

CITY OF HIGH POINT

AGENDA ITEM



Title: Condemnation – 205 & 311 Model Farm Road

From: JoAnne Carlyle, City Attorney

Meeting Date: Monday January 4, 2016

Public Hearing: No

Advertising Date: NA

Advertised By: NA

Attachments: Resolution & Map

PURPOSE:

Consideration for the adoption a Resolution Authorizing Condemnation to aquire a portion of property in connection with the Model Farm Bridge Replacement Project.

BACKGROUND:

Representatives of the City of High Point have been unable to aquire the needed easement in this property by negotiated conveyance. Official notice was sent to the property owner by certified mail, return receipt requested on November 20, 2015 advising the property owner under Chapter 40A of the North Carolina General Statutes that the City intends to institute an action to acquire by condemnation a needed easement on the property for the purpose of the Model Farm Bridge Replacement Project.

BUDGET IMPACT:

The City has estimated the amount of \$8,875.00 to be just compensation for the property.

RECOMMENDATION / ACTION REQUESTED:

The City Attorney recommends adoption of the Resolution authorizing the Finance Director to issue a draft in the amount of \$8,875.00 to the Clerk of Superior Court and authorizing the City Attorney to file the necessary proceedings under Chapter 40A if the North Carolina General Statutes to acquire the needed easement.



MEMORANDUM

TO: Mayor and City Council

FROM: JoAnne Carlyle

RE: Condemnation – January 4, 2016 Agenda
Model Farm Bridge Replacement
205 & 311 Model Farm Road, High Point, Guilford County, NC

DATE: December 1, 2015

Council is requested to adopt a Resolution authorizing condemnation proceedings on the property described in Deed Book 6460, Page 2208 of the Guilford County Registry located 205 & 311 Model Farm Road, High Point, Guilford County, NC.

On November 20, 2015 the property owners were mailed a certified letter giving them 30 days notice of our intention to begin condemnation proceedings. A copy of a map showing the area in question is attached.

I will be glad to answer any questions you may have regarding these properties.

Right of Way

Henry T. Moon, III
RIGHT OF WAY AGENT



MEMO

November 18, 2015

To: JoAnne Carlyle, City Attorney

From: Henry T. Moon, Right of Way Agent

Subject: Request for Council Approval to file Declaration of Taking Model Farm Properties, LLC

Please request Council approval to file a Declaration of Taking on this parcel as we have not been able to reach a settlement and are ready to let the parcel to contract. Please place same on the January 4th agenda. I will bring Kim up to speed in this matter. I have requested a map for Council and asked Marc to prepare a court map. Following is the needed information:

Owner: Model Farm Properties, LLC
1099 2nd Avenue Place S.E.
Conover, NC 289613-2165

Registered Agent: Jerome W. Bolick
1099 2nd Avenue Place S.E.
Conover, NC 289613-2165

Deed to Owner: Deed Book 6460 Page 2208 (copy attached)

Tax Parcel: 0192778 & 0192777

No Mortgages found

2015 taxes due and payable (City & County)

Property is located at **205 & 311 Model Farm Rd.**, High Point, NC

Deposit Amount: \$8,875.00

Interest to be acquired:

Sanitary Sewer Easement (copy attached)

Permanent Drainage Easement (copy attached)

Temporary Construction Easement (copy attached)

This property is in Guilford County.

If you have any questions, please advise.

EXHIBIT C

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE A PORTION OF CERTAIN PROPERTY IN CONNECTION WITH THE MODEL FARM BRIDGE REPLACEMENT

WHEREAS, the City Council of the City of High Point hereby determines that it is necessary and in the public interest to acquire an easement across a portion of the real property at 205 and 311 Model Farm Road, 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 easement in this 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 \$8,875.00;

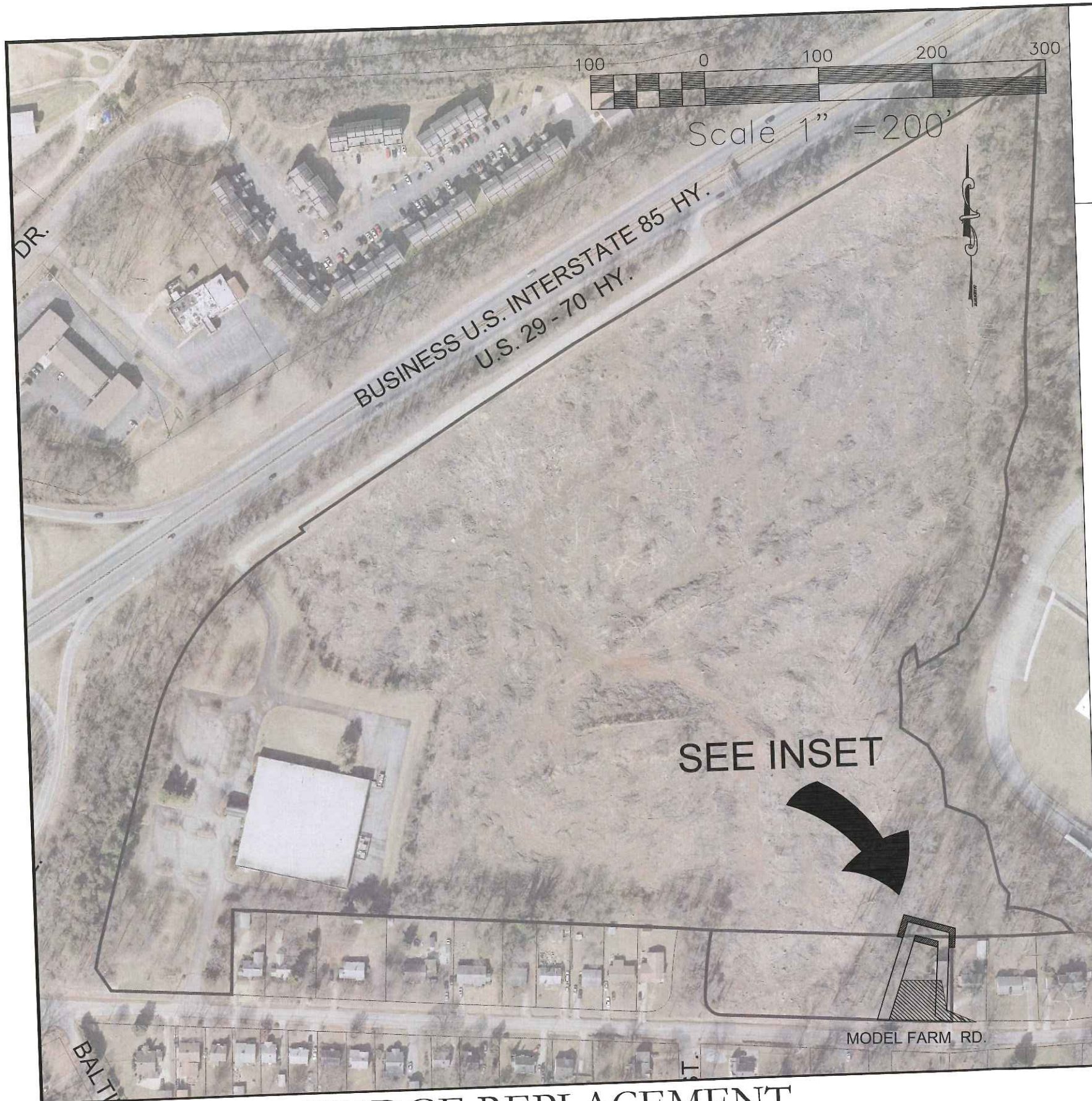
NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT THAT:

1. the City of High Point shall acquire an easement across a portion of the real property at issue;

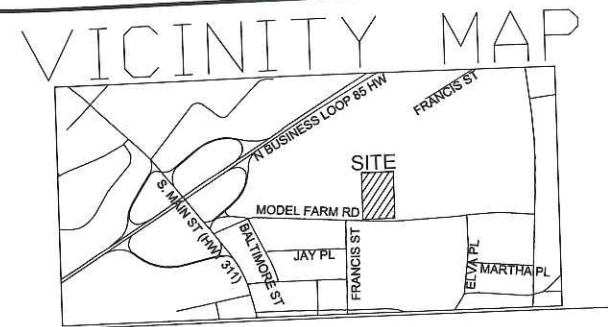
title to a portion of that certain property located 205 & 311 Model Farm Road, High Point, Guilford County, described in Deed Book 6460, Page 2208 of the Guilford County Registry.
2. the City Attorney of the City of High Point is hereby directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire an easement across the said portion of property;
3. the Director of Finance is hereby authorized to issue a draft in the amount of \$8,875.00 to the Clerk of Superior Court as just compensation to said owners.

Adopted by City Council,
this 4th day of January, 2016

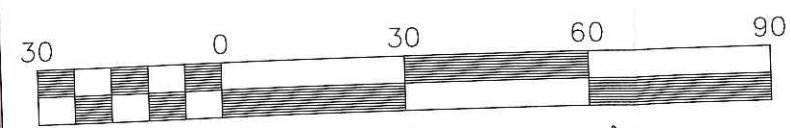
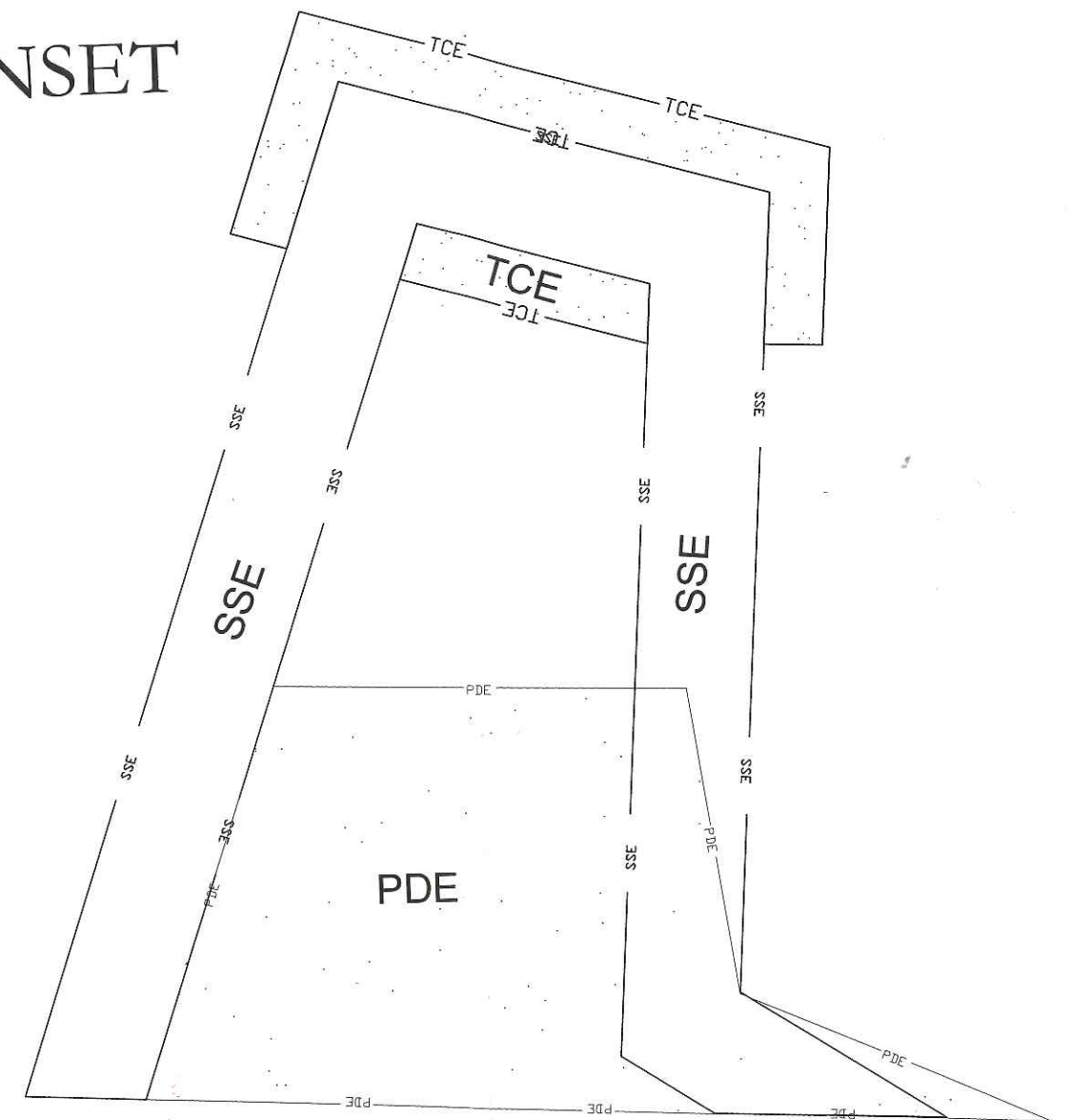
Lisa Vierling
City Clerk



THE INFORMATION ON THIS MAP WAS
PREPARED USING DATA FROM THE
CITY OF HIGH POINT GIS SYSTEM



INSET



Scale 1" = 30'

LEGEND

- SSE = SANITARY SEWER EASEMENT
- PDE = PERMANENT DRAINAGE EASEMENT
- TCE = TEMPORARY CONSTRUCTION EASEMENT

BRIDGE REPLACEMENT 311 MODEL FARM ROAD EASEMENT ACQUISITION

PREPARED BY
CITY OF HIGH POINT
ENGINEERING SERVICES DEPARTMENT
NOVEMBER 2015

PROJECT: 2499

