



# City of Greensboro

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

## Agenda Report

File Number: 2024-133

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### Agenda Item# G.15

**Agenda Date:** 2/20/2024. **Department:** Legal

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

**Title:** 2024-133 Resolution Authorizing the City Attorney to Institute Proceedings to Condemn a Portion of the Real Estate located at 893 Wyburn Road in Connection with the Birch Creek Sewer Improvement Project.

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

- |  |   |
|--|---|
| <input type="checkbox"/> Safest City                     | <input type="checkbox"/> Most Skilled Workforce                                     |
| <input type="checkbox"/> Easiest Place to Do Business    | <input checked="" type="checkbox"/> Most Connected City                             |
| <input type="checkbox"/> Youth Sports Capital            | <input type="checkbox"/> Hub of Recreation and Entertainment                        |
| <input type="checkbox"/> Abundance of Attainable Housing | <input type="checkbox"/> Other/Admin <a href="#">Briefly Explain 3 word maximum</a> |

**Council District:** Click here to enter text

**Public Hearing:** N/A

**Advertising Date/By:** N/A

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

**Contact 2 and Phone:** Andrea D. Harrell, Sr. Assistant City Attorney, ext 7787

### **PURPOSE:**

The City seeks to acquire land designated Proposed Permanent Utility Easement 0009-D1 containing an area of 17,541 sq. ft. and Proposed Temporary Construction Easement Tract 0009-C1 containing an area of 1,483 sq. ft., of the real estate located at 893 Wyburn Road and designated as Parcel No. 0119112 in the Jefferson Township for the Birch Creek Sewer Improvement Project. The Property Management Section of the Engineering and Inspections Department (PM) requests Council to authorize the City Attorney's Office to initiate condemnation proceedings because it has been unable to negotiate a purchase price with the property owner(s).

### **BACKGROUND:**

In order to complete the Birch Creek Sewer Improvement Project, which will further enhance public utilities in that area, the City must undertake certain construction which will temporarily and/or permanently enter onto and/or permanently occupy the tracts aforementioned. In order to do so, Council must (1) approve 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 Improvement Project, and (2) approve a resolution that the Director of Finance be authorized to issue a draft to the Guilford County Clerk of Court as compensation to

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the owner(s) in the amount of \$2,175.00. This will allow the City to take possession, which is required before work for this Project can commence on the 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 property is zoned R-3 (Residential).

**BUDGET IMPACT:**

The funding for this eminent domain action is budgeted in Account Number 503-70-7032102.6012. A minimum of \$2,175.00 will be expended to acquire this real estate, in addition to any litigation costs and/or settlement agreements.

**ACCOUNT NUMBER:**

503-70-7032102.6012.

**RECOMMENDATION / ACTION REQUESTED:**

It is recommended that City Council approve a resolution authorizing the City Attorney to institute proceedings to condemn a portion of the real estate located at 893 Wyburn Road in connection with the Birch Creek Sewer Improvement Project.