



Legislation Text

File #: 2015-0310, Version: 1

BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST CONDEMNATION AND POSSESSION

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY BEAR STATE BANK, FORMERLY KNOWN AS FIRST FEDERAL BANK, OR ITS ASSIGNS, AND THE GARLAN AND GEORGIA READING TRUST NEEDED FOR THE EXTENSION OF RUPPLE ROAD FROM PERSIMMON STREET TO MARTIN LUTHER KING, JR. BOULEVARD

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 the extension of Ruppel Road from Persimmon Street to Martin Luther King, Jr. Boulevard; and

WHEREAS, the City of Fayetteville needs to gain possession of these needed properties promptly to begin work on these public improvements.

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

Section 1. That the City Council for 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 Ruppel Road extension project and owned by Bear State Bank, formerly known as First Federal Bank, or its assigns, 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 Ruppel Road extension project and owned by the Garlan and Georgia Reading 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.

City of Fayetteville Staff Review Form

2015-0310

Legistar File ID

7/21/2015

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

Chris Brown

7/1/2015

Engineering /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned First Federal Bank, and the Garlan & Georgia Reading Trust necessary for the Ruppel Road – MLK to Persimmon Roadway Project.

Budget Impact:

4520.9555.5805.00	Transportation Bond Street Improvements																																			
Account Number	Fund																																			
06035.2400	Ruppel Road (MLK to Persimmon)																																			
Project Number	Project Title																																			
<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Budgeted Item?</td> <td style="width: 10%;"><u>Yes</u></td> <td style="width: 30%;">Current Budget</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 15%; text-align: right;">8,372,613.00</td> </tr> <tr> <td></td> <td></td> <td>Funds Obligated</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">215,482.61</td> </tr> <tr> <td></td> <td></td> <td>Current Balance</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">8,157,130.39</td> </tr> </table>	Budgeted Item?	<u>Yes</u>	Current Budget	\$	8,372,613.00			Funds Obligated	\$	215,482.61			Current Balance	\$	8,157,130.39	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"></td> <td style="width: 10%;"></td> <td style="width: 30%;">Item Cost</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 15%; text-align: right;">10,225.00</td> </tr> <tr> <td>Does item have a cost?</td> <td><u>Yes</u></td> <td>Budget Adjustment</td> <td></td> <td></td> </tr> <tr> <td>Budget Adjustment Attached?</td> <td><u>No</u></td> <td>Remaining Budget</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">8,146,905.39</td> </tr> <tr> <td>#</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>			Item Cost	\$	10,225.00	Does item have a cost?	<u>Yes</u>	Budget Adjustment			Budget Adjustment Attached?	<u>No</u>	Remaining Budget	\$	8,146,905.39	#				
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V20140710

Previous Ordinance or Resolution # _____

Original Contract Number: _____

Approval Date: _____

Comments:



CITY COUNCIL AGENDA MEMO

MEETING OF JULY 21, 2015

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer

FROM: Matt Casey, Engineering Design Manager

DATE: July 2, 2015

SUBJECT: **Approval of a Resolution authorizing the City Attorney to seek condemnation and orders of possession of certain lands owned by First Federal Bank and the Garlan & Georgia Reading Trust necessary for the Ruppel Road – MLK to Persimmon Roadway Project.**

RECOMMENDATION:

Staff recommends approval of a Resolution authorizing the City Attorney to seek possession by condemnation of portions of properties along the Ruppel Road project from Martin Luther King Blvd to Persimmon Street.

BACKGROUND:

In May 2014, the City Council approved a contract with Jorgensen & Associates, Inc. for design services for the Ruppel Road- MLK to Persimmon project. Ruppel Road is shown on the City of Fayetteville Master Street plan as a Principal Arterial Parkway from Martin Luther King Blvd. (Highway 62) north to Howard Nickell Road. The street cross section will include four lanes with a 15' wide median, a 12' trail and a 5' sidewalk. Roundabouts are included in the design at the three intersections with the future Collector street locations as shown on the Master Street Plan.

The design is now complete and the project is scheduled to be bid on July 24, 2015. City staff began negotiations for the ROW and easement acquisition in April of 2015.

DISCUSSION:

The owners of the attached properties have expressed various concerns and have refused to sign right-of-way and/or easement documents based on their concerns. These properties represent the final 2 of the total 5 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 and easements be acquired in a timely manner so as not to delay the construction of the project.

BUDGET/STAFF IMPACT:

The payment for land acquisition will be made from the project budget allocated for the Ruppel Road (MLK to Persimmon) project which is funded by the Transportation Bond Fund. The City's final offer to the Readings was \$125,000. This proposed settlement amount is slightly higher than the \$114,600 appraisal amount. The City attorney's office has communicated to the property owner that if this offer is refused, the appraisal will be revised to reflect the expected enhancement in value to the remainder property, and the offer will be substantially reduced, to include only the value of the temporary and permanent easements. Therefore the expected amount to be deposited with the court for the Reading project is \$8,800.

For the property currently owned by First Federal Bank, the appraisal also reflects an enhancement in value to the remaining property; therefore the offer amount for this property is \$1,425, reflecting the value of a temporary easement needed.

Therefore, the agenda item staff review form indicates \$10,225 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:

Easement Exhibits



FIRST
FEDERAL
PROPERTY



CITY OF
Fayetteville
ARKANSAS

ENGINEERING DIVISION

113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701

PHONE NO: (479) 575-8208

FAX NO: (479) 575-8202

FIRST FEDERAL BANK

READING
PROPERTY



CITY OF
Fayetteville
ARKANSAS

ENGINEERING DIVISION

113 W. MOUNTAIN STREET
FAYETTEVILLE, AR 72701

PHONE NO: (479) 575-8206

FAX NO: (479) 575-8202

GARLAN & GEORGIA READING