



City of Greensboro

Melvin
Municipal Office Building
300 W. Washington Street
Greensboro, NC 27401

Agenda Report

File Number: 2022-510

Agenda Item# G.15.

Agenda Date: 5/23/2022. **Department:** Legal

Meeting Type: Council Meeting **Category:** Consent Agenda

Title: 2022-510 Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Property located at 4222 Whippoorwill Dr., Greensboro, NC 27407 in connection with the Whippoorwill Drive Sidewalk Project

Council Priority: Place an 'x' in the box.

- ☐ Create an Environment to Promote Economic Development Opportunities and Job Creation
- ☒ Maintain Infrastructure and Provide Sustainable Growth Opportunities
- ☐ Promote Public Safety & Reduce Crime
- ☐ Exceptional Customer Service and a Diverse City Government Workforce
- ☐ Ensure Fiscal Stewardship, Transparency, & Accountability

Council District: 5

Public Hearing: No

Advertising Date/By: N/A

Contact 1 and Phone: Kenny McDowell, ext. 4578

Contact 2 and Phone: Alan Andrews, ext. 2320

PURPOSE:

The City seeks to acquire one (1) Proposed Margin Tract consisting of 36 sq. ft., and one Temporary Construction Easement (TCE) consisting of 1,081 sq. ft. located at 4222 Whippoorwill Drive in Greensboro, North Carolina, 27407, designated as Parcel No. 0037852 in the Morehead/ Gilmer Township for the Whippoorwill Drive 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 \$275.00 for the property. PM sent an initial written Offer to Purchase to the property owner on August 17, 2021. 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 City Attorney's Office 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 Whippoorwill Drive Sidewalk Project is needed to provide pedestrians with a safer commute. The improvements consist of a sidewalk being constructed at the north side of Whippoorwill Drive from the existing sidewalk on Pennydale Drive to Jane Street.

The acquisition necessary for this property is one (1) Proposed Margin Tract consisting of 36 sq. ft., and one Temporary Construction Easement (TCE) consisting of 1,081 sq. ft. located at 4222 Whippoorwill Drive in Greensboro, North Carolina, 27407.

The property is zoned RS-9 (Residential Single-Family 9).

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 471-4502-17.6012 Activity #A 11171. A minimum of \$275.00 will be expended to acquire this property, in addition to any litigation costs and/or settlement agreements.

ACCOUNT NUMBER:

Account Number 471-4502-17.6012 Activity #A 11171.

RECOMMENDATION / ACTION REQUESTED:

City Council approval of a resolution authorizing the City Attorney to institute proceedings to condemn a portion of the property located at 4222 Whippoorwill Drive in Greensboro, North Carolina, 27407 as part of the Whippoorwill Drive Sidewalk Project.