Legislation Text

File #: [21-0558], **Version:** 1

Authorize the Town Manager and Town Attorney to Initiate Eminent Domain Proceedings for the Elliott Road Extension Project.

Staff:
Lance Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure

Department:
Public Works

Overview: There are several portions of property needed from adjacent owners to construct the Elliott Road Extension Project. Town staff has not been able to reach an agreement with two property owners associated with this project. Negotiations will continue; however, if they fail, eminent domain proceedings may need to be initiated.
The two portions needed are located at:

- 1320 Ephesus Church Road (Kings Arm Apartments) - 3,555 square feet of land area needs to be purchased
- 6 Bypass Lane - 1,584 square feet of land area needed for a permanent drainage easement

Recommendation(s):

That the Council adopt a resolution authorizing the initiation of Eminent Domain Proceedings for the Elliott Road Extension Project.

Key Issues:

- Negotiations will continue, but should those negotiations fail, then eminent domain proceedings may need to be initiated
- If these land acquisitions do not occur, then the project cannot be finished
- The Town's construction contractor is at a critical stage in needing these land areas available in the near future

Fiscal Impact/Resources: The Town's appraisal for 1320 Ephesus Church Road is $149,175. The appraisal for 6 Bypass Lane is $10,450.

Attachments:

- Resolution
- Map of area needed for 1320 Ephesus Church Road and 6 Bypass Lane

A RESOLUTION AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS (2021-06-16/R-2)

WHEREAS, the Council of the Town of Chapel Hill has authorized the construction of the Elliott Road Extension Project; and

WHEREAS, Town Staff, in consultation with project consultants, have determined that it is necessary to obtain land areas of several adjacent property owners to provide permanent right-of-way or easements; and

WHEREAS, based on real estate appraisals, Town representatives have been negotiating with the property owners of 1320 Ephesus Church Road (Kings Arm Apartments) and 6 Bypass Lane to complete a voluntary acquisition of the needed areas, and these negotiations have not succeeded; and,

WHEREAS, based on reports from Town Staff, the areas of 1320 Ephesus Church needed for new right-of-way area cannot therefore be acquired through voluntary purchase; and

WHEREAS, based on reports from Town Staff, the area of 6 Bypass Lane needed for new permanent drainage easement cannot therefore be acquired through voluntary purchase; and

WHEREAS, the authorized schedule for work on the project requires that the Town move forward expeditiously to acquire the needed land areas for the improvements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby authorizes the Town Manager and Town Attorney to, as necessary, initiate eminent domain proceedings if reasonable negotiations for the parcels fail to result in voluntary transactions.

This the 16th day of June, 2021.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council authorizes the Town Manager and Town Attorney to initiate eminent domain proceedings, if necessary, for properties related to the Elliott Road Extension Project.