



## Legislation Details (With Text)

**File #:** 160525. **Version:** 2 **Name:**  
**Type:** Resolution **Status:** Adopted  
**File created:** 11/7/2016 **In control:** City Manager  
**On agenda:** 6/1/2017 **Final action:** 6/1/2017  
**Title:** Resolution Determining the Necessity and Public Purpose for the Condemnation of Two Parcels of Land (B)

A Resolution to determine the necessity and public purpose for the condemnation of two parcels of land associated with the Southeast 4th Street Renovation project.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 160525A\_RESOLUTION\_20161215.pdf, 2. 160525B\_Map City Parcels\_20161201.pdf, 3. 160525\_resolution\_20161215, 4. 160525A\_Resolution\_20170601.pdf, 5. 160525B\_Parcel Map\_20170601.pdf, 6. 160525C\_Legal Description\_20170601 Powell.pdf, 7. 160525D\_Legal Description\_20160601.pdf, 8. 160525\_resolution\_20170601, 9. 160525\_Special Warranty Deed\_20180403

| Date       | Ver. | Action By       | Action   | Result |
|------------|------|-----------------|--|--------|
| 6/1/2017   | 2    | City Commission | Adopted (Resolution) and Approved the Recommendation | Pass   |
| 12/15/2016 | 1    | City Commission | Adopted (Resolution) and Approved the Recommendation | Pass   |

### Resolution Determining the Necessity and Public Purpose for the Condemnation of Two Parcels of Land (B)

#### A Resolution to determine the necessity and public purpose for the condemnation of two parcels of land associated with the Southeast 4<sup>th</sup> Street Renovation project.

Staff has been negotiating land rights along SE 4<sup>th</sup> Street for the CIP Reconstruction Project. To date, staff has acquired all necessary land rights with the exception of two remaining parcels.

Bobby J. Powell, Sr. owns Tax Parcel 16038-000-000, located at 917 Southeast 4<sup>th</sup> Street (Parcel 3). The parcel is 78.4 feet wide by 136 feet deep and is a rental property, not the homestead of the owner. Numerous attempts were made to contact Mr. Powell at his place of business but no correspondence was received in return. On November 2, 2016, an agreement and copy of the appraisal was personally delivered to his receptionist at his place of business with a request to respond. No response has been received. The required land rights of this parcel are 702 square feet for right of way and 220 square feet for construction easement. The appraised value for all the required land rights was \$3,706 as of October 25, 2016. The last offer to purchase the land rights, delivered to Mr. Powell, was for \$5,400. Letter of best and final offer was hand delivered on February 15, 2017. No formal response has been received to date.

Lawrence J. Hamilton is the owner of Tax Parcel 16037-000-000, located at 923 Southeast 4<sup>th</sup> Street (Parcel 5). The parcel is 68 feet wide and 136 feet deep and a rental property, not the homestead of the owner. Mr.

Hamilton has been very cooperative and has met with staff and discussed the proposed acquisition numerous times. The land rights required from Mr. Hamilton are 651 square feet of right of way and 211 square feet of construction easement. On October 21, 2016 the land rights appraised at \$2,663. In early negotiations and in an attempt to close on the required land rights, in August of 2016 an offer was given to Mr. Hamilton for \$5,000. This amount was based on an appraisal from other properties in the general area and allowed for the cost of installing a fence to provide privacy for his tenants. The Project Manager and Public Works Director met with Mr. Hamilton on January 26, 2017 to discuss the project scope and specific impacts to the parcel. No response was heard in the following weeks. A letter with best and final offer was mailed on April 6<sup>th</sup> with no response received to date.

If the resolution for condemnation is not approved, the roadway design would need to be revised to omit approximately 500 linear feet of the concrete sidewalk and cycle track along the east side of the corridor between SE 8<sup>th</sup> Place and SE 9<sup>th</sup> Place. To address the gap in multimodal facilities, an uncontrolled crossing with pedestrian activated rectangular rapid flashing beacons could be placed on the north side of the SE 8<sup>th</sup> Place intersection and south side of the SE 9<sup>th</sup> Place intersection to provide a continuous route for pedestrians and cyclists. The net cost of this would likely be a relatively minor deduction due to reduction of concrete but addition of signage and striping. This alternative would increase the likelihood of pedestrian and vehicular incidents by introducing additional conflict points. The existing right of way and proposed roadway alignment do not allow for reducing the sidewalk width as there is not enough room between back of proposed curb and the existing right of way to accommodate the 6' minimum sidewalk width in this area.

The funding needed for the cost of the land rights acquisition is available in the Southeast 4<sup>th</sup> Street Capital Project account.

The City Commission: 1) approve the resolution authorizing condemnation of Parcels 3 and 5; and 2) authorize the City Manager or his designee to execute any applications, agreements, or any other related documents and take any other actions necessary to complete the Eminent Domain process, subject to the approval of the City Attorney as to form and legality.