



Legislation Text

File #: ID 16-0773, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Alex Ritchy Located at 500 E. Washington Street in connection with the Downtown Greenway Phase 2 Project.

Department: Legal
Council District: 2

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 Permanent Sidewalk Easement (PSE) of 941 square feet, and a Temporary Construction Easement (TCE) of 1,058 square feet of the property owned by Alex Ritchy located at 500 E. Washington Street, designated as Parcel # 0002624 in the Morehead Township for the Downtown Greenway Phase 2 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 \$1,300.00 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 to the property owner(s) on May 18, 2016. PM spoke with the property owner on multiple occasions to discuss the design and offer. The property owner made a counteroffer. PM made a new offer, but it was not accepted. 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 letter to the owner giving him 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.

A The Downtown Greenway Phase 2 Project is for a 4.2 mile multi-use trail appropriate for walking and bicycling and other non-motorized means of transportation or recreation that will loop around downtown Greensboro. It will enhance the urban landscape with a green space that will promote fitness, encourage alternative transportation, and provide connectedness and well-being for our residents and visitors in an aesthetically pleasing environment. The acquisition necessary for this property is a Permanent Sidewalk Easement of 941 square feet and a Temporary Construction Easement (TCE) of 1,058 square feet for the

property located at 500 E. Washington Street.

The anticipated date for start of construction is January, 2017, with an anticipated completion date of January, 2018. The property is zoned LI- Light Industrial.

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 471-4502-18.6012, Activity #A15130. The funding comes from the 2008 Transportation Bond Funds. A minimum of \$1,300.00 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 Alex Ritchy in connection with the Downtown Greenway Phase 2 Project.