

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Condemnation – 302 Montlieu Ave.

**From:** JoAnne Carlyle, City Attorney

**Meeting Date:** Monday, February 7, 2021

**Public Hearing:** No

**Advertising Date:** NA

**Advertised By:** NA

**Attachments:** Resolution & Map

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### **PURPOSE/BACKGROUND:**

Consideration for the adoption a Resolution Authorizing Condemnation to to begin condemnation proceedings for a temporary construction easement on a portion of the property described in Deed Book 3697, at Page 2032 of the Guilford County Registry located at 302 Montlieu Avenue (302 Qubein Avenue) needed for the Montlieu Avenue Improvement Project.

### **BACKGROUND:**

Representatives of the City of High Point have been unable to acquire the needed property by negotiated conveyance. If the City Council adopts this Resolution, the City is required to give a thirty (30) day notice to the affected property owner and any other persons or entities having an “interest” in the property, of the intent to file condemnation action. At the end of the thirty (30) day notice period, the City can file the condemnation action and deposit its estimate of just compensation with the Guilford County Clerk of Superior Court.

### **BUDGET IMPACT:**

The City has estimated the amount of \$541.00 to be just compensation for the property.

### **RECOMMENDATION / ACTION REQUESTED:**

The City Attorney recommends adoption of the Resolution authorizing the City Attorney to give a 30 day Notice of Condemnation to the property owner, to file the necessary proceedings under Chapter 40A of the North Carolina General Statutes, and to authorize the Finance Director to issue a draft in the amount of \$541.00 to the Clerk of Superior Court as just compensation to the property owner.

**RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE A CERTAIN  
PORTION OF PROPERTY IN CONNECTION WITH THE MONTLIEU AVENUE  
IMPROVEMENT PROJECT**

**WHEREAS**, the City Council of the City of High Point hereby determines that it is necessary and in the public interest to acquire a temporary construction easement located at 302 Montlieu Avenue (Quebein Avenue), High Point, Guilford County, North Carolina.

**WHEREAS**, the proper officials or representatives of the City of High Point have been unable to acquire the needed property by negotiated conveyance; and

**WHEREAS**, it is deemed in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said property and that the Director of Finance issue a draft to the Clerk of Superior Court as just compensation to the owner in the amount of \$541.00;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT THAT:**

1. the City of High Point shall acquire the property at issue;  
  
title to a that certain property located 302 Montlieu Avenue (Quebein Ave.), High Point, Guilford County, described in Deed Book 3697, Page 23032 of the Guilford County Registry.
2. the City Attorney of the City of High Point is hereby directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the said property;
3. the Director of Finance is hereby authorized to issue a draft in the amount of \$541.00 to the Clerk of Superior Court as just compensation to said owners.

Adopted by City Council, the 7<sup>th</sup> day of February, 2022.

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Mayor Jay W. Wagner

\_\_\_\_\_  
Lisa B. Vierling City Clerk

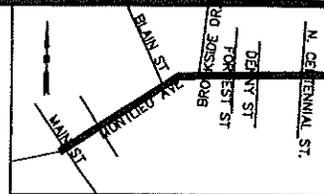
**NOTES:**

1. SITE IS SUBJECT TO ALL EASEMENTS, R/W AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THE SURVEY.
2. ALL DISTANCES ARE HORIZONTAL GROUND, UNLESS OTHERWISE NOTED
3. ALL BEARINGS ARE GRID BEARINGS.
4. AREA COMPUTED BY COORDINATE GEOMETRY.

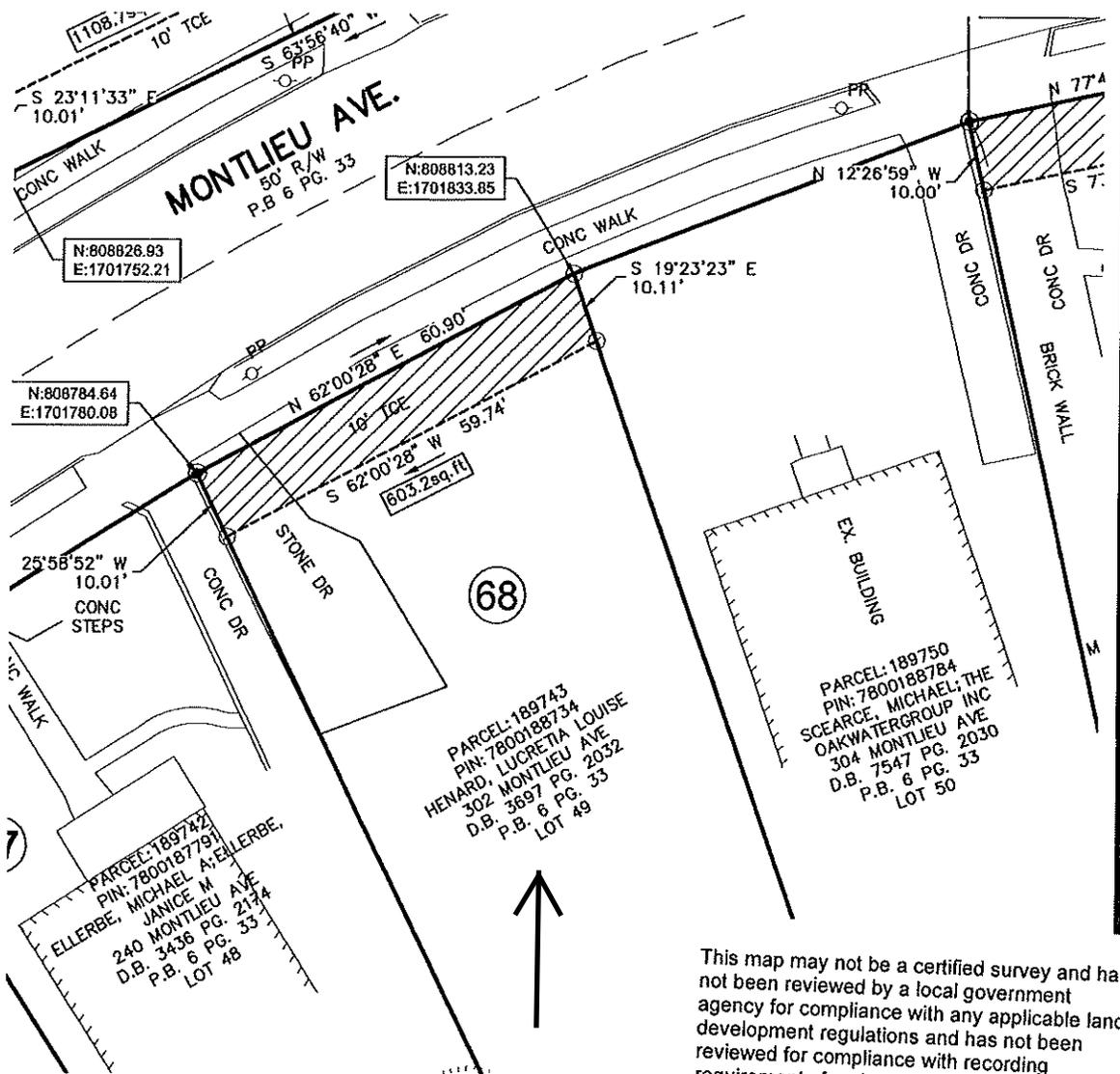
**GPS TIE**

Class of survey: Class A  
 Positional accuracy: 0.10'  
 Type of GPS (or GNSS) field procedure: NC VRS  
 Date(s) of survey : FEB 12, 2020  
 Datum/Epoch : NAD 83 ( 2011)  
 Published/fixed control: VRS  
 Geoid model: (12A)  
 Combined grid factor: 0.99991236618210  
 Units : U.S. Feet

C.S.F. - 0.99991236618210  
 GRID NORTH NAD 83



**EXHIBIT A**



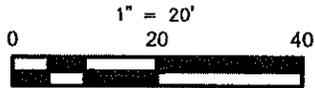
This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats

**LEGEND**

- TCE TEMPORARY CONSTRUCTION EASEMENT
- ⊙ EXISTING IRON PIPE
- ⊕ FIRE HYDRANT
- ◇ POWER POLE
- ⊗ EASEMENT POINT
- DEED/PLAT LINE
- EASEMENT LINE

I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in SEE . . . page REF or other reference source . . .); that the boundaries not surveyed are indicated as drawn from information in Book . . . page . . . or other reference source . . .; that the ratio of precision or positional accuracy is 10,000 +; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)."

Seal  
 Professional Land Surveyor



**TEMPORARY CONSTRUCTION EASEMENT FOR THE CITY OF HIGH POINT**  
 PARCEL: 189743  
 HENARD, LUCRETIA LOUISE  
 302 MONTLEU AVE  
 CITY OF HIGH POINT-HIGH POINT TOWNSHIP

DATE: 12/3/20 PROJECT NO: 20-14

**SGROI LAND SURVEYING, PLLC.**  
 145 W. PARRIS AVE., SUITE 101  
 HIGH POINT N.C. 27622  
 336-885-1366  
 COMPANY REGISTRATION P-0138