



Legislation Text

File #: 22-2952, Version: 1

TO: Mayor and Members of City Council

THRU: Karen M. McDonald, City Attorney

FROM: Kecia N. Parker, NCCP, Real Estate Manager

DATE: September 26, 2022

RE:

Authorization of Condemnation of Easements on the Properties Needed for North Street Drainage Project

COUNCIL DISTRICT(S):

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Relationship To Strategic Plan:

Desirable Place to Live, Work and Recreate

Executive Summary:

On April 25, 2002, Council appropriated \$5,072,005 of anticipated state and federal funding for the North Street Drainage Project. There are twenty-four easements (some temporary and some permanent) required to complete the project as designed. To date staff has acquired seventeen of the easements from the property owners. The contractor will soon be ready to begin the project, but staff has easements to acquire on seven remaining properties. Staff is requesting authority to begin the condemnation process in order to start the notice period and reduce any potential of project delay.

Background:

The City of Fayetteville is constructing a stormwater infrastructure improvement project along North Street, Ingram Street, and Sewell Street, in the Greenwood Homes neighborhood, to increase the capacity and capability to provide drainage to the area, and an appropriate level of flood protection. The proposed improvements will increase the capacity of the local storm drainage system and allow it to meet the City's 10-year level of service for closed systems, and the 25-year level of service for open channel flow. The project will eliminate flooding within the City's rights of way for the designed level of service and mitigate flood damage to five residential structures. Scope of the project consist of removal of the existing, failing, undersized storm sewer system and replacing with approximately 45 linear feet of 15" reinforced concrete pipe, 225 linear feet of 24" reinforced concrete pipe, 55 linear feet of 30" reinforced concrete pipe, 55 linear feet of 36" reinforced concrete pipe, 265 linear feet of

60" reinforced concrete pipe, 45 linear feet of 30" x 19" elliptical reinforced concrete pipe, 40 linear feet of 4'x 2' double reinforced concrete box culvert, 80 linear feet of 8'x 4' reinforced concrete box culvert, 950 linear feet 9'x 2.5' reinforced concrete box culvert, and appurtenances.

In November of 2021, Real Estate staff was given the direction to acquire temporary and permanent easements from twenty-four parcels for the North Street Drainage Project. To date staff has acquired seventeen of the needed easements with seven left. Of the seven left there are three that have title issues where condemnation is the only way to acquire the easements due to unknown owners. On the other four, staff has tried for months to come to agreements with the property owners and has been unable to achieve the outcome desired. The property owners will not lose the ability to utilize the property. The condemnation action only gives the City the right to utilize the property to install the infrastructure to aid in the flooding. The City will be responsible for maintaining the infrastructure but the owners will retain the right to use the property and will retain ownership. Staff is asking for authorization to move forward with condemnation approval on the remaining needed easements to allow the process to be started so as to not cause a significant delay.

Issues/Analysis:

- There are twenty-four easements needed to complete the North Street Drainage project.
- Staff has acquired seventeen of the needed easements to date.
- Three of the remaining seven properties have title issues which do not allow for the City to acquire the easements without going thru the condemnation process.
- Four of the remaining property owners are not interested in conveying an easement interest to the City.

Budget Impact:

The budget has been allocated for this project through the American Rescue Plan Funding from the State Fiscal Recovery Fund established in SL2021-180.

Options:

- Approve the Resolution for the Authorization of Condemnation of Easements on the Properties Needed for North Street Drainage Project
- Reject the Resolution for the Authorization of Condemnation of Easements on the Properties Needed for North Street Drainage Project

Recommended Action:

Staff recommends approval of the Resolution for the Authorization of Condemnation of Easements on the Properties Needed for North Street Drainage Project.

Attachments:

Maps

Resolution