



City of Greensboro

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

Agenda Report

File Number: 2024-694

Agenda Item# G.2.

Agenda Date: 10/15/2024. **Department:** Legal

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

Title: 2024-694 Resolution Authorizing City Attorney to Institute Proceedings to Condemn a Portion of Hermanos Lira, LLC located at 3833 W. Gate City Blvd. in Connection with the Farmington 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 proposed temporary construction easement tract, designated as TCE TRACT 0003E-C for the construction of City of Greensboro, Engineering Division Project Number P05173 titled "Farmington Drive Sidewalks – From W Gate City Blvd to Wintergarden Lane and on the north side from Wintergarden Lane to Holden Road", containing an area of 1,832 square feet, is to exist during the period of construction only, to construct, install, improve, repair, inspect, and replace, including, but not limited to: slopes, landscaping, erosion control devices, utility structures and lines of underground pipe and other improvements required by design, of the real estate owned by Hermanos Lira, LLC located at 3833 W. Gate City Blvd., identified as Parcel Number 53039 in the Morehead/ Gilmer Township for the Farmington Drive Sidewalk Project.

BACKGROUND:

In order to complete the Farmington 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 Hermanos Lira, LLC,

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

in connection with the Farmington 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 compensation to the owner(s) in the amount of \$12,850.00. 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 C-M, Commercial Medium District.

City staff further recommends that the City Council authorize the Director of Finance to draft the minimum amount of \$12,850.00 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 401-45-4599050.6012. A minimum of \$12,850.00 will be expended to acquire this real estate, in addition to any litigation costs and/or settlement agreements.

ACCOUNT NUMBER:

401-45-4599050.6012

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 Hermanos Lira, LLC, in connection with the Farmington Drive Sidewalk Project.

Report Approval Details

Document Title:	2023-516 Res Condemn Parcels 53066, 54023, 54022, and 54020 with Farmington Dr Sidewalk Project .docx
Attachments:	- 2023-516 Site Map.pdf - 2023-516 Vicinity Map.pdf - 2023-516 Resolution for Stonesthrow at 3604, 3532, 3508 Farmington Drive and 2432 S Holden Rd.docx
Final Approval Date:	Jul 3, 2023

This report and all of its attachments were approved and signed as outlined below:

Tony Baker

Anita Wilson

Jon Decker