THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: December 14, 2021

Subject: Patton Avenue Waterline Replacement Condemnation Authority

Staff Resource(s): Eric Edgerton, Sr. Asst. City Attorney; Mark Lettermen, WRD- Project Manager; David Melton, WRD Director

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn easements needed for a water main replacement project on Patton Avenue.

Background:

- The City's Water Resources Department intends to pursue a waterline replacement project along Patton Avenue in West Asheville.
- The City has obtained easements from all but nine property owners whose properties would be impacted by the project.
- All property owners were provided with offers of financial compensation for the needed easements, based on appraisals obtained from a North Carolina licensed appraiser.
- This project will replace an existing 16-inch waterline with a new 24-inch transmission line, which was identified as a need in order to provide more transmision main redundancy and increase Water Resources' capacity to the western portion of the water system.
- The existing waterlines along this section of Patton Ave are undersized for potential future growth along the corridor and for providing service to the western portion of the water system.
- While this Council action will allow the City to potentially commence condemnation actions in relation to the nine easements at issue, the City will make additional efforts to communicate with the property owners in an effort to acquire these easements by agreement, rather than through litigation.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed waterline replacement project, and safeguard the project schedule.

Con(s):

- Will result in the commencement of eminent domain actions against nine property owners.

Fiscal Impact:

- The expected value of the needed easements is $378,400, which is included in the project budget for the subject project.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn waterline easements needed for the City's Patton Avenue waterline replacement project.

Attachment(s)

- Resolution

RESOLUTION NO. 21-____

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A WATER MAIN EASEMENTS OVER REAL PROPERTY LOCATED ON THE CITY'S PATTON AVENUE CORRIDOR.

WHEREAS, pursuant to N.C.G.S. § 40A-3, the City of Asheville has authority to obtain interests in real property through the exercise of eminent domain; and

WHEREAS, the City plans to replace a water main running along Patton Avenue; and

WHEREAS, the City's planned water main replacement project requires that it obtain waterline easements across the following properties (described by PIN):

9638-48-1248-00000
9638-07-4677-00000
9638-38-4560-00000
9638-38-0050-00000
9638-38-2013-00000
9638-38-9300-00000
9628-86-3634-00000
9638-07-6639-00000
9638-07-6556-00000

WHEREAS, all property owners were provided with offers of financial compensation for the needed easements, based on appraisals obtained from a North Carolina licensed appraiser; and

WHEREAS, this project will replace an existing 16-inch waterline with a new 24-inch transmission line, which was identified as a need inorder to provide more transmision main redundancy and increase Water Resources' capacity to the western portion of the water system; and

WHEREAS, the existing waterlines along this section of Patton Ave are undersized for potential future growth along the corridor and for providing service to the western portion of the water system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney, on behalf of the City of Asheville, is hereby authorized to condemn waterline easements over the real property parcels specified by PIN herein.

Read, approved, and adopted this 14th day of December, 2021.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney