File #: ID 19-0485, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of RBC Bank (USA) Located at 1316 Bridford Parkway in Connection with the Hilltop Sewer Improvement Project

Council Priority: Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Legal
Council District: 5

Public Hearing: NA
Advertising Date/By: NA

Contact 1 and Phone: Kenny McDowell, ext. 4578
Contact 2 and Phone: John P. Roseboro, ext. 2320

PURPOSE:
The City seeks to acquire a proposed Temporary Construction Easement (TCE) of 2,085 square feet and a proposed Permanent Utility Easement of 4,256 square feet of the property owned by RBC Bank (USA) located at 1316 Bridford Parkway, designated as Parcel No. 0074721 in the Morehead/ Gilmer Township for the Hilltop Sewer Improvement 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 $57,200.00 for the property. An independent appraiser, Dick Foster, Certified General Real Estate Appraiser, license# A-1070, calculated and submitted 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 December 12, 2018 and January 2, 2019. 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 them 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 Hilltop Sewer Improvement Project is needed because the existing Hilltop Lift Station is at capacity and future growth will require improvements to the station.

The acquisition necessary for this property is a proposed Temporary Construction Easement (TCE) of 2,085 square feet and a proposed Permanent Utility Easement of 4,256 square feet for the property located at 1316 Bridford Parkway.

The anticipated start of construction will be in December 2019 with a completion date in August 2021.

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 Activity #A 19045. A minimum of $57,200.00 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 RBC Bank (USA) in connection with the Hilltop Sewer Improvement Project.