

CITY OF HIGH POINT

AGENDA ITEM



Title: Condemnation – 225 N. Elm Street

From: JoAnne Carlyle, City Attorney

Meeting Date: Monday, October 1, 2018

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 Pine Street Extension 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 August 30, 2018 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 Pine Street Extension Project.

BUDGET IMPACT:

The City has estimated the amount of \$234,840.00 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 \$234,840.00 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.

**RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE A PORTION
OF CERTAIN PROPERTY IN CONNECTION WITH THE
PINE STREET EXTENSION**

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 225 N. Elm Street, High Point, 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 \$234,840.00;

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

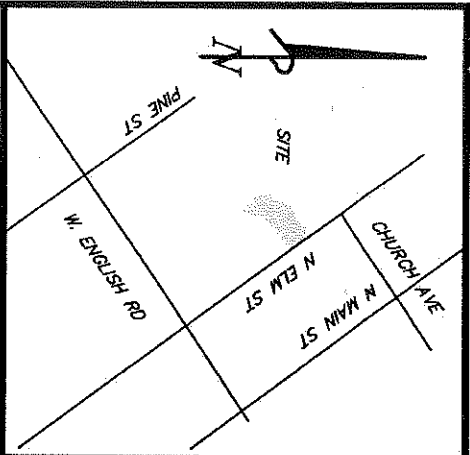
1. the City of High Point shall acquire an easement across a portion of the real property at issue;

title to a portion of that certain property located 225 N. Elm Street, High Point, Guilford County, described in Deed Book 4425, Page 406 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 \$234,840.00 to the Clerk of Superior Court as just compensation to said owners.

Adopted by City Council,
this 1st day of October, 2018

Lisa Vierling
City Clerk





Vicinity Map
Not to Scale

- GENERAL NOTES**
- 1) THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY PRIOR TO THE DATE OF THIS MAP WHICH WERE NOT APPARENT AT THE TIME OF MY INSPECTION AND MIGHT OTHERWISE BE DISCLOSED BY AN ATTORNEY'S TITLE OPINION WHICH AS OF DATE SHOWN HEREON HAS NOT BEEN SUPPLIED TO DAVIS-MARTIN-POWELL ENGINEERS & SURVEYORS. THERE MAY BE EASEMENTS OR OTHER MATTERS OF RECORD AFFECTING THIS PROPERTY NOT SHOWN HEREON.
 - 2) IRON PIPES AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - 3) METHOD OF COMPUTATION IS BY COORDINATE CALCULATION.
 - 4) THE RATIO OF PRECISION IS 1:10,000+.
 - 5) THIS SURVEY IS OF AN EXISTING PARCEL(S) OF LAND AND IS BASED ON EXISTING CORNERS FOUND ON SITE. EXISTING CONDITIONS AS PER 8/24/18.
 - 6) COORDINATES SHOWN ARE BASED ON THE NORTH CAROLINA STATE PLANE SYSTEM (3200), NAD 83 (2011) AND WERE OBTAINED USING THE NCNRS SYSTEM.
 - 7) ALL DISTANCES ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.
 - 8) FLOOD CERTIFICATION: THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SCALED FROM MAPS FURNISHED BY NORTH CAROLINA FLOOD PLAIN MAPPING PROGRAM DATED JUNE 18, 2002. SUBJECT TO VERIFICATION BY DETAILED FLOOD MAP STUDY. SEE COMMUNITY PANEL No. 37107800001.
 - 10) THE PURPOSE OF THIS EXHIBIT IS TO SHOW PROPOSED RIGHT-OF-WAY TO BE ACQUIRED FROM PARCEL NO. 0186836.

NIP
MAD 83 (2011) NSRS
N = 805,577.95
E = 1,701,160.57

N ELM STREET
49' CURB AND GUTTER
PUBLIC 77' R/W (PER P.B. 143, PG. 50)

ABBREVIATIONS

IP = EXISTING IRON PIPE/PIN
NIP = NEW 1/2" IRON PIPE (SET)
ECP = EXISTING CONCRETE MONUMENT
EPK = EXISTING P-K NAIL
NPK = NEW P-K NAIL (SET)
R/W = RIGHT OF WAY
CONC. = CONCRETE
AG = ABOVE GROUND
BG = BELOW GROUND
FL = FLUSH WITH GROUND
EP = EDGE OF PAVEMENT

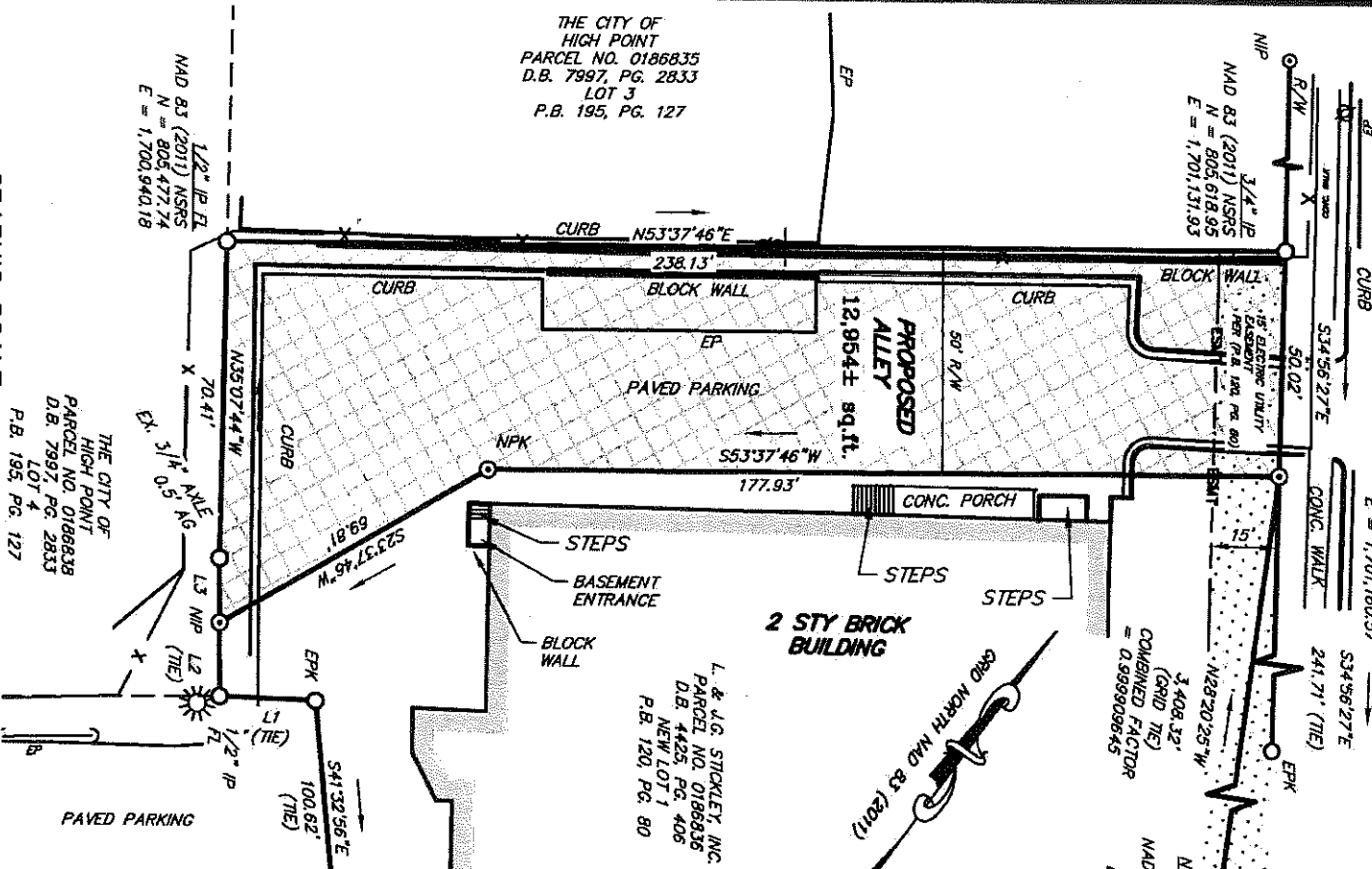
LEGEND

ADJOINER LINE ————
LINE SURVEYED ————
OVERHEAD POWER — OH ————
CURB & GUTTER ————
RIGHT OF WAY ————
FENCE LINE ————
EASEMENT ————
NEW IRON PIPE (SET) ————
EXISTING IRON PIPE ————
LAMP ————
MOVEMENT ————
ELECTRIC EASEMENT AREA ————
PROPOSED ALLEY AREA ————
BUILDING WALL ————

NEW IRON PIPE (SET) POWER POLE
EXISTING IRON PIPE GUY WIRE
LAMP
MOVEMENT

L & J.G. STOCKLEY, INC.
PARCEL NO. 0186836
D.B. 4425, PG. 406
NEW LOT 1
P.B. 120, PG. 80

THE CITY OF
HIGH POINT
PARCEL NO. 0186835
D.B. 7997, PG. 2833
LOT 3
P.B. 195, PG. 127



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 RETAINED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

Line Table		
Line #	Direction	Length
L1	S55°45'59"W	21.58
L2	N36°26'55"W	16.62
L3	N36°26'55"W	14.51



Surveyed and Mapped by

DAVIS • MARTIN • POWELL
ENGINEERS & SURVEYORS

6415 OLD PLANK RD, HIGH POINT, NC 27265
(336) 886-4821 | WWW.DMP-INC.COM | LICENSE: F-0245

Surveyed **J.P.** Platted **ARG** Checked **BDP**
Date **8-24-18** Scale **1"=40'** Project: **180182-01**

**EXHIBIT MAP FOR
CITY OF HIGH POINT**

PARCEL NO 0186836
DEED BOOK 4425, PAGE 406
NEW LOT 1
PLAT BOOK 120, PAGE 80
225 N. ELM STREET
HIGH POINT, NORTH CAROLINA
HIGH POINT TOWNSHIP, GUILFORD COUNTY