



Legislation Text

File #: 19-288, **Version:** 1

TO: Mayor Bien-Willner and Town Council Members

FROM: Jill B. Keimach, Town Manager
Andrew M. Miller, Town Attorney

DATE: June 13, 2019

DEPARTMENT: Town Attorney

AGENDA TITLE:

Adoption of Resolution 2019-15; Authorization to acquire property interests needed for the Lincoln Drive, Mockingbird Lane, and Indian Bend Road improvements project

RECOMMENDATION:

Adopt Resolution No. 2019-15; authorizing the Town to acquire property interests needed for the Lincoln Drive, Mockingbird Lane, and Indian Bend Road improvements project.

SUMMARY STATEMENT:

The Town awarded a contract in April 2019 for a right-of-way acquisition agent to obtain title reports and legal descriptions for the right-of-way and easement interests (either roadway or sidewalk easements, depending on the area (see on Exhibit A-2 attached to draft Resolution 2019-15) for the Lincoln Drive, Mockingbird Lane, and Indian Bend Road improvements project ("Project"). The scope of the Project encompasses the perimeter roads and sidewalks adjacent to the Five Star Development Area. Fourteen parcels are impacted by the Project and most of the property owners have been contacted and advised of the property interests the Town needs to acquire. Six parcels will require appraisals due to the purchase price of the easement is greater than \$10,000. Negotiations with the property owners has commenced, however, adoption of Resolution No. 2019-15 is needed in order to allow the Town to finalize agreements with the property owners and to close escrow for each property interest acquisition.

In the event a consensual purchase with any of the property owners cannot be achieved, Resolution 2019-15 authorizes the use of eminent domain, if necessary. The Town will purchase roadway, sidewalk, and/or temporary construction easements on the following county assessor parcel numbers: 174-59-001, 174-63-008B, 174-63-008A, 174-63-006, 174-63-003, 174-63-009A, 174-63-004A, 174-64-003A, 174-59-022, 174-55-002, 174-54-039, 174-58-259, 174-50-031, 174-64-003B.

These parcels are identified on Exhibit A-1 attached to draft Resolution 2019-15.

Acquisition of the land interests identified will allow for continuous sidewalk improvements on both sides of the aforementioned streets, as well as, for these streets to be built in accordance with the

development agreement between the Town and Five Star.

It is recommended that the Council adopt Resolution 2019-15.

BUDGETARY IMPACT:

The FY2019/20 Capital Improvement Program budget of \$300,000 is for easement acquisition, which includes appraisal services currently underway. The total appraised value of all of the required easements is estimated to be less than the budgeted amount.

CIP Project No. 2016-14 \$300,000 Right of Way

Award will be contingent on the FY2019/20 budget adoption by Town Council.

ATTACHMENT(S):

Resolution No. 2019-15