



Legislation Text

File #: ID 19-0484, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Hanner Chapel Located at 3430 Summit Avenue in Connection with the Rankin Road and Martin Avenue Sidewalk Project

Council Priority: Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Legal
Council District: 2

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 2,670 square feet and a proposed Margin Tract of 12,109 square feet of the property owned by Hanner Chapel located at 3430 Summit Avenue, designated as Parcel No. 0046689 in the Morehead/ Gilmer Township for the Rankin Road and Martin 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 \$20,700.00 for the property. An independent appraiser, Laura K. Mallory, Certified General Real Estate Appraiser, license# A-3711, 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 May 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 Rankin Road and Martin Avenue Sidewalk Project is needed to provide pedestrians with a safe walking

route along the south end of Rankin Road from Summit Avenue to Martin Avenue and the east end of Martin Avenue from Rankin Road to Springmont Drive.

The acquisition necessary for this property is a proposed Temporary Construction Easement (TCE) of 2,670 square feet and a proposed Margin Tract of 12,109 square feet for the property located at 3430 Summit Avenue.

The anticipated date for start of construction is December 2019, with an anticipated completion date of August, 2021. The property is zoned C-M (Commercial-Medium).

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 471-4502-15.6012 Activity #A 11171. A minimum of \$20,700.00 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 Hanner Chapel in connection with the Rankin Road and Martin Avenue Sidewalk Project.