



City of Greensboro

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

Agenda Report

File Number: 2024-290

Agenda Item# G.13.

Agenda Date: 4/16/2024. **Department:** Legal

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

Title: 2024-290 Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of the Real Estate of Joseph and Cassandra Capristo, located at 4216 Whippoorwill Drive in Connection with the Whippoorwill Drive Sidewalk 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 <u>Briefly Explain 3 word maximum</u> |

Council District: 5

Public Hearing: N/A

Advertising Date/By: N/A

Contact 1 and Phone: Kenney McDowell, Ext. 4578

Contact 2 and Phone: Anthony Baker, Ext. 7797

PURPOSE:

The City seeks to acquire land designated as Temporary Construction Easement Tract(s) 0004N-C, containing an area of 453 square feet, of the real estate owned by Joseph Drew Capristo and wife Cassandra Capristo located at 4204 Whippoorwill Drive and designated as Parcel No. 37849 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 City Attorney's Office to initiate condemnation proceedings because it has been unable to negotiate a purchase price with the property owner.

BACKGROUND:

In order to complete the Whippoorwill Drive Sidewalk Project, which will further enhance community safety and walkability, 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 Fatima Echeverria, in connection with the Whippoorwill Drive Sidewalk 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

Vision Statement: "A Community with Endless Economic Opportunities and Exceptional Quality of Life."

compensation to the owner(s) in the amount of \$325.00. 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 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 481-45-4599139.6012. A minimum of \$325.00 will be expended to acquire this real estate, in addition to any litigation costs and/or settlement agreements.

ACCOUNT NUMBER:

481-45-4599139.6012.

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 Joseph Drew Capristo and wife Cassandra Capristo, in connection with the Whippoorwill Drive Sidewalk Project.