



City of Greensboro

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

Agenda Report

File Number: 2022-1108

Agenda Item# G.11.

Agenda Date: 11/15/2022. **Department:** Legal

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

Title: 2022-1108 Resolution Authorizing Condemnation of 893 Wyburn Road in the Amount of \$14,000 for the Birch Creek Sewer Improvements 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: Outside of Greensboro City Limits

Public Hearing: N/A

Advertising Date/By: N/A

Contact 1 and Phone: Kenney McDowell, Engineering Director, ext. 4578

Contact 2 and Phone: James Dickens, Sr. Asst. City Attorney, ext. 2320

PURPOSE:

The City seeks to acquire 17,541 sq. ft. PUE, and 1,483 sq. ft. TCE of the real estate owned by William and Dene Rich designated as Parcel #119112 for the Birch Creek Sewer Outfall Project. The City Attorney's Office requests Council to authorize the initiation of condemnation proceedings to acquire this property.

BACKGROUND:

City staff worked with property owners William and Dene Rich in late 2020 to reach an agreement. On December 1, 2020, William and Dene Rich accepted the City's offer of \$14,000.00 to acquire 17,541 sq. ft. PUE, and 1,483 sq. ft. TCE as part of the Birch Creek Sewer Improvements Project. Property owners have since declined to sign the deed paperwork necessary for legal recording at the Register of Deeds office. Condemnation is now required to be able to properly record the permanent utility easement and temporary construction easement takings for the property located at 893 Wyburn Rd.

City staff further recommends that the City Council authorize the Director of Finance to draft the minimum amount of \$14,000.00 as compensation to the owner(s), in addition to any litigation costs and settlement costs.

BUDGET IMPACT:

The funding for this eminent domain action is budgeted in Account Number 507-7030-02.6012 Activity #A 21058. A minimum of \$14,000.00 will be expended to acquire this real estate, in addition to any litigation costs and/or settlement agreements.

ACCOUNT NUMBER:

507-7030-02.6012 A21058

RECOMMENDATION / ACTION REQUESTED:

City Council approval of a resolution authorizing the City Attorney to institute proceedings to condemn a portion of the real estate of William and Dene Rich in connection with the Birch Creek Sewer Improvements Project.