

City of Fayetteville Item Review Form

2013-0150

Registar File Number

11/19/2013

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown

Submitted By

Dev. Services

Department

Action Required:

Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Dale and Martha Benedict, David Clark McClinton, Kimbrough Family Revocable Trust and Tomlinson Asphalt Company necessary for the Van Asche Drive Construction Project.

Does this item have a cost? Yes

\$28,800.00

Cost of this request

\$215,148.00

Category or Project Budget

Van Asche (Garland to Gregg)

Program or Project Name

4450.9520.5805.00

Account Number

\$76,472.51

Funds Used to Date

Land Acquisition

Program or Project Category

06035.3500

Project Number

\$109,875.49

Remaining Balance

Transportation Bond St. Improvements

Fund Name

Budgeted Item? Yes

Budget Adjustment Attached? No

V20130812

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Comments:

Paul A. Baker 11-1-13

Paul a. Baker 11-1-2013

Mark Man 11-1-13

Finell Jordan 11/2/13

11-01-13 11:19 RCVD

dm



CITY COUNCIL AGENDA MEMO

City Council Meeting of November 19, 2013

To: Mayor Jordan and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Director of Development Services

From: Chris Brown

Date: October 31, 2013

Subject: Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by Dale and Martha Benedict, David Clark McClinton, Kimbrough Family Revocable Trust and Tomlinson Asphalt Company necessary for the Van Asche Drive Construction Project.

PROPOSAL:

The Van Asche Drive project includes construction of a four lane arterial roadway from the intersection of Highway 112 (Garland Ave) to the east under Interstate I-540. On the east side of I-540, the proposed roadway transitions into a four lane divided roadway with a 15' wide center median. These improvements will extend to Gregg Ave. where it will connect to the recent improvements at the intersection of Gregg Ave. and Van Asche Drive. This project is scheduled to bid November 26, 2013 and begin construction in early 2014.

The owners of the attached properties have expressed various concerns and have refused to sign right-of-way and easement documents as based on their concerns. These properties represent 4 of the total 15 properties to be acquired. Staff will continue to negotiate with these property owners to avoid condemnation whenever possible. However it is imperative that the right of way be acquired in a timely manner so as not to delay the construction of the project.

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the City Attorney to seek possession by condemnation of portions of properties along Van Asche Drive.

BUDGET IMPACT:

The payment for land acquisition will be made from the project budget allocated for the Van Asche Drive Project, which is funded by the Transportation Bond Fund. The agenda item staff review form indicates \$28,800 as the cost of this request. It should be noted that this is an estimate, based on the appraised values of the properties, and that the final cost is subject to negotiation with the property owners or by court order. The appraised value will be deposited into the Registry of the Circuit Court as just compensation when the condemnation complaint is filed for each property.

Attachments: Right of Way Plans and property exhibits.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY DALE & MARTHA BENEDICT, DAVID CLARK MCCLINTON, THE KIMBROUGH FAMILY REVOCABLE TRUST AND TOMLINSON ASPHALT COMPANY NEEDED FOR THE VAN ASCHE DRIVE CONSTRUCTION PROJECT

WHEREAS, the City of Fayetteville and certain property owners have been unable to agree on a fair price for the portions of property owned by each of them which is needed for easements to the Van Asche Drive Construction Project; and

WHEREAS, the City of Fayetteville needs to gain possession of these property promptly to begin work on these public improvement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Van Asche Drive Construction Project and owned by Dale & Martha Benedict that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Van Asche Drive Construction Project and owned by David Clark McClinton that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Van Asche Drive Construction Project and owned by the Kimbrough Family Revocable Trust that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the City Attorney to file suit to seek court-ordered possession of property located on or near the planned Van Asche Drive Construction Project and owned by Tomlinson Asphalt Company that is needed for right-of-way or other easements for the Project, and to pay into the registry of the Circuit Court just compensation therefor.

PASSED and **APPROVED** this 19th day of November, 2013.

APPROVED:


ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



NOT TO SCALE

	ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, AR 72701 PHONE NO. (479) 375-2000 FAX NO. (479) 375-2000
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BENEDICT PROPERTY

765-15806-000
RATHNAM PANNER
& CHITRA SELVAM

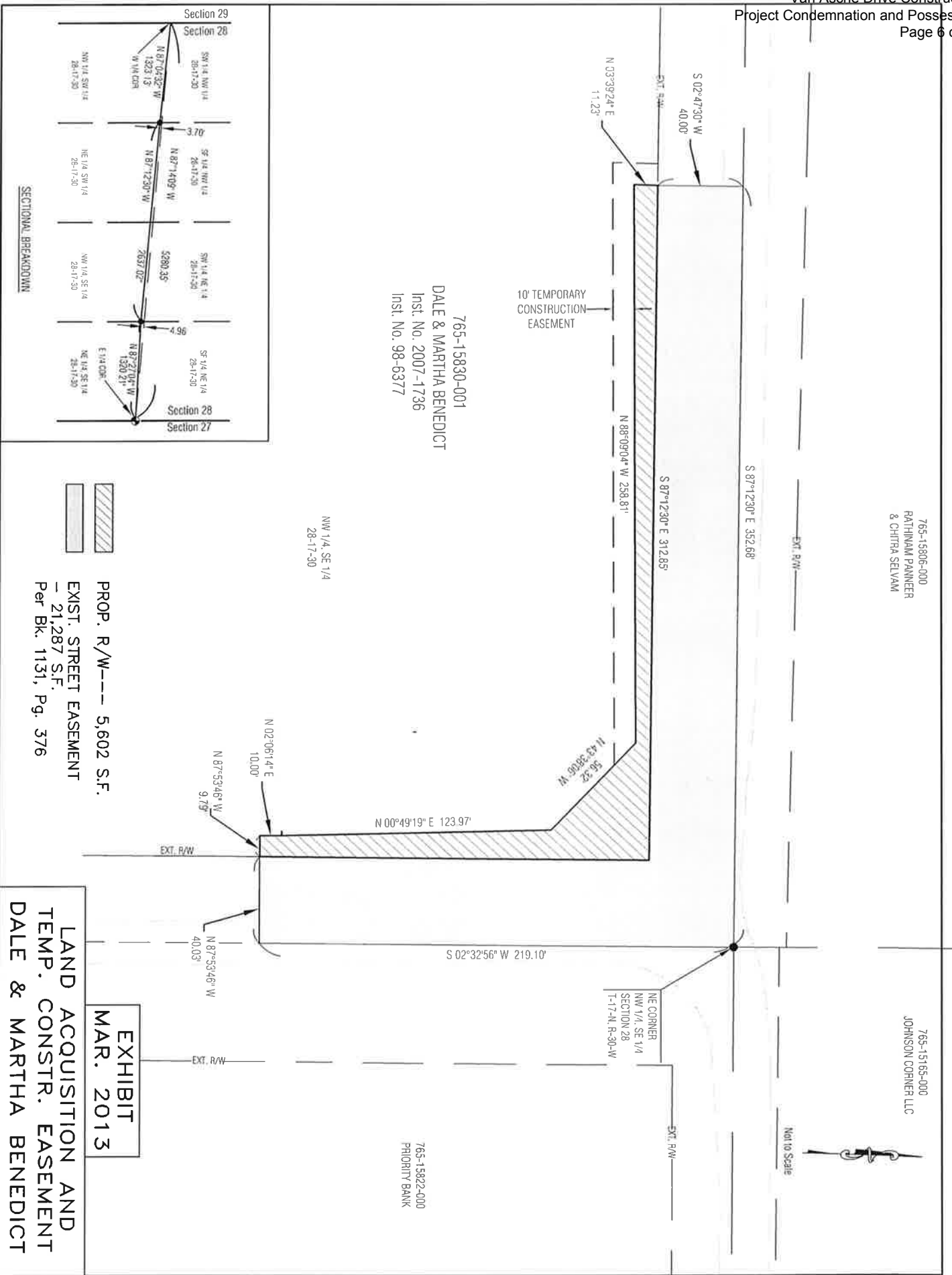
765-15165-000
JOHNSON CORNER LLC



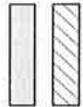
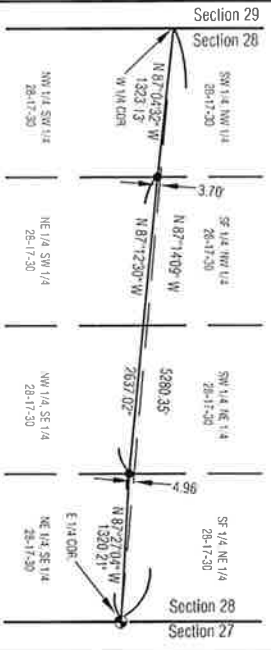
10' TEMPORARY
CONSTRUCTION
EASEMENT

765-15830-001
DALE & MARTHA BENEDICT
Inst. No. 2007-1736
Inst. No. 98-6377

765-15822-000
PRIORITY BANK



SECTIONAL BREAKDOWN



PROP. R/W--- 5,602 S.F.
EXIST. STREET EASEMENT
- 21,287 S.F.
Per Bk. 1131, Pg. 376

**EXHIBIT
MAR. 2013**

**LAND ACQUISITION AND
TEMP. CONSTR. EASEMENT
DALE & MARTHA BENEDICT**



NOT TO SCALE



ENGINEERING DIVISION

113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701

PHONE NO. (479) 575-0000

FAX NO. (479) 575-0000

McCLINTON PROPERTY

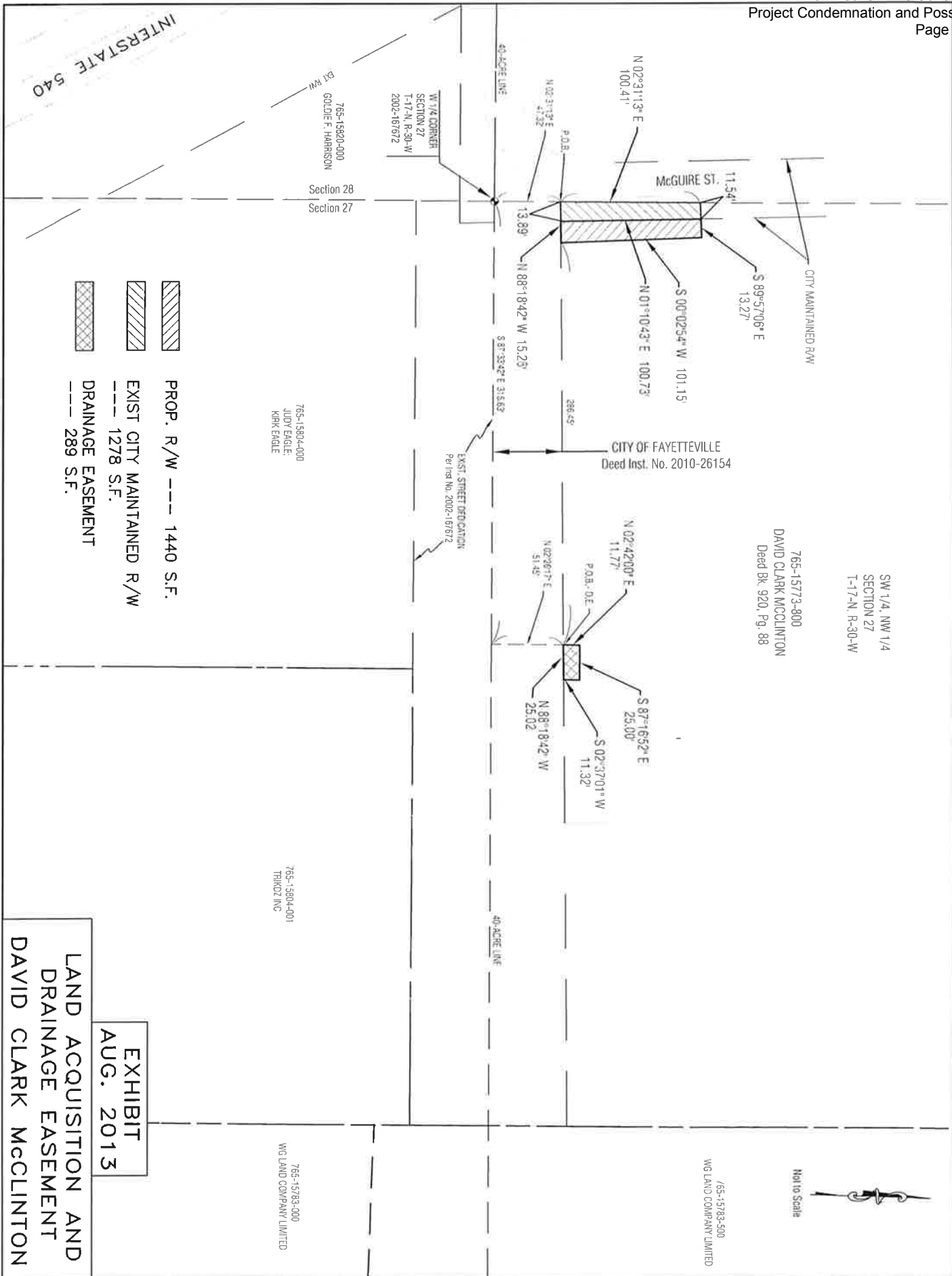



EXHIBIT
AUG. 2013

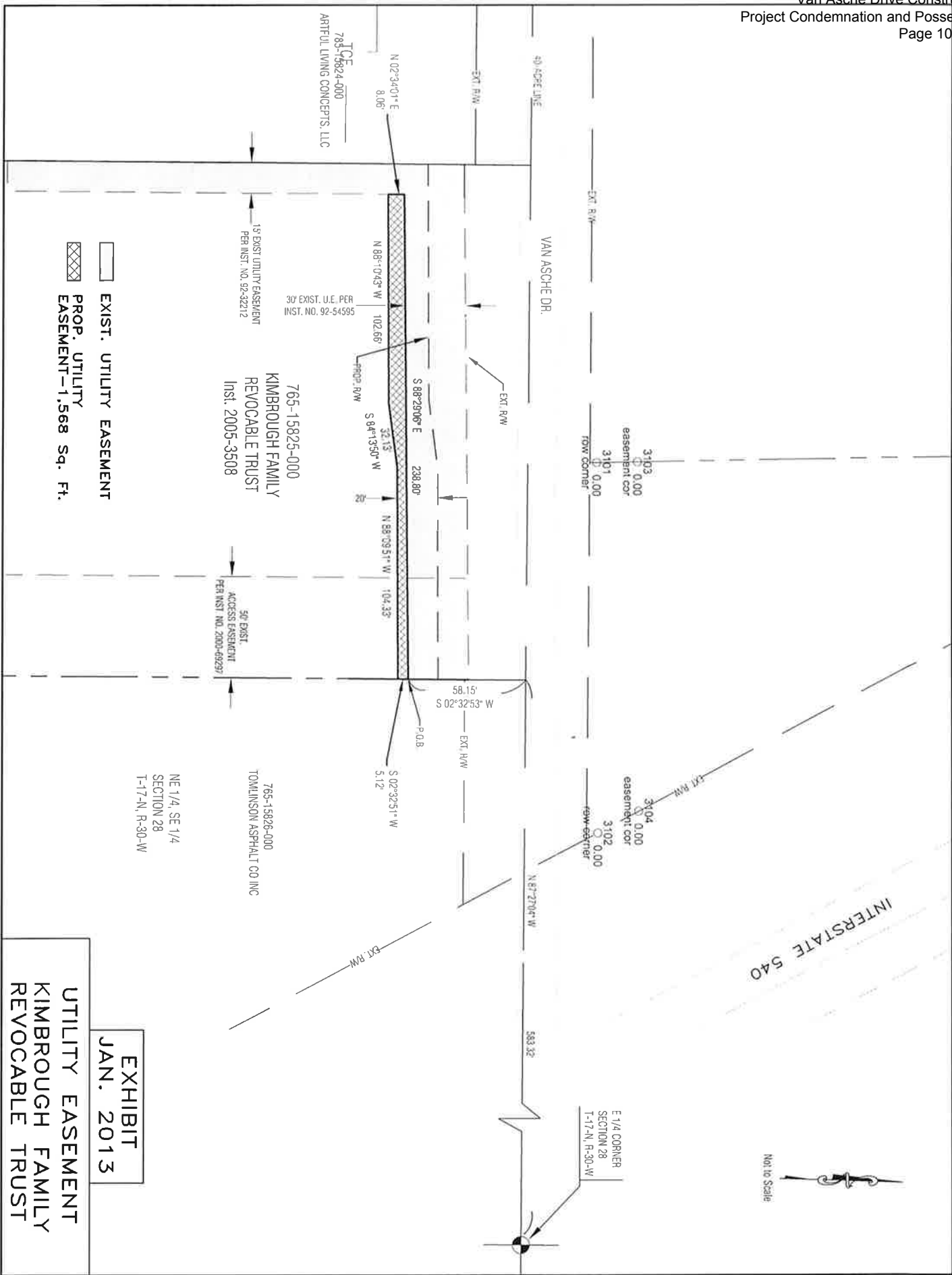
LAND ACQUISITION AND
DRAINAGE EASEMENT
DAVID CLARK MCCLINTON

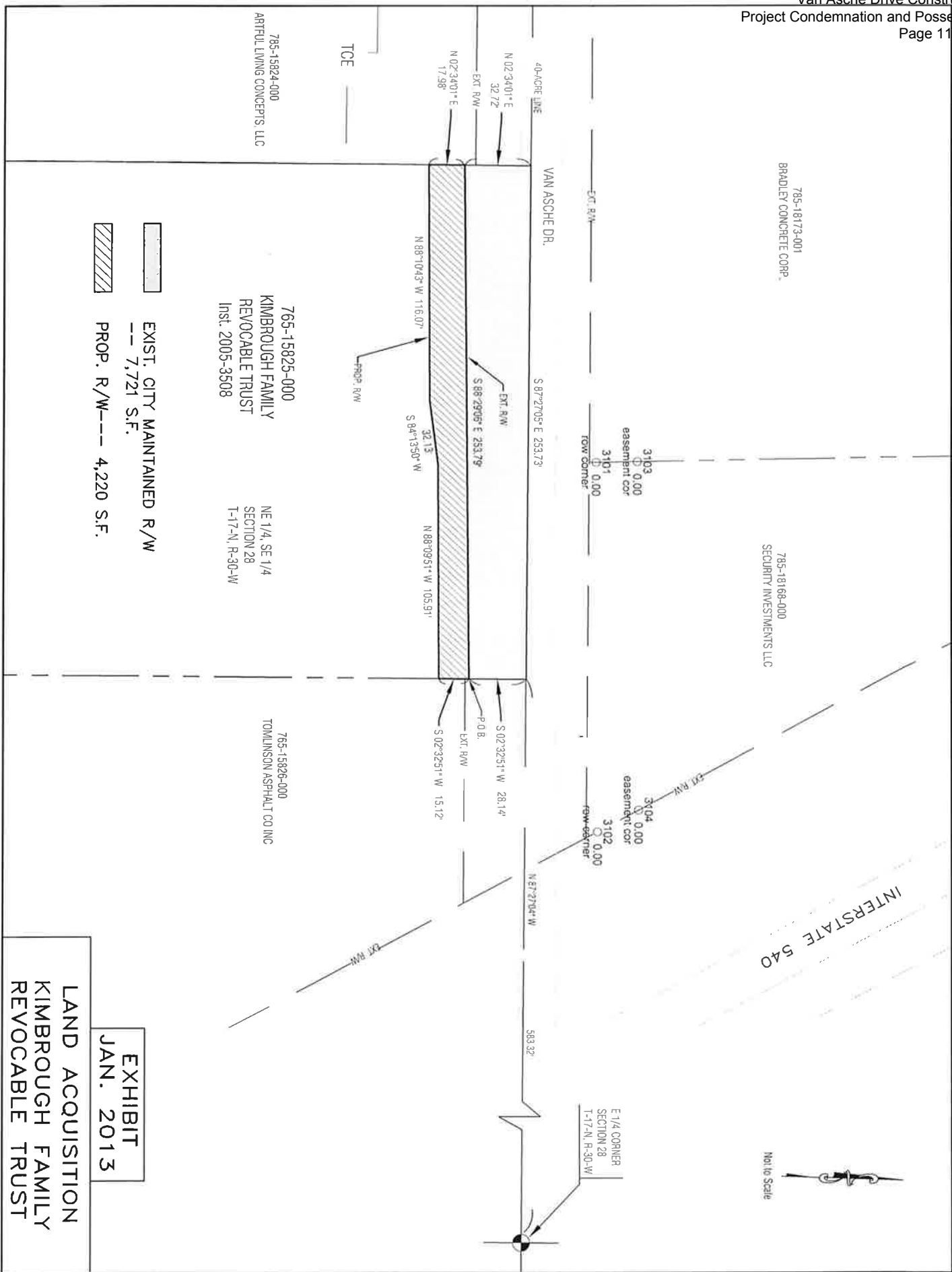


NOT TO SCALE

	ENGINEERING DIVISION 113 W. MOUNTAIN STREET FAYETTEVILLE, AR 72701 <small>PHONE NO. (479) 575-0200 FAX NO. (479) 575-0200</small>
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KIMBROUGH PROPERTY







VAN ASCHE DRIVE



TOMLINSON
PROPERTY



NOT TO SCALE

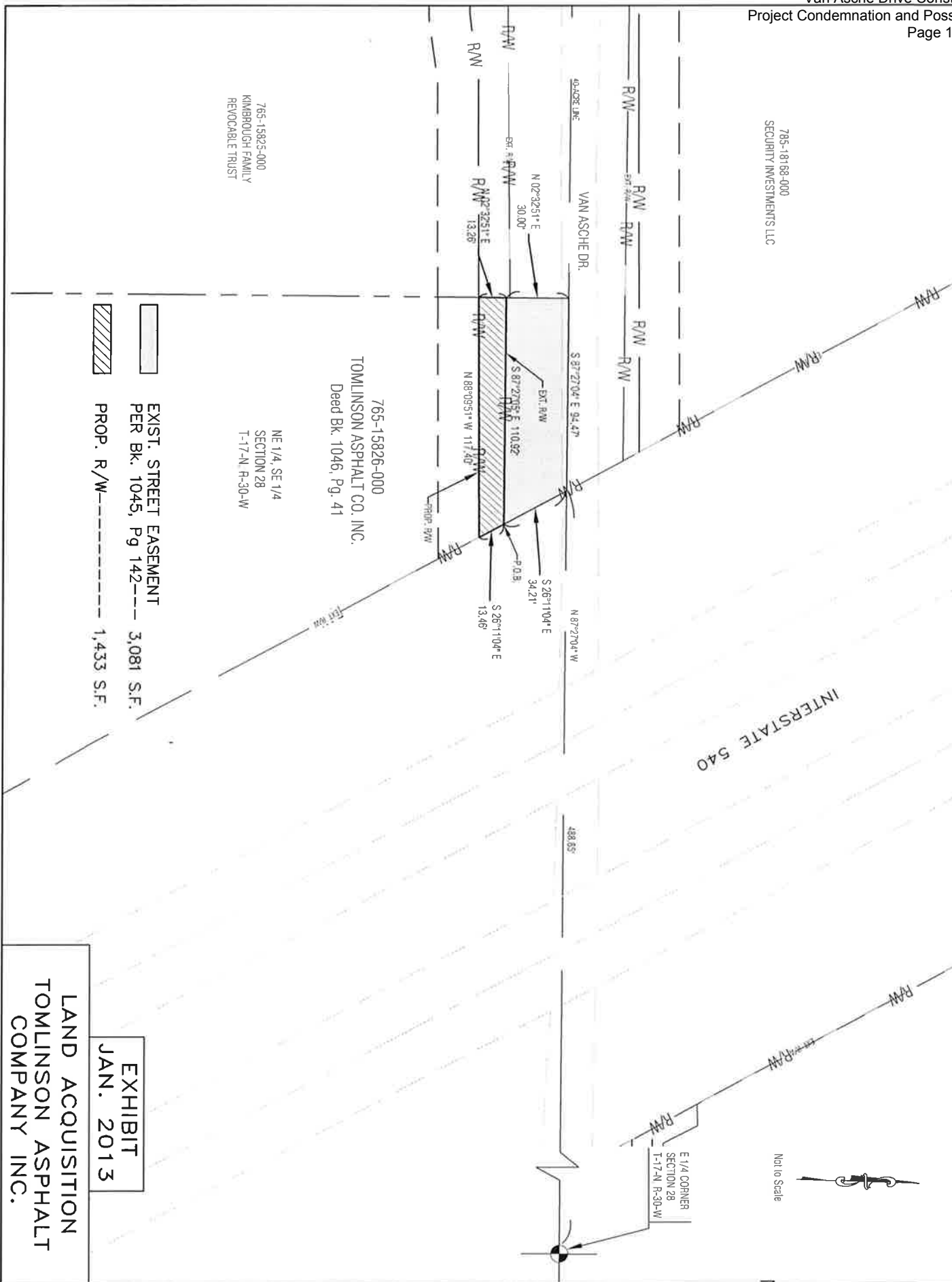
Fayetteville
ARKANSAS

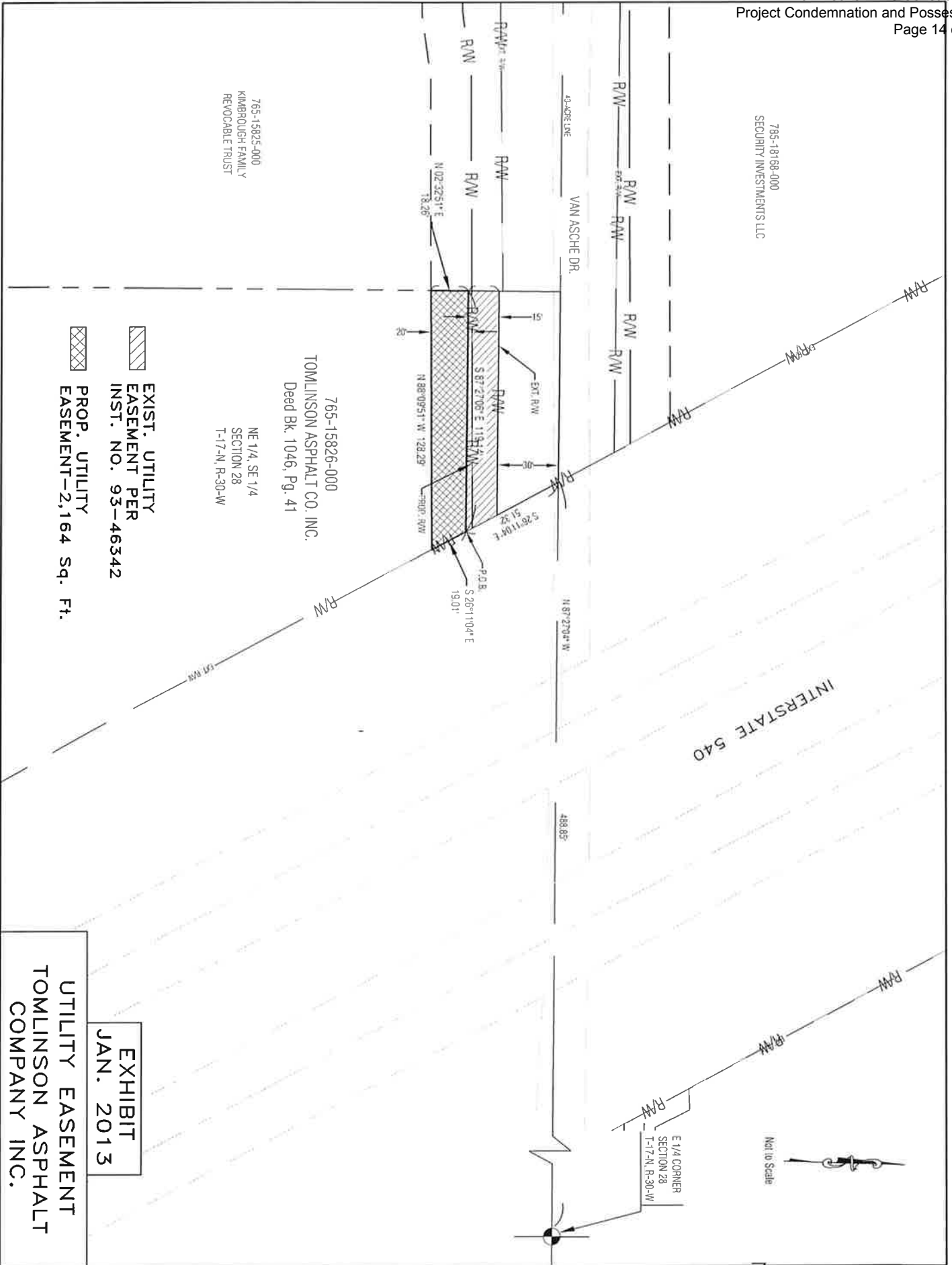
ENGINEERING DIVISION
113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701

PHONE NO. (479) 375-0200

FAX NO. (479) 375-0200

TOMLINSON PROPERTY





EXIST. UTILITY EASEMENT PER INST. NO. 93-46342

PROP. UTILITY EASEMENT-2,164 Sq. Ft.



Not to Scale

EXHIBIT
 JAN. 2013

UTILITY EASEMENT
 TOMLINSON ASPHALT
 COMPANY INC.