square feet, a Proposed 5.00 foot Temporary Construction Easement (TCE) of 2,031 square feet and a Proposed Margin Tract of 22 square feet, a Proposed Temporary Construction Easement (TCE) of 1,963 square feet for properties located at 120,110, and 104B Guilford College Road. The anticipated date for start of construction is October, 2016, with an anticipated completion date of December, 2017. The property is zoned CD-C-H (Commercial District - Commercial High).

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 for this condemnation is budgeted in Account Number 401-4547-01.6012, Activity #A11168. The funding comes from the 2008 Transportation Bond Funds and is available in the Land Row MKT, College /Guilford College intersection. A minimum of \$53,685.00 will be expended to acquire these properties, 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 properties of Hedgecock Builders Supply Company of Greensboro in connection with the West Market St/College Road Intersection Project.

**COMMITTEE ACTION:** No Committee referred this item to Council.