



Legislation Text

File #: ID 17-0547, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property Owned by the Heirs of Alex Troxler Located at 1100 Pisgah Church Road in Connection with the Pisgah Church Road Sidewalk Project

Department: Legal
Council District: 2

Public Hearing: NA
Advertising Date/By: NA

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

PURPOSE: The City seeks to acquire a proposed Margin Tract of 470 square feet and two (2) proposed Temporary Construction Easements (TCE) of 2,366 square feet and 820 square feet of the property owned by Alex Troxler located at 1100 Pisgah Church Road, designated as Parcel No. 0086775 in the Morehead/Gilmer Township for the Pisgah Church Road 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 \$10,218.75 for the property. An independent appraiser, Charles D. Foster, Certified General Real Estate Appraiser, A1070, 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 May 17, 2017. PM was unable to determine the legal owners of the property due to intestate succession transfers of the property since the death of Alex Troxler in 1952. 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 Greensboro Department of Transportation has approved the Pisgah Church Road Sidewalk Project. The project is needed to provide pedestrians with a safe walking route along Pisgah Church Road, connecting existing sidewalks from North Church Street to Battleground Avenue.

The acquisition necessary for this property is a proposed Margin Tract of 470 square feet and two (2) Temporary Construction Easements of 2,366 square feet and 820 square feet for the property located at 1100 Pisgah Church Road.

The anticipated date for start of construction is May, 2018, with an anticipated completion date of May,

2020. The property is zoned R-3 (Residential Single-Family 3).

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 401-4546-01.6012 Activity #A15138. The funding comes from the Street and Sidewalk Capital Project Fund. A minimum of \$10,218.75 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 owned by the heirs of Alex Troxler for the amount of \$10, 218.75 in connection with the Pisgah Church Road Sidewalk Project.