



Legislation Text

File #: ID 17-0397, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Coble Farm Homeowners Association Located at 6604 CE Portrait Drive in Connection with the West Friendly Avenue Sidewalk Project

Department: Legal
Council District: 5

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 Permanent Slope Easement (PSE) of 450 square feet and a proposed Temporary Construction Easement (TCE) of 550 square feet of the property owned by Coble Farm Homeowners Association located at 6604 CE Portrait Drive, designated as Parcel No. 0073029 in the Morehead / Gilmer Township for the West Friendly Avenue Sidewalk 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 \$950.00 for the property. An independent appraiser, Jeffrey McKee, Certified General Real Estate Appraiser, A5913, 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 on January 13, 2016. PM spoke with the property owner on multiple occasions to discuss the design, offer and other requirements. The required signatures for the HOA were not met; the offer 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.

The West Friendly Avenue Sidewalk Project is to provide pedestrians with a safe walking route along West Friendly Avenue, connecting existing sidewalks from West Market Street to New Garden/ College Road.

The acquisition necessary for this property is a proposed Permanent Slope Easement of 450 square feet and a proposed Temporary Construction Easement of 550 square feet for the property located at 6604 CE Portrait Drive.

The anticipated date for start of construction is January, 2018, with an anticipated completion date of January, 2019. The property is zoned CD-RM-8 (Conditional District-Residential Multi-Family-8).

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 471-4502.15.6012 Activity #A11171. The project was approved by the Greensboro Department of Transportation. A minimum of \$950.00 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 Coble Farm Homeowners Association in connection with the West Friendly Avenue Sidewalk Project.