

CITY OF HIGH POINT

AGENDA ITEM



Title: Condemnation – 3933 Tanglebrook Road

From: JoAnne Carlyle, City Attorney

Meeting Date: Monday, May 6, 2019

Public Hearing: No

Advertising Date: NA

Advertised By: NA

Attachments: Resolution & Map

PURPOSE:

Consideration for the adoption of a Resolution Authorizing Condemnation to acquire a portion of property in connection with the Tanglebrook Sewer Outfall Project.

BACKGROUND:

Representatives of the City of High Point have been unable to acquire the needed easement in this property by negotiated conveyance. Notice was sent to the property owner by certified mail, return receipt requested on March 29, 2019 advising the property owner of the City's intent to initiate an action to acquire by condemnation needed easements on the property for the purpose of the Tanglebrook Sewer Outfall Project. 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 day thirty (30) day notice period, the City can file the condemnation action and deposit an estimate of just compensation with the Guilford County Clerk of Superior Court. Upon filing the action and making the deposit, the City will be authorized to access the property.

BUDGET IMPACT:

The City has estimated the amount of \$4,600.00 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 \$4,600.00 to the Clerk of Superior Court and authorizing the City Attorney give a 30 day Notice of Condemnation to the property owner and to file the necessary proceedings under Chapter 40A if the North Carolina General Statutes to acquire the needed easement following the 30 day notice period.

TOTAL AREA PERMANENT
EASEMENT = 16,950 SQ. FT.
TOTAL AREA TEMPORARY CONSTRUCTION
EASEMENT = 7,018 SQ. FT.

6,705 SQFT TEMPORARY
CONSTRUCTION EASEMENT

313 SQFT
TEMPORARY
CONSTRUCTION
EASEMENT

BRANDON W. BLAKELY
DB 2592, PC 2839
FORSYTH PIN# 6893-11-4411

FEMA FLOOD ZONE

16,950 SQFT PERMANENT
SANITARY SEWER EASEMENT

BURGUSS ROAD

FORSYTH COUNTY
GUILFORD COUNTY

TANGLEBROOK ROAD

CASTLE OAK COURT

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

CITY OF HIGH POINT
NORTH CAROLINA
ENGINEERING SERVICES DEPARTMENT

EXHIBIT DRAWING FOR
CONDEMNATION ON THE LANDS OF
BRANDON W. BLAKELY
FORSYTH COUNTY
3933 TANGLEBROOK ROAD

SCALE — 1"= 150'

DATE: MARCH 2019

DRAWN: JKF

PROJECT: 2535

**RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INSTITUTE
PROCEEDINGS TO CONDEMN A PORTION OF CERTAIN PROPERTY IN
CONNECTION WITH THE TANGLEBROOK SEWER OUTFALL PROJECT**

WHEREAS, the City of High Point (City”) is authorized under Article 16 of N.C.G.S. 160A to acquire, construct, establish, enlarge, improve, maintain, own, operate, and contract for the operation of any or all of the public enterprises as defined in this Article to furnish services to the City and its citizens. N.C.G.S. §40A-3(b)(2) grants to the City the power of eminent domain and the right to acquire by condemnation, any property for establishing, extending, enlarging, or improving any of the public enterprises listed in N.C.G.S. §160A-311; and

WHEREAS, the City Council of the City of High Point hereby determines that it is necessary and in the public interest to acquire permanent easement and a temporary construction easement across a portion of the real property located at 3933 Tanglebrook Road, High Point, in Guilford and Forsyth County, North Carolina required for the Tanglebrook Sewer Outfall; and

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 give a thirty (30) day Notice of Condemnation to the affected property owner, and any other persons having an interest in the property and to institute civil proceedings to condemn said property at the end of the thirty day notice period, 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 \$4,600.00;

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

1. The City Attorney of the City of High Point is hereby directed to give a thirty (30) day Notice of Condemnation to the affected property owner, and any other persons or entities having an interest in the property, of the intent to file the condemnation action and at the end of the thirty day notice period the City Attorney is directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the needed easements across the said portion of property known as:

title to a portion of that certain property located 3933 Tanglebrook Road, High Point, described in Deed Book 2592, Page 2839 of the Forsyth County Registry and Deed Book 6378, Page 970 of the Guilford County Registry

2. The Director of Finance is hereby authorized to issue a draft in the amount of \$4,600.00 to the Clerk of Superior Court as just compensation to said owners.

3. In the event the continued negotiations result in agreement as to the compensation and terms of the acquisition of the above-described property, the City Manager and the City Attorney are hereby authorized to execute all documents necessary to complete the acquisition, so long as the compensation does not exceed the appraised value, and said amount is within the budget of the project, as attested to by the City Finance Director.

Adopted this the 6th day of May, 2019.

Mayor Jay W. Wagner

ATTEST:

Lisa Vierling
City Clerk