



Legislation Text

File #: ID 21-0028, **Version:** 1

Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property of Trung T. Nguyen and Hoan My Tang Located at 2313 Four Seasons Boulevard in Connection with the Four Seasons Boulevard Sidewalk Project

Council Priority: Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Legal

Council District: 1

Public Hearing: NA

Advertising Date/By: NA

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Contact 2 and Phone: Alan Andrews, Deputy City Attorney, ext. 2320

PURPOSE: The City seeks to acquire a Proposed Margin Tract of 24 square feet of the property owned by Trung T. Nguyen and Hoan My Tang located at 2313 Four Seasons Boulevard, designated as Parcel No. 39935 in the Morehead/ Gilmer Township for the Four Seasons Boulevard 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(s).

BACKGROUND: PM attempted to negotiate a purchase within the total appraised value of \$300.00 for the property. A claim report was submitted that calculated the value of the property 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 March 29, 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 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 Four Seasons Boulevard Sidewalk Project is needed to provide pedestrians with a safe walking route along the east side of Four Seasons Boulevard from Vanstory Street to Creek Ridge Road. The acquisition necessary for this property is a Proposed Margin Tract of 24 square feet located at 2313 Four Seasons Boulevard.

The anticipated date for start of construction is August 2021 and the completion end date is August 2023. The property is zoned R5 (Residential Single Family 5).

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 owners. 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 \$300.00 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 Trung T. Nguyen and Hoan My Tang in connection with the Four Seasons Boulevard Sidewalk Project.