



Legislation Details (With Text)

File #: 18-169 **Version:** 1 **Name:** Owen Drive Condemnation
Type: Consent **Status:** Agenda Ready
File created: 4/18/2018 **In control:** City Council Regular Meeting
On agenda: 5/14/2018 **Final action:** 10/14/2025
Title: Adoption of a Resolution Authorizing Condemnation of Easement, and Capital Project Ordinance Amendments 2018-54 and 2018-55 to Transfer Funding for the Owen Drive Sidewalk Project
Sponsors:
Indexes:
Code sections:
Attachments: 1. Cook-OutOwenEsmtMap, 2. Resolution for Property Condemnation for Owen Drive Sidewalk, 3. CPOA 2018-54 (Legion Road Landscaping and Irrigation), 4. CPOA 2018-55 (Owen Drive Sidewalks and Bus Stop Pads)

Date	Ver.	Action By	Action	Result
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TO: Mayor and Members of City Council
THRU: Kristoff T. Bauer, Deputy City Manager
FROM: Rob Stone, P.E. Director of Public Services
Tracey Broyles, Budget and Evaluation Director
DATE: May 14, 2018

RE:
Adoption of a Resolution Authorizing Condemnation of Easement, and Capital Project Ordinance Amendments 2018-54 and 2018-55 to Transfer Funding for the Owen Drive Sidewalk Project

COUNCIL DISTRICT(S):
2, 5

Relationship To Strategic Plan:

Goal IV: Desirable Place to Live, Work and Recreate
Objective 3: To improve mobility and connectivity by investing in traffic flow strategies, sidewalks, trails and bike lanes.

Executive Summary:

Council is asked to adopt a resolution to authorize the condemnation of a 3 foot by 30 foot strip of property to provide a required easement for the installation of sidewalk on Owen Drive. In addition, Council is asked to adopt Capital Project Ordinance Amendments (CPOAs) 2018-54 and 2018-55 to

allow for the transfer of \$20,000 previously appropriated from the General Fund for the project to install landscaping and irrigation on Legion Road to the Owen Drive sidewalk project. The additional funding is needed to accommodate condemnation costs that were not anticipated in the original Owen Drive sidewalk project plans.

Background:

On March 14, 2016, Council authorized a capital project to construct sidewalk and bus stop pads along the east side of Owen Drive from Eastern Boulevard to Walter Reed Road/Old Owen Drive. The project is being funded through a Federal Highway Administration Surface Transportation Grant, passed through the North Carolina Department of Transportation (NCDOT), and local funds. The City is responsible to acquire required easements as a part of its contributions for the project.

In April of 2017, Real Estate staff was tasked with acquiring identified easements for the project. Staff performed necessary research and prepared the required documentation to receive approval from the NCDOT to move forward with the acquisitions. Currently, there is one easement that has not been acquired due to issues with the land owner's financing company.

In May of 2017, the Real Estate staff contacted the property owner of the Cook Out on Owen Drive regarding the acquisition of a 3 foot by 30 foot strip of sidewalk easement needed to ensure that the sidewalk is contiguous and meets the Americans with Disabilities Act (ADA) requirements. The value of the easement is \$477.62 due to the small size. The owner of the property is not opposed to providing the easement; however, the property has a Negative Pledge Agreement on record with a bank that would require the bank to also approve of the easement. For the past year, staff has been diligently trying to get bank officials to agree to release the easement from the Negative Pledge Agreement on file, however, it appears that there is information to which we are not privy that does not allow them to do so.

For the project to move forward as designed at this point, condemnation of the easement will be required. Federal and State requirements have been followed to date, and the next step required is to file a condemnation proceeding to acquire the last easement needed.

Issues/Analysis:

If the final easement is not acquired, the project will have to be redesigned and new approvals acquired from NCDOT.

Budget Impact:

There is funding available in the CPO appropriation for the installation of landscaping and irrigation on Legion Road as the City's cost share for the NCDOT municipal agreement is less than originally anticipated. The excess funds are sufficient to provide for the transfer of the needed \$20,000 for the Owen Drive sidewalk project.

Options:

- Adopt the resolution authorizing the condemnation action for the easement needed for the Owen Drive sidewalk project and also adopt CPOAs 2018-54 and 2018-55 to transfer the required funding.

- Do not adopt the resolution or the CPOAs and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt the resolution authorizing the condemnation action for the easement needed for the Owen Drive sidewalk project and also adopt Capital Project Ordinance Amendments 2018-54 and 2018-55 as presented.

Attachments:

- Map
- Resolution
- Capital Project Ordinance Amendment 2018-54 (Legion Road Landscaping and Irrigation)
- Capital Project Ordinance Amendment 2018-55 (Owen Drive Sidewalk Project)