



Legislation Text

File #: ID 19-0086, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of James Albert Quick Located at 3319 Sandy Ridge Road in Connection with the Sandy Ridge Road Sewer Outfall Project

Department: Legal
Council District: N/A

Public Hearing: NA
Advertising Date/By: NA

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

PURPOSE: The City seeks to acquire a Proposed Permanent Utility Easement (PUE) of 3,115 square feet of the property owned by James Albert Quick located at 3319 Sandy Ridge Road, designated as Parcel No. 0100212 in the Morehead Township for the Sandy Ridge Road Sewer Outfall 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 \$11,075.00 for the property. An independent appraiser, Jeffrey A. 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 the property on October 19, 2018. PM made several attempts 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 or her 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 Sandy Ridge Road Sewer Outfall Line extends from an existing line located near Triad Drive, along Neville and Cider Road to Sandy Ridge Road. This extension project is needed due to public necessity because of failing septic systems.

The acquisition necessary for this property is a Proposed Permanent Utility Easement (PUE) of 3,115 square feet for the property located at 3319 Sandy Ridge Road.

The anticipated date for start of construction is August 2019, with an anticipated completion date of

June, 2020. The property is zoned C-L (Commercial Low).

City staff further recommends that the City Council authorize payment of the estimated amount of the value of the property 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 property.

BUDGET IMPACT: The funding for this eminent domain action is budgeted in Account Number 503-7028-02.6012 and Activity Number A19045. A minimum of \$11,075.00 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 James Albert Quick in connection with the Sandy Ridge Road Sewer Outfall Project.